



REPORT OF THE MAPPING AND ANALYSIS OF GHANA'S CHILD PROTECTION SYSTEM

FINAL REPORT

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LIST OF ACRONYMS

ADR	Alternative Dispute Resolution
CHRAJ	Commission on Human Rights and Administrative Justice
CLIC	Community LEAP Implementation Committee
CLU	Child Labour Unit
CRC	Convention on the Rights of Children
CSO	Civil Society Organisation
DACF	District Assemblies Common Fund
DCD	Department of Community Development
DfID	British Department for International Development
DHS	Demographic and Health Survey
DOVVSU	Domestic Violence Victim Support Unit
DSW	Department of Social Welfare
FIDA	International Federation of Women Lawyers
GES	Ghana Education Service
GHS	Ghana Health Service
GLSS	Ghana Living Standards Survey
GOG	Government of Ghana
GPRS	Growth and Poverty Reduction Strategy
GPS	Ghana Prison Service
HIV	Human Immunodeficiency Virus
ILO	International Labour Organisation
LEAP	Livelihood Empowerment against Poverty
MDA	Ministries, Departments and Agencies
MDG	Millennium Development Goals
MESW	Ministry of Employment and Social Welfare
MLGRDE	Ministry of Local Government Rural Development and Environment
MOFEP	Ministry of Finance and Economic Planning
MOH	Ministry of Health
MOWAC	Ministry of Women and Children Affairs
NGO	Non-Governmental Organisation
NHIS	National Health Insurance Scheme
NSPS	National Social Protection Strategy
OVC	Orphans and Vulnerable Children
SER	Social Enquiry Report
UNICEF	United Nations Children's Fund
UNDP	United Nations Development Programme

CONCEPTS AND DEFINITIONS

Child: Consistent with the United Nations Convention of the Rights of the Child 1989, children refer to persons under age of 18 years.

Family: The term ‘family’ is used as shorthand to refer to those within the caring circle of a child. This caring circle varies according to culture and circumstance; thus, the use of the term ‘family’ recognizes that in many societies the care environment of a child is broader than the immediate family and includes the extended family. The term also recognizes that in some circumstances, children are primary caregivers.¹ However, it is important to clarify that individuals from the community or service providers who are not providing daily emotional, physical and psychological care to children would not be considered family.

Social Welfare System: Social welfare refers to a sense of human well-being that exists where “social problems are managed, where human needs are met and when social opportunities are maximized.” A social welfare system is the organization of services and supports to promote social welfare. The distinguishing factors of social welfare system for children and families are the specific objectives of promoting children’s well-being and their protection while enhancing the capacity of the families and communities to perform their responsibilities.²

Child and Family Welfare System: The child and family welfare system refers to those aspects nested within the social welfare system (or social protection system where applicable) that are aimed at promoting children’s well-being and protection, while enhancing the capacity of families and communities to fulfil their responsibilities.

Justice for Children: In keeping with the United Nations’ Common Approach to Justice for Children, “The goal of the justice for children approach is to ensure that children are better served and protected by justice systems. It specifically aims at ensuring full application of international norms and standards for all children who come into contact with justice systems as victims, witnesses and alleged offenders; or for other reasons where judicial intervention is needed, for example regarding their care, custody or protection³.”

A **justice system** is comprised of both (1) state-run justice and law enforcement institutions, including the judiciary (criminal and civil), justice and interior ministries, the police, prisons, criminal investigation and prosecution services and (2) non-state justice mechanisms, i.e. the whole range of traditional, customary, religious and informal mechanisms that deal with disputes at community levels.⁴

¹ Krueger & Delaney (2008)

² As defined by Krueger & Delaney (2008)

³ Justice for children goes beyond juvenile justice – i.e. work with children in conflict with the law – to include all children going through justice systems, for whichever reason (victims, witnesses, care, custody, alleged offenders, etc.). Child Frontiers notes that there is sensitivity around the use of the word “victim” as opposed to “survivor.” In light of the regional context, however, where the word survivor may create confusion – especially when translated into French – Child Frontiers has opted not to use the word “survivor” for this reference manual but rather to attempt to use not only the word “victim” but also the term “child who has experienced violence, exploitation, neglect, and abuse.” Nonetheless, Child Frontiers notes that the use of these terms is in no way intended to diminish or downplay the resilience of children and their families.

⁴ See UN Common Approach to Justice for Children (2008).

Child Protection: Strives to prevent, respond and resolve the abuse, neglect, exploitation and violence experienced by children in all settings. It is often a specialist policy and service sector but of necessity works very closely and is sometimes integrated with other sectors.

Child Protection System: For the purposes of this research, a child protection system will refer to 'a set of laws, policies, regulations and services needed across all social sectors – especially social welfare, education, health, security and justice – as well as community and faith based groups and other private service providers. It is part of social protection, and also extends beyond it.' In keeping with UNICEF's West and Central Africa child protection framework, the core sectors of the child protection system will be child and family welfare and justice for children while allied sectors will include education, health, labour, and others.

Prevention Services: services that might include the promotion of knowledge and skills and strengthen the overall capacity of the community for keeping children safe and cared for. It also includes those services targeting families and children that are experiences difficulties in order to change those situations before they create actual harm to the child.

Response Services: Child protection interventions respond to circumstances in which a child is at risk of harm or has been abused, exploited, neglected, abandoned, or without appropriate family care harming the child. These services seek to reduce the possibility that harm will be repeated and to restore a child's well-being.

Formal system: Refers to government, international organisations and local NGOs (including community and faith based organisations) involved in providing child protection, being recognized or endorsed by and subject to supervision and regulation by the government. It is also important to note that some groups, such as traditional leaders, also have clear roles within both the formal and informal systems.

Informal system:⁵ Refers to child protection initiatives undertaken by families, communities and children themselves.

It is important to note that **Formal and Informal** should be considered as the two ends of a continuum and that there are likely to be elements of cross-over between the formal and informal systems. In several instances it might be challenging to define elements clearly due to ambivalent roles and mandates. Elaborating the nature of the relationship between these groups is an important part of the analysis and mapping and may well require revision as a result of this exercise.

Congruence: Congruence is generally understood as the quality or state of agreeing, coinciding. We refer to the importance for a system to be congruent with national, regional and local child caring and child protection realities. The term is used throughout this framework to underpin the positive dynamic between the population and the formal system, which allows the system to support and build upon positive beliefs and practices while promoting rights and challenging those cultural norms, beliefs and practices that are detrimental to children and family wellbeing. In the context of this exercise, congruence does not imply that a system would condone gross violations or ignore aspects of culture that have adverse affects on the wellbeing of children.

⁵ Please note that in this document the terms 'informal' and 'non-formal' are used interchangeably.

EXECUTIVE SUMMARY

The objective of this child protection systems mapping and analysis is to provide stakeholders with a descriptive profile of their existing system, and an initial assessment of its contextual appropriateness and relevance to the populations being served. The study aims to present the evidence base required to build a common understanding among national stakeholders of the components and nature of their child protection system and to identify opportunities and challenges for systems strengthening. The mapping assessed key aspects of the formal child protection system, including the legislative and policy framework; structures and organisational arrangements; coordination, planning and information management; services for prevention and response; and human and financial resources. It also provided a snapshot of perceptions and experiences of the child protection system in select communities.

Legislative and Policy Framework

Ghana has made significant progress in strengthening the legal framework for child protection, and has comprehensive national laws covering both children in need of protection and juvenile justice. However, these laws remain largely influenced by inherited British models, and there are wide disconnects between law and practice, and between law and community approaches to dealing with child protection issues.

Ghana does not have a clear national policy framework for child and family welfare services. The child protection system is guided largely by a series of issue-specific national plans of actions, which are overlapping and duplicative both in terms of the target group covered and the types of activities that are to be undertaken. The provisions in the Children's Act relating to the process for reporting and responding to cases of children in need of protection draw heavily from the UK crisis intervention model, founded upon formal investigative responses and court-ordered interventions. They have not been adapted to meet the Ghanaian context and culture, and do not reflect family-focused and consensus-based approaches to decision making.

Although significant steps are being taken to strengthen the child justice sector, there is no national policy framework guiding these reforms. Efforts to improve access to justice for children and to promote diversion have not been integrated into broader justice sector reforms (for example, ADR and court-annexed mediation). The successful prosecution of people who commit crimes against children is hampered by the lack of special procedural protections for child victims and witnesses at all stages of the process.

Standards have recently been developed for some child protection services (foster care and residential homes). However, most aspects of the child protection system remain unregulated. There are no detailed guidelines, protocols and procedures to guide social welfare officers, probation officers and the Child Panels in carrying out their mandates and responsibilities under the Children's Act and the Juvenile Justice Act.

Structures and Organisational Arrangements

A number of key institutions have been put in place to promote child protection, including district-level professional welfare officers and probation officers, specialised police units (DOVVSU), Family Tribunals and Juvenile Courts. However, the distribution of these institutions is uneven, and most remain urban-centred with limited reach outside of district capitals.

Primary responsibility for the delivery of child and family welfare services rests with the Department of Social Welfare (DSW), but this is currently in the process of transition. Effective February 2010, new district Departments of Social Welfare and Community Development have been created by merging local social welfare departments (previously under DSW, Ministry of Employment and Social Welfare) and community development departments (previously under Ministry of Local Government). The new department and its staff of social welfare officers, probation officers and community development officers will be managed and resourced by the District Assembly, rather than the central-level departments. This provides an ideal opportunity to design a comprehensive model for social welfare service delivery centred at the district level, with a more clearly articulated role for the central DSW in policy formulation, standards setting, research and oversight. However, it will require significant reorganisation and re-defining of roles and responsibilities.

Currently, the DSW has offices in all 170 districts which are responsible for child and family welfare, child justice, and other general welfare issues in the community. Many districts have only one welfare officer. Even in the best resourced regions, the ratio of welfare officers to population is far too low to meet its broad mandate as currently envisioned (1.38 per 100,000 in Brong Ahafo to 2.57 in Volta).

There is no clear structure for delivery of social welfare and child justice services at the community level. A number of child protection team / committee models have been operating in select districts, but many are focused on specific child protection issues only and do not have clear linkages to district-level social welfare authorities. However, there are existing community structures, including community health workers, teachers, women's groups, CLICs, family elders, mediators, Chiefs and Queen Mothers who could be tapped as part of the child protection service delivery system.

The design of some justice structures, such as the panel system required for the Family Tribunal and Juvenile Court, are arguably overly ambitious given existing resources. Sitting on both of these court panels, as well as Child Panels, consumes a significant amount of welfare officers' time and takes resources away from working directly with children and families. The Child Panels have never functioned as intended, and because they are designed to operate at the district level, those that are in place are not easily accessible to people in communities outside district capitals. Other more informal structures such as traditional dispute resolution or court-annexed mediation may provide a more accessible and informal means of promoting juvenile diversion and mediating civil cases involving children.

Coordination, Planning and Information Management

Ghana has several sectoral and issue-specific coordinating committees at the national and sub-national levels with a child protection mandate. These committees provide a forum for representatives from government and non-governmental agencies to meet regularly and discuss policy and planning issues. In general, key national child protection laws, strategies and plans of action have been developed through a broad consultative process with input from a wide range of government and non-governmental stakeholders.

However, despite the proliferation of committees, limited coordination amongst government ministries, departments and agencies is often cited as a challenge. Stakeholders identified a number of challenges to effective coordination, including weak leadership, funding constraints, lack of commitment from stakeholders, absence of clearly defined tasks and priorities, infrequent meetings, weak or inconsistent representation from participating agencies, and lack of commitment to move discussion to action.

Child protection information management systems are quite weak, and there are no mechanisms for consistent, ongoing information sharing and data analysis between agencies involved in child protection. Individual agency data collection and reporting systems do not provide sufficiently disaggregated data on children. The single registry system being implemented in connection with LEAP could constitute a good entry point to develop a broader database on interventions to address child-specific vulnerabilities. Similarly, the district-level Child Labour Monitoring System being implemented by the CLU has the potential to serve as an effective model for collecting information on child welfare and protection more broadly. While both of these registries are initiatives of the MESW, there does not appear to be plans for them to be linked.

Services for Prevention and Response

Significant community education and sensitisation on child protection has been promoted through both community-based and school-based awareness programmes. Numerous government agencies and NGOs are involved in advocacy and awareness; however they tend to act independently with no over-arching communication strategy. This has resulted in duplication and a tendency to focus on some topical issues more than others. Less attention has been paid to youth crime prevention and sensitising the community to mitigate harsh community responses to child offenders. While some counselling and parenting education is available, formal family strengthening strategies are mainly focused on poverty alleviation.

Due to limited access to and awareness of district social welfare officers, DOVVSU has become the main entry point for responding to cases of violence, abuse and exploitation of children. Since DOVVSU's inception, there has been a significant increase in reported cases of violence and abuse against children. However, because the police are primarily concerned with criminal activity, response services have tended to focus only on children who have experienced the most severe (i.e. criminal) forms of abuse or exploitation. In such cases, inter-agency coordination and referrals between police,

DSW, hospitals and NGO service providers are reportedly functioning well, though this is generally dependent on individual relationships. The process of developing structured protocols and procedures has begun, though plans include the development of numerous, potentially overlapping SOPs (under CAN, for trafficking and for child labour).

In general, the child and family welfare system has been oriented towards rescue and removal of children, rather than working with families to address concerns in the home. Temporary places of safety remain a challenge, and the focus has been on shelter-based, rather than family-based solutions. The capacity of social welfare officers to provide follow-up and continuing support to children after the initial crisis stage is very limited. There are some NGOs providing counselling, psychosocial support and legal aid, but their geographical coverage is limited.

Support services for rehabilitation of children in conflict with the law also quite weak. The time required to meet court requirements leaves probation officers with limited capacity for interaction with children and families, and they are hampered by lack of resources for travel. Beyond mediation and legal aid, there are few NGOs working with child offenders. While the number of Child Panels has expanded in recent years, they are still not fully functioning. Court-annexed ADR is much more widely available, and could be a more effective mechanism for diverting juvenile offenders and resolving child maintenance and custody disputes.

Human and Financial Resources

There are many qualified, dedicated people working in the child protection sector (government and NGO), but distribution of human resources remains concentrated in urban centres and district headquarters. The number and distribution of key child protection agencies, most notably welfare officers and DOVVSU, is inadequate to carry out their mandate effectively. Both agencies lack basic resources such as vehicles, travel allowances and adequate office equipment.

A significant amount of training has been undertaken across the sector on specific child protection issues (e.g. trafficking, child labour). Training tends to be ad hoc and donor-driven rather than fully embedded in agency induction and in-service training programmes. In-service training has consisted mainly of short courses (2-3 days) and has reached a limited number of staff. There are no standardised, certificate-based training courses on child protection for police, welfare officers, probation officers, DOC staff, teachers, and health workers.

Financial resources for all agencies involved in child protection are inadequate to perform their basic functions. Under the 2010 GOG budget for MESW, 95% of budgetary allocations were channelled to wages and salaries, with only 1.9 % spent on services. Staff members often rely on their own pockets to pay for essentials such as transportation and children's food and medical expenses.

Children and Families Perspectives and Experiences

a) Violence, Abuse and Exploitation

When asked to identify what made children feel unsafe and insecure in the communities, the most frequent response given was lack of parental care, guidance and supervision, followed by rape and other forms of sexual abuse, child labour, and child prostitution or sexual exploitation. Most participants linked child protection concerns to lack of parental care and family breakdown. While some groups associated this with poverty, the majority of participants emphasised parental irresponsibility, fathers' failure to pay maintenance to their children, and the breakdown in the family system. The increased vulnerability of step-children and children being cared for by someone other than their parents was highlighted in all communities.

In the rural and peri-urban communities visited, informal community structures continued to play an important role in addressing child protection issues. In these communities, children experiencing abuse would most likely turn to a family elder, religious leader, assemblyman or unit committee member, Chief or Queen Mother for help. Welfare officers did not feature prominently in people's responses since they are not readily accessible to community members. However, in urban areas, the role of police, welfare officers, NGOs and religious leaders was more prominent.

The majority of community stakeholders were of the view that informal ways of resolving problems was preferable to the formal system. Reasons given included: that the formal system was unfamiliar or intimidating to children and families; that family members would consider it a betrayal to take matters to the government; that welfare officers are only in big towns and people cannot go there because it is too far; that the Chief has more authority in the community than government authorities; and that if matters were resolved locally then people would sympathise with the victim more and there would be community monitoring and support. A significant minority, however, were of the view that it would be preferable for the police to intervene so that there would be justice.

Discussions with district child protection workers highlighted the limitations of the formal system in handling cases of abuse and neglect. Both welfare officers and DOVVSU have limited reach outside of the district capital due to lack of transport. They also tend to face strong resistance from the community, which views them as intruders. While inter-agency coordination and referral functions well in some cases, this is not happening systematically. Capacity to provide ongoing counselling, recovery and reintegration services beyond immediate crisis intervention is extremely limited.

b) Children in Conflict with the Law

In both rural and urban communities, theft was identified as the most common offence committed by children, while alcohol and drug use and sexual offences were also frequently highlighted as problems. Theft was identified in all communities as both the most common offence committed by young people, as well as the most serious crime. This is an interesting result since theft is generally considered a relatively minor offence within the formal criminal justice system. All groups were of the view that the immediate

response to any juvenile crime, including petty theft, would be “instant justice” in the form of a mob beating. These beatings can be quite severe, and sometimes result in death. In the case of children, a sympathetic community member will usually intervene to rescue them, particularly if the offender is a girl.

In all communities that participated in the research, informal settlement was the main mechanism used to resolve juvenile offending. In Kwesimintim (Secondi) and Zosali (Wa West), most participants were of the view that family elders or Chiefs would be the primary mechanism used to resolve most disputes. The Chief and his elders would gather all parties together to discuss and resolve the offence. In doing so, they would try to understand the reasons for the juvenile’s misbehaviour. Resolutions generally include a fine or compensation, a stern warning, and some form of physical punishment. In some cases, the Chief may also order guidance or support for the juvenile.

In urban Ashaiman, a juvenile would generally be taken to the police first, following which either the juvenile’s parent or a community leader would negotiate to have the case resolved informally within the family. Examples were given of assemblymen, pastors and Imams interceding with the police on behalf of a child to have a case withdrawn and settled through mediation between families. In such cases, they mediate compensation for the victim, and may also provide counselling and advice to the child and parents to prevent reoffending.

Most community members expressed a preference for resolving cases informally, rather than referring the matter to the police. The most common reasons given for this preference were that: the formal system was costly and time consuming; children received worse treatment from the police; spending time in police cells and correctional centres made child offenders even worse; people preferred their own cultural ways of solving problems, which foster peace within the community; family ties were close, so people don’t want to expose a juvenile’s family; the formal system was corrupt; and that resolutions by the Chief acted as a strong deterrent both to the juvenile and other children in the community. The majority of participants were of the view that informal resolutions were better for both the juvenile and the community, although many expressed the view that sending children to police cells and correctional centres was a stronger deterrent.

Analysis and Recommendations

Overall, the mapping and analysis exercise revealed that the formal child protection system is generally not addressing the needs of most children and their families, and has not been designed to be culturally appropriate and sustainable within existing resources. However, there are a number of opportunities that could be leveraged to help strengthen the system and make it more effective. It is recommended that the ongoing MESW Institutional Strengthening Plan and organisational review be leverage to undertake a comprehensive process of re-conceptualising the child protection system to be more relevant and sustainable, and to build on the strengths of existing community structures and traditions.

INTRODUCTION

1. Background and Objectives

In 2009, Plan International, Save the Children Alliance and UNICEF came together to initiate a regional child protection systems mapping, assessment and analysis exercise in five pilot countries: Senegal, Sierra Leone, Ivory Coast, Niger and Ghana. The rationale for this initiative was recognition of the need to develop a more African-specific conceptual framework for child protection systems work that includes non-formal systems, as well as to begin to build an evidence base on African experiences.

The objective of the system mapping and analysis exercise is to provide national stakeholders with a descriptive profile of their existing system and an initial assessment of its contextual appropriateness and relevance to the populations being served. It will identify essential elements for the development of national child protection systems that resonate with formal authorities, service providers and service users based on a shared understanding of their respective expectations, roles and responsibilities. The system mapping and analysis exercise will generate the evidence base required to build a common understanding among national stakeholders on the components and nature of their child protection system and to identify opportunities and challenges for systems strengthening.

2. Analytical Framework

The mapping and assessment was designed to provide a full picture of the existing components of the national child protection system, including founding principles and approaches, the legal framework, the rationales informing the functioning of the system, available resources and services and their distribution, coordination efforts, data collection and evaluation mechanisms, as well as the interaction of various actors and decision-makers. In addition, it also aims to understand how the child protection system actually functions “on the ground” by assessing its actual and/or perceived functioning in selected communities. This aspect of the research examined community care practices and protection strategies and probed community beliefs and perceptions about child protection and wellbeing. The intention was not to be representative of all that is happening in the country’s child protection system, but rather to generate insights into how and why processes are unfolding in settings chosen for their illustrative potential.

A generic analytical framework was developed to guide the systems mapping and analysis exercise in all 5 countries. The framework has been designed to support comparisons across national settings while at the same time remaining flexible enough to allow for context-specific realities. The key components of the analytical framework were:

- **Mapping of existing system components**, including: the legal, policy, and strategy framework; key institutions and structures in the child welfare and child justice

sectors; coordination, planning and information management; services for children and families (prevention and response); and human and financial resources.

- ❑ **How children and families experience the child protection system** (formal and informal) and their perceptions of its relevance and functioning, including: community perceptions of factors contributing to children’s well-being and the key protection issues facing children in their community; informal family and community protection strategies and the degree to which these informal mechanisms are linked to the formal system; and child and family satisfaction with the (formal and informal) child protection system.
- ❑ **Analysis of how the system fits the local context** including: convergence between the formal child protection system and the wider social welfare, social protection, justice, and governance frameworks; an analysis of priorities and the degree to which these reflect local, national and international priorities and political will; the relevance and appropriateness of the existing approaches, including the degree to which formal interventions reflect family and community protection strategies; and the system’s sustainability and the extent to which it is able to maintain, develop and improve itself.

3. Overview of Research Methodology

The mapping and analysis process was guided by an inter-agency Advisory Committee with representatives from key national government and non-governmental agencies involved in child protection, including the Department of Social Welfare, DOVVSU, MoWAC, Ministry of Local Government, Plan Ghana, World Vision and UNICEF. Field research was carried out by a team made up of two international resource persons from Child Frontiers and seven researchers from CCRECEN. Six research sites were selected in collaboration with the Advisory Committee using a selection method that combined both purposive and diversity sampling. This included Greater Accra Region (Kaneshie and Ashaiman); Western Region (Tarkwah and Secondi/Takoradi); Upper West Region (Wa West); and Northern Region (Savelugu Naton). In each of these districts, one community was selected as being typical or representative of that district. These sites were intended to be illustrative, not representative, with the aim of providing an initial “snapshot” of how the child protection system is functioning in selected urban, peri-urban and rural areas. In half of the sites, discussions focused on community perceptions and responses to violence, abuse and exploitation of children, while the other half focused on children in conflict with the law.

As an initial step, a comprehensive desk review was undertaken to analyse existing literature, including all available laws, regulations, plans of action, situational analyses, reports, assessments and statistics. This was supplemented by information gathered from key informants using a variety of qualitative methods:

- ❑ Semi-structured interviews with representatives from 28 central-level government departments, NGOs and development partners in Accra;
- ❑ A child protection service mapping workshop and service mapping questionnaire (26 participants) for NGOs;

- ❑ Online Child Protection Sector Survey (25 responses);
- ❑ Individual interviews with 16 Chiefs and community leaders;
- ❑ Group Discussions (listing and ranking and case vignette exercises) with groups of between 8 and 10 boys, girls, mothers, fathers, child protection workers and child protection committee members in each of the selected communities (total of 282 participants); and
- ❑ District child protection workers survey (39 completed).

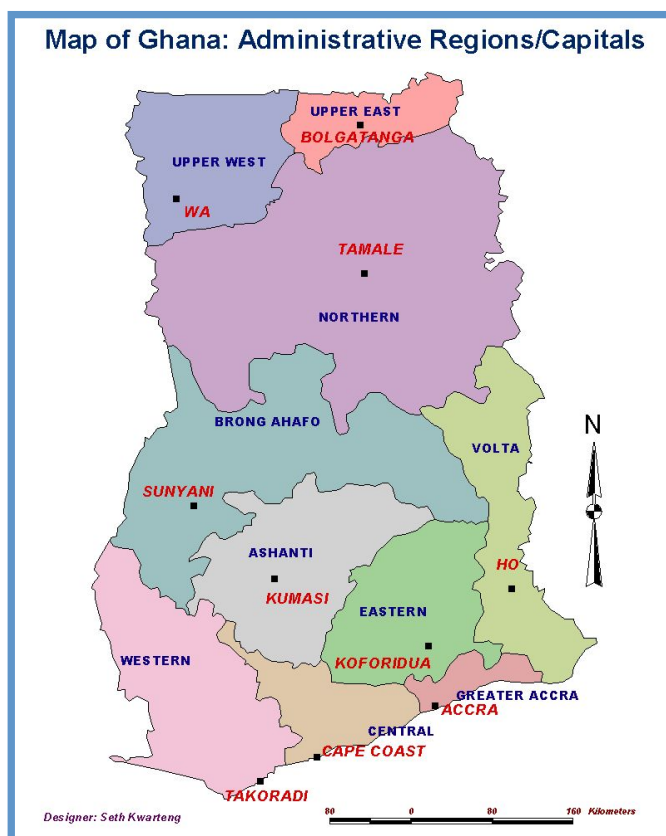
See Annex 1 for a detailed list of key informants, and the Child Protection Systems Mapping Manual for a comprehensive overview of the research methodology and tools.

PART A: THE CONTEXT

1. Organization of the Government

In 1957, Ghana became the first sub-Saharan Africa country to achieve independence. The country is organized as a unitary State with a central government. The government is made up of an executive headed by a democratically elected President with a four-year term of office, an elected Parliament and an independent judiciary. Administratively, the country is divided into 10 Regions, each with a Regional Co-ordinating Council, as well as 170 Metropolitan, Municipal and District Assemblies (MMDAs or District Assemblies). These District Assemblies are further divided into Urban, Town and Area Councils, and then into Unit Committees.

In addition to these formal government structures, Ghana's traditional rulers continue to play a role in local governance. While Chiefs do not have direct political, administrative, or judicial authority as they used to, many communities continue to be loyal to them. Chiefs and Queen Mothers have significant influence over socio-economic life, particularly in rural communities, and their potential to contribute to the protection and promotion of children's well-being is acknowledged. The Constitution recognizes and guarantees the existence of the institution of chieftaincy and traditional councils, and makes provision for a National House of Chiefs and Regional Houses of Chiefs.



2. Current Country Situation

Ghana has enjoyed more than two decades of democratic governance and political stability. Since independence from the British, there have been four periods of civilian rule and three of military rule. Following the adoption of the Fourth Republican Constitution in 1992, the country has had two peaceful democratic transitions and has enjoyed an extended period of peace, stability and democratic governance.

Ghana has a total population of approximately 23.5 million, with children constituting the single largest sub-group (about 50 per cent). There are approximately 50 different ethnic and linguistic groups in eight broad groups, the largest of which are the Akan, Mole-

Country Overview	
Country economic classification (WB)	Middle income
Human Development Index	0.526
Human Poverty Index (%)	28.1

Table 1: Country Overview

Dagbani, Ewe and Ga-Adangbe. Amongst these groups is a mix of matrilineal and patrilineal cultures. According to the 2000 Population and Housing Census, 68.8 per cent of Ghanaians adhere to Christianity, 15.9 per cent to Islam, 8.5 per cent practice traditional religion, and 6.1 per cent do not belong to any religious faith.⁶

Ghana has experienced significant population growth since the 1960s, with a doubling of the population every 25 years. Urbanisation is also accelerating, with the proportion of the population in urban areas increasing from 23 per cent in 1960 to over 40 per cent in 2000.⁷ It is estimated that the proportion in urban areas will reach over 50 per cent in 2010, and will grow to around 65 per cent by 2030. Nearly 34 per cent of the urban population lives in Accra (estimated to be 3.2 million people) and in Kumasi (estimated to be 0.8 million). Urban population growth has put a strain on limited social infrastructure, resulting in overcrowding and the emergence of fast-growing slums.⁸

3. Governance

Over the last two decades, Ghana has gradually strengthened its democratic institutions and ranks as a regional leader in democratic governance. The 1992 Constitution guarantees equality before the law for all citizens, as well as fundamental civil and political rights. There is a vibrant media and a political opposition to hold the government

Indicators 2008	Côte d'Ivoire	Ghana	Niger	Senegal	Sierra Leone
Voice and Accountability	12.5	59.6	34.6	42.8	38.5
Political Stability and Absence of Violence	5.3	46.9	20.6	36.8	35.4
Government Effectiveness	6.6	52.1	20.9	51.2	11.4
Regulatory Quality	17.4	54.6	32.9	44	20.3
Rule of Law	3.8	52.2	22.5	45.9	14.8
Control of Corruption	7.2	56.5	20.3	38.6	12.6

Table 2: Comparison of governance indicators (Source: World Bank)

accountable to the governed. Institutions such as the Commission on Human Rights and Administrative Justice (CHRAJ) have been constitutionally established to oversee the observance of fundamental human

rights of all persons, including children. Civil society groups function freely.⁹

Since 1988, the Government has adopted a decentralised approach to governance, with District Assemblies pegged to play the central role in local planning and service delivery. The decentralisation process will have significant impact on children since District Assemblies are now directly responsible for protecting the welfare and promoting the rights of children. Effective February 2010, district-level departments of central agencies such as the Department of Social Welfare and the Department of Community Development were to be transformed into departments of the District Assemblies, and

⁶ Ghana Statistical Service (2002)

⁷ MoWAC and UNICEF (2009) Children in Ghana.

⁸ Ghana Shared Growth and Development Agenda, 2010-2013

⁹ Mba, C, Kwankye, S. et al (2009) *Child Poverty and Disparities in Ghana*, UNICEF

staff transferred to the local government service.¹⁰ However, the process of transferring authority, staff and funds to the districts has been slow, affecting the ability of District Assemblies to provide services. Concerns have also been expressed over the capacity of the various District Assemblies, particularly in terms of financial capabilities, to effectively perform the functions required of them.

4. Economic Development

Ghana is currently one of the best-performing economies in Africa. Economic growth has averaged between six and seven per cent since 2005, and the country has recently achieved middle-income country status.¹¹ The domestic economy continues to revolve around agriculture, which accounts for about 35 percent of GDP and employs about 55 percent of the work force, mainly small landholders. As such, the economic fortunes of the country have been vulnerable to the ups and downs in the markets for the primary products – cocoa, timber and gold – upon which the economy depends.¹² However, recent discoveries of oil could lead to significant changes in Ghana's fortunes.

Ghana has also made significant progress in poverty reduction over the last decade, and the country remains on course to achieve the Millennium Development Goal of halving

Socio-Economic Indicators	
GNI per capita, PPP	36.58
GNI per capita (Atlas method, USD)	1,190
Population Below the Poverty Line (%) (2006)	28.5
Life Expectancy at Birth (total years)	57
Total Population (millions)	23.84
Population Growth Rate (annual average)	2.1
Population under 18 years of age (%)	50
Registration at Birth (%) (2008)	51.4
Urban	69
Rural	42

Table 3 – Socio-economic Indicators (source: World Bank; UNICEF)

poverty by 2015. The number of people living below the poverty line has dropped significantly from 52 percent in 1992 to 28.5 percent in 2006, while the population living in extreme poverty decreased by half from 36.5 percent in 1991/92 to about 18 percent in 2006.¹³ Between 2000 and 2007, Ghana's human development index rose by 0.88% annually from 0.495 to 0.526 in 2009.¹⁴

Economic growth and poverty reduction have been guided by two successive strategies, the Poverty Reduction Strategy 2003-05 and the Growth and Poverty Reduction Strategy 2006-09. The latter is soon to be succeeded by the new Ghana Shared Growth and Development Agenda 2010-2013, which is in the process of finalisation. Ghana's growth and poverty reduction strategies have all included a specific focus on human development and the protection of the vulnerable and excluded, including women, children and persons living with disabilities. Children's issues have generally been well-represented, with particular emphasis on

¹⁰ Local Government Act 1993 (Act 462); Local Government Services Act, 2003 (Act 656); LI 1961 of 2010: Local Government (Departments of District Assemblies Commencement) Instrument. District-level social welfare and community development departments are to be merged into a new district social welfare and community development department.

¹¹ Ghana Statistical Service (GSS) Newsbrief, November 3, 2010.

¹² GPRS 2006-09

¹³ GSS (2007) Patterns and Trends of Poverty in Ghana, 1991-2006.

¹⁴ UNDP(2009) Human Development Reports

achieving MDG goals with respect to health and education,¹⁵ and the proportionate allocation of budgetary resources to basic pro-poor services such as primary education, water supply and public health, has continued to grow.¹⁶ Child protection issues, including child labour, trafficking and violence against children, have also featured as key priorities. The current Shared Growth and Development Agenda identifies the protection of children from physical, emotional and psychological abuse as one of the key human development policy objectives. Under good governance, policy priorities related to improving access to rights and entitlements include protecting children from direct and indirect physical and emotional harm and eliminating trafficking in children.

However, while the achievements of GPRS have translated into improvements in national economic indicators, their impact on child well-being has been mixed, and disparities remain among and within socio-economic and demographic subgroups.¹⁷ The most recent GLSS5 data indicates that 28.5 percent of the population still lives below the national poverty line, and there continue to be marked disparities in poverty by geographical area, gender, and age.¹⁸ Poverty continues to affect large numbers of people in rural and marginalized urban areas. Poverty levels are significantly higher in the Savannah regions of the country, and most intensely concentrated in Ghana's three northern regions. Recent evidence also suggests that there are growing pockets of poverty in urban areas.

5. Education

The Ministry of Education, through the Ghana Education Service (GES), is responsible for all formal and non formal education, including Early Childhood Care and Development (ECCD) for children over the age of five. The government's commitment to education is enshrined in the 1992 Constitution, which guarantees that basic education shall be free, compulsory and available to all, and that secondary and higher education shall be made generally available.¹⁹ Basic education in Ghana comprises two years of kindergarten, six years of primary and three years of junior secondary school making a total of eleven years.

Significant progress has been made towards achieving the MDG goal of universal primary education by 2015. Key education indicators have been strengthened through the Free Compulsory Universal Basic Education Programme, the Education Strategy Plan (ESP) for 2003-2015, the introduction of the Capitation Grant (School Fee Abolition), the establishment of a Girls Education Unit to increase girls' participation, the introduction of Nutrition and School Feeding programmes, and the expansion of Early Childhood Development services. The Ministry of Education has also become more open to alternative, or informal approaches to education for children outside the formal school system.²⁰ However, challenges in equitable access and quality still persist, with

¹⁵ UNICEF (2009a) *Social Protection and Children: Opportunities and Challenges in Ghana*

¹⁶ GPRS 2006-09

¹⁷ Mba, C, Kwankye, S. et al (2009)

¹⁸ UNICEF (2008a) *Mid-Term Review Report – Child Protection*

¹⁹ Article 25

²⁰ MoWAC (2009) *Children in Ghana*

very serious rural and urban disparities.²¹ Due to the rapid increase in school enrolment, classrooms have become overcrowded, particularly in rural areas, and many schools do not adhere to child-friendly standards. Less than 60 percent of primary teachers have had proper professional training.

Another concern highlighted by the UN Committee on the Rights of the Child is the widespread use of corporal punishment in schools.²² A recent study conducted with UNICEF support found that 94 percent of surveyed school children either experienced or witnessed corporal punishment in school.²³ Although the Ghana Education Code of Discipline includes limitations on the use of corporal punishment, it is extensively used and widely accepted as a form of discipline. Recent studies have also raised concerns about sexual harassment and sexual abuse of students, particularly girls, by teachers.²⁴ The GES has recently reinforced its commitment to making schools safe, healthy and gender-sensitive by developing new national child-friendly school (CFS) standards and guidelines, and the Code of Discipline is being reviewed and strengthened.

6. Health

The Ministry of Health (MOH) is responsible for overall policy and management of Ghana's health care system, and the Ghana Health Service (GHS) manages service delivery.

In 2009, Ghana introduced the National Child Health Policy, which shifts the GHS's approach from a disease-based method to a child-centred method of saving children's lives. It also introduced community case management of major childhood diseases as the key method of addressing child morbidity and mortality.

²¹ CRRECENT (2010) *Child Rights Situational Analysis*, Plan Ghana

²² UN Committee on the Rights of the Child (2006). *Concluding Observations: Ghana*

²³ CURIOUS MINDS (2009) *The Use of Corporal Punishment in Ghana: The voices of Ghanaian Children*, UNICEF and Ministry of Women and Children's Affairs.

²⁴ CRRECENT (2009) *Report on Child Sex Abuse in Schools*, PLAN Ghana

Although the health status of Ghanaians has generally improved over the years, Ghana

Basic Health Indicators	
Maternal mortality ratio, reported	451 per 100,000
Infant mortality rate	50 per 1000 live births
Under-5 mortality rate	80 per 1000
% Children 12-23 mos fully vaccinated	80
HIV/AIDs prevalence rate	1.7
Nutrition Indicators	
Child malnutrition (% of children under 5)	14
% Children under 5 underweight for age	18

Table 5– Health and Nutrition Basic Indicators (Source: GDHS 2008)

may struggle to reach the MDGs for maternal and infant mortality. Persistent lack of access to healthcare facilities is a key factor impeding improvement in child health indicators. Less than half of the population enjoys access to healthcare in five of Ghana's 10 regions. Moreover, health care personnel are highly concentrated in the southern part of the country and in urban areas, rather than evenly distributed nationwide. Only 10 per cent of all doctors, for example, are located in Ghana's three northern regions, while 27 per cent practice in the Greater Accra Region alone.²⁵

In 2004, the National Health Insurance Scheme (NHIS) was introduced to provide health financing for poor and vulnerable groups. Under the NHIS, children under 18 years are exempted from paying for health care services for health conditions included under the scheme. Currently over 11 million people have been registered with the scheme. In July 2008, the government announced a policy of free health care and delivery services for pregnant women.²⁶

7. Justice

Ghana has a pluralist legal system that combines British common law and local customary law. Pursuant to the 1992 Constitution, the laws of Ghana are comprised of the Constitution; enactments of the parliament; orders, rules and regulations; and the common law, which includes customary law.²⁷ Customary law, defined under the Constitution as “the rules of law which by custom are applicable to particular communities in Ghana” is not codified, but the National House of Chiefs and/or a Regional House of Chiefs can draft declarations of customary law for approval and publication as a legislative instrument by the President after consultation with the Chief Justice.²⁸ The Constitution explicitly states that all customary practices which dehumanise or are injurious to the physical and mental well-being of a person are prohibited.²⁹

Ghana's formal justice system has been influenced by the British common law system. Key justice agencies, including the Ghana Police Service, Attorney General's Office, the Judicial Service and prisons struggle to manage growing caseloads with limited resources, and have limited reach in rural areas. Backlogs and court delays are

²⁵ Ghana Shared Growth and Development Agenda 2010-2013; MoWAC (2009) Children in Ghana

²⁶ CRRECENT (2010) *Child Rights Situational Analysis*, Plan Ghana

²⁷ Article 11.1

²⁸ Ghana Chieftaincy Act, 1971, as amended

²⁹ Article 26(2)

frequently cited as a challenge, particularly at the District Court level (which also sits as both the Family Tribunal and the Juvenile Court). In the absence of formal justice agencies, chiefs continue to play a dominant role in maintaining law and order and resolving disputes at the community level, particularly in rural areas. While chiefs do not have authority to resolve serious criminal cases, in practice cases such as defilement of children are often handled by the traditional authorities and resolved through fines and compensation (or both).

In order to promote greater access to justice and ease pressure on the court system, the Judicial Service has established a court-annexed alternative dispute resolution (ADR) programme, and a new ADR law³⁰ has been introduced. With the support of development partners such as UNDP, DANIDA and the World Bank, trained mediators, including chiefs and traditional elders, have been appointed and paid by the Courts to provide a quick, low cost and accessible method for resolving civil disputes and minor criminal matters. Under the Act, customary arbitration has been formally recognised as an important part of the informal justice system, and provisions have been introduced to regulate the practice. The Judicial Service is in the process of recruiting mediators all over the country for the programme, and also has plans for building the capacities of traditional rulers and preparing them for implementation of the ADR Act.

8. Social Protection

In 2007, the government introduced a National Social Protection Strategy (NSPS) to articulate Ghana's vision for creating an inclusive society by protecting extremely poor and vulnerable populations from social exclusion. The NSPS defines social protection as efforts that "go beyond income support and include the strengthening of social cohesion, human development, livelihoods and protection of rights and entitlements." One of the main initiatives under the NSPS is the Livelihood Empowerment Against Poverty (LEAP) programme, which provides conditional cash grants to extremely poor households. The target groups for the grants, identified using a means test, are: 1) subsistence farmers and fisher folk; 2) extremely poor people above 65 years; 3) care-givers of OVCs, particularly children affected by HIV/AIDS and children with severe disabilities; 4) caregivers of incapacitated/extremely poor PLWHAs; and 5) pregnant and lactating women who are receiving "Prevention of Mother to Child Transmission" (PMTCT) interventions. Cash transfers for OVCs include a number of protection-related conditionalities, including: enrolment and retention of school-age children in school; birth registration of newborn babies and their attendance at postnatal clinics; full (EPI) vaccination of children up to the age of five; and protection of children from engaging in any of the worst forms of child labour or having their education interrupted through forced migration. Community LEAP Implementation Committees (volunteers) have been set up to assist in targeting and to monitor conditionalities.

The LEAP programme was launched by the Ministry of Employment and Social Welfare in March 2008. As of 2010, the programme had benefited approximately 35,000 households in 80 out of 170 districts. The DSW, which manages the programmes, aims to scale up to gradually reach 165,000 households by the end of 2012 (20 percent of the

³⁰ Alternative Dispute Resolution Act of 2010 (Act 798)

country's extreme poor). It has been acknowledged that significant capacity building within DSW would be required to meet this target,³¹ and an Institutional Strengthen Plan has been developed with technical and financial support from DFID and UNICEF.

Other social protection programmes currently being implemented include the National Youth Employment Programme (NYEP), the Micro-financing Scheme, the Education Capitation Grant, School Feeding Programme, Integrated Agriculture Input Support and the Women Development Fund. These policies are expected to reduce economic stress on households to enable them to adequately take care of the needs of children, although some reportedly have limited spatial coverage.³² Although LEAP calls for complementarity between these various social protection schemes, they have not been fully harmonised and are not well coordinated. To address this issue, the government plans to develop a comprehensive social policy framework, to introduce a common targeting system and single register, and to strengthen monitoring and evaluation of social sector policies, programmes and projects.³³

9. Donor Support

Ghana benefits from a wide variety of donors who provide both direct budget support and support for specific projects. The government and all key development partners have committed themselves to the principles of the Paris Declaration.³⁴ Approximately US\$300 million of the government's US\$4.5 billion budget comes from direct budget support, which is provided by 11 bilateral and multilateral donors. The Multi Donor Budget Support (MDBS) Framework has been established as a platform where development partners agree annually with the Government of Ghana on the amount of budgetary aid required to support policy reforms and poverty reduction activities. Development partners participating in the MDBS are the World Bank, Canada, the United Kingdom, the Netherlands, Germany, Denmark, Switzerland, the European Union, and the African Development Bank. The government and donors agree on an Annual Performance Framework, which includes targets in 14 sectors that the government must meet in order to receive direct budget support. UNICEF sits on the Vulnerability and Exclusion Sector Group, which is chaired by the MESW. To date, the Group has focused primarily on social protection issues, but has more recently begun to discuss issues of child protection.

Table 6: Key International Donors Supporting the Social Welfare and Justice Sectors

Donor	Area of Focus	Project/ Funding Period	Funding (USD millions)
World Bank	Social Opportunities Project aimed at improving targeting in social protection spending, increasing access to conditional cash transfers, and increasing access to employment opportunities for the rural poor.	2010-16	89.1

³¹ MESW (2007) DSW Institutional Assessment

³² Mba, C, Kwankye, S. et al (2009)

³³ Ghana Shared Growth and Development Agenda 2010-2013

³⁴ Accra Agenda for Action

DFID	Institutional Strengthening of MESW project to strengthen the Ministry's systems for effectively managing and scaling up LEAP.	2008-12	5.2
DANIDA	Good Governance and Human Rights Programme (2009-12) aimed at strengthening formal and informal access to justice by supporting capacity building of the Judicial Service and CHRAJ, and roll-out of ADR.	2009-12	29.7
EU	Funding juvenile justice project implemented by Plan Ghana.		

10. Child Protection Situation

Traditionally, Ghanaian children grew up in closely connected kinship groups, with strong cultural traditions governing their birth, socialisation and upbringing. In many communities, particularly in rural areas, the upbringing of the child is considered the responsibility of the entire community. Extended families often play an influential role in children's lives and are actively involved in the care and socialisation of children. Informal fosterage has traditionally been used as a protection mechanism or "safety net" for children from poor families who live with and receive support from relatively wealthier family members.³⁵

Although traditional family and lineage structures remain intact in much of the country, changing times have limited the capacity of these structures to provide support and protection to children. Rapid rural to urban migration and economic globalisation have undermined traditional family life, often resulting in the breakup of extended family support networks and undermining the commitment to care for children represented by lineage groups.³⁶ Due to poverty and large family sizes, many families, particularly in rural areas, are unable to support their children. As a result, a large number of children migrate to larger towns and cities in the hope of earning an income. Lacking education, skills, and family support, many end up living on the streets where they are vulnerable to violence, abuse and exploitation.³⁷ It is estimated that there are approximately 33,000 street children in Ghana, the majority of whom are girls.³⁸ These girls are particularly vulnerable to sexual violence and sexual exploitation. Commercial sexual exploitation of children is reported to be a significant concern, but there is limited data on the issue.

There are widely varying figures on the number of orphans and vulnerable children in Ghana, depending on the definition of orphan and the criteria for vulnerability used. Most are based on child population estimates or from sample surveys where the percentage of orphans in the survey is small and not reliable when disaggregated by age or sex. The latest official figures suggest that orphans represent approximately 7.7 percent of the child population.³⁹

³⁵ MoWAC (2009) Children in Ghana

³⁶ UNICEF and MESW (2009) Social Protection for Children: Opportunities and Challenges in Ghana; MoWAC (2009) Children in Ghana

³⁷ MoWAC (2009) Children in Ghana

³⁸ Youth Development Foundation

³⁹ MICS 2007

Kinship care continues to be the primary strategy used to ensure care for orphans and vulnerable children. However, concerns have been raised that traditional kinship care has taken on abusive dimensions, with children ending up in domestic servitude or forced into hazardous or unpaid work.⁴⁰ In a study of child domestic work and fosterage in Northern and Upper East Regions of Ghana it was found that “the social arrangements for some girls can be viewed as an extension of the fostering structure, while for others the arrangements amount to child labour.”⁴¹ Several studies of street children, child domestic workers and other children not in school have explored the conditions of fostered children. These studies suggest that the nature and purpose of fostering have undergone changes that result in the denial or violation of some of the rights guaranteed to children in Ghana.

The traditional practice of engaging children in work alongside their parents to teach them necessary skills has also taken on exploitive dimensions. A survey conducted by the Ghana Statistical Service in 2003 revealed that 39 percent of children between the ages of 5 and 17 years are engaged in some form of economic activity, mainly as unpaid family workers, apprentices or in low-paid work primarily in agriculture and fishing. Of those, nearly 20 percent (1.27 million children) were engaged in activities classified as child labour.⁴² Children have also been found to be engaged in the worst forms of child labour, including kayayee (head porters), child domestic labour, the Trokosi system (ritual servitude), commercial sexual exploitation, illegal small scale mining; and involvement in hazardous activities within the fishing and cocoa industries.⁴³ Surveys of children working in the cocoa industry found widespread exposure of children, including those as young as 5-12 years old, to serious health and other hazards in carrying loads, using cutlasses and other farm implements, spraying pesticides and applying fertilizer.⁴⁴

Trafficking of children has also been identified as a significant problem linked to poverty and lack of opportunity in rural areas. Children are trafficked internally from impoverished areas (mainly the three northern regions and the Central region) to urban centres for forced and/or exploitive labour in fishing, agriculture, mining, portering, street vending, and domestic service. Trafficking of children to the Volta basin for fishing is also common.⁴⁵ Ghana has also been identified as a “source, transit, and destination” country for cross-border human trafficking.⁴⁶

There are also a number of child protection problems that cut across socio-economic boundaries, and are rooted more in societal views about child rearing practices. A recent study has found that corporal punishment is widely used in both homes and schools throughout the country, and is the common method of correction used. Of the children

⁴⁰ MoWAC and UNICEF (2009) Children in Ghana

⁴¹ Apt, N.A. (2005)

⁴² GSS (2003) Ghana Child Labour Survey.

⁴³ MoWAC (2004) Commercial Sex Work in KEEA, the Central Region; MoWAC (2007) Child Trafficking, Sexual Exploitation and Pornography: Ghana's report; GSS (2003), MMYE (2006)

⁴⁴ Ministry of Manpower Youth and Employment (2008) Cocoa Labour Survey in Ghana.

⁴⁵ MoWAC (2007); IOM (2006) *Baseline on Child Trafficking in the Northern Region*; UNICEF (2008a) *Mid-Term Review Report – Child Protection*

⁴⁶ US State Department (2010) Trafficking in Persons Report

sampled, 41% had been caned or whipped at home, 83% had been caned by a teacher, and 34% by a head teacher.⁴⁷

Studies have also raised concerns about child sexual abuse. The number of officially reported cases of rape and other sexual offences against children has been steadily rising, with the Domestic Violence Victims Support Unit (DOVVSU) of the Ghana Police Service recording an increase in the number of reported cases of child sexual abuse⁴⁸ from 1,128 in 2002 to over 1,600 in 2009. However, surveys would suggest that this is merely the tip of the iceberg. For example, a study conducted in selected schools revealed that 14 percent of school children surveyed had been sexually abused, with 53 percent of sexual abuse occurring in school environment and 47 percent happening at home.⁴⁹ A survey conducted with women and girls in 1999 found that, of the 2,049 girls and women aged 13 or older interviewed in 20 districts across all regions of the country, 20 percent said that their first sexual intercourse was forced upon them (including 17 per cent of girls between the ages of 10-14 and 64 per cent of girls aged 15-18). One in three had been fondled or touched against their will, and 6 percent had been threatened by a teacher or school principal that their grades would suffer if they did not agree to have sex. Two thirds of girls and women did not report their experiences of sexual violence, mainly due either to feelings of shame, advice to be tolerant, or the view that little or no action would be taken.⁵⁰

Despite being prohibited, early marriages, FGM/C and the trokosi system of ritual enslavement persist. FGC is practiced among certain ethnic groups in northern Ghana. Between nine and 15 percent of the population is believed to engage in FGM/C, particularly in the rural Savannah and Northern, Upper East and Upper West regions.⁵¹ Trokosi is a customary practice prevalent in the south-eastern coastal area of the country, where young females are committed to shrines in reparation for the sins of their relatives. The practice persists, though less openly, in the Tongu, Ketu, Keta, and Akatsi districts of the Volta Region, with an estimated 2,500 girls are still victims of this traditional practice.⁵² The MICS 2006 results show that 22 percent of women 20-29 years old first got married before the age of 18 years old, while 30 percent of those in the 30-44 married before the age of 18 years. About 4.4 percent of women aged 15 to 49 years first got married before the age of 15 years. The rate is higher in the rural areas (5.5 percent) compared to the urban (3.3 percent).

With the support of UNICEF and other development partners, Ghana has made significant progress in improving its rate of birth registration, which increased from 17 percent in 2000 to a high of 62 percent in 2007. Since 2003, registration of newborn babies has been free within the first 12 months of delivery, and this has led to an increase in infant registration. However, birth registration rates continue to fluctuate each year, and had declined to 51 percent at the end of 2008 and 56 percent in 2009.⁵³ There are also wide disparities in access to and uptake on birth registration services

⁴⁷ CURIOUS MIINDS (2009)

⁴⁸ This includes cases of rape, defilement, indecent assault, incest and unnatural carnal knowledge

⁴⁹ CRRECENT (2009) *Report on Child Sex Abuse in Schools*, PLAN Ghana

⁵⁰ Coker, Appiah and Cusack (2000)

⁵¹ MoWAC and UNICEF (2009) *Children in Ghana*

⁵² Ibid.

⁵³ Ibid.

between urban and rural areas. Comprehensive birth registration is essential for government to accurately plan, budget and implement services for children. The absence of proper proof of children's age and identity also presents a challenge in the enforcement of child labour restrictions, in combating early marriage, and in ensuring that children in contact with the law are afforded the special protections to which they are entitled. In recognition of the importance of birth registration, the government has implemented several strategies to improve rates of registration, particularly in rural areas, including public advocacy campaigns, an annual Birth Registration Day, the introduction of a Community Population Register, the appointment of mobile agents, and teaming birth registration agents with public health teams on National Immunisation Days.⁵⁴

⁵⁴ Ibid.

PART B: CHILD PROTECTION SYSTEM COMPONENTS

1. LEGAL AND POLICY FRAMEWORK FOR CHILD PROTECTION

1.1 Introduction

To function effectively, a child protection system needs an appropriate legislative and policy framework. This section will look at the laws, regulations, guidelines, policies and plans of action that Ghana has put in place to govern the child protection system, with a particular focus on the legal framework for child welfare and child justice.

1.2 Overview of National Framework for Child Protection

Ghana was the first country in the world to ratify the Convention on the Rights of the Child (CRC). It has also ratified most major international instruments relating to child protection, with the exception of the Optional Protocols to the CRC (signed but not yet ratified), the UN Trafficking Protocol and the Hague Convention on International Adoption.

Table 7: INTERNATIONAL AND REGIONAL CHILD PROTECTION INSTRUMENTS

	Signed Only	Ratified / Acceded	Date
Convention on the Rights of the Child		✓	29 June 1990
CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓		24 Sept 2003
CRC Optional Protocol on Involvement of Children in Armed Conflict	✓		24 Sept 2003
African Charter on the Rights and Welfare of the Child		✓	10 June 2005
ILO Minimum Age Convention 138			
ILO Convention 182 on the Worst Forms of Child Labour.		✓	13 June 2000
Optional Protocol to Prevent, Suppress and Punish Trafficking in Persons			
Hague Convention on Inter-Country Adoption			
Convention on the Elimination of All Forms of Discrimination Against Women		✓	2 Jan 1986
International Covenant on Civil and Political Rights		✓	7 Sept 2000
International Covenant on Economic, Social and Cultural Rights		✓	7 Sept 2000
Convention on the Rights of Persons with Disabilities	✓		30 March 2007

The 1992 Constitution requires the State to be guided by these international human rights instruments in discharging its obligations. It also mandates Parliament to enact laws to realize certain children's rights, including the right to measures of special care and assistance, and to protect children from exposure to physical and moral hazards, from engaging in work that constitutes a threat to health, education or development, and from torture or other cruel inhumane or degrading punishment.

In order to further this legislative mandate, the Ghana National Commission on Children (now the Children's Department of the Ministry of Women and Children's Affairs)

established a Child Law Reform Advisory Committee in 1996. The result was a consolidation of laws related to children into three major instruments: The Children’s Act 1998 (Act 560), the Criminal Code (Amendment) Act 1998 (Act 554), and the Juvenile Justice Act 2003 (Act 653). Since then, additional laws, policies and plans of action that affect children’s wellbeing and protection have been adopted:

KEY CHILD PROTECTION LAWS

Child and Family Welfare	Children’s Act, 1998 (Act 560); National Gender and Children’s Policy; Child Rights Regulation 2002 (LI1705); National Plan of Action for Orphans and Vulnerable Children 2010-2012
Birth Registration	Children’s Act, 1998 (Act 560); Births and Deaths Registration Act of 1965 (Act 301)
Custody and Maintenance of Children	Children’s Act, 1998 (Act 560)
Domestic Violence	Domestic Violence Act, 2007 (Act 732)
Inheritance Rights	Constitution; Intestate Succession Law, 1985; Children’s Act
Adoption	Children’s Act, 1998 (Act 560); Adoption Rules
Child Labour	Constitution ⁵⁵ ; Labour Act 2003 (Act 651); Children’s Act; National Programme for the Elimination of the Worst Forms of Child Labour in Cocoa (NPECLC); Hazardous Child Labour Framework; National Plan of Action for the Elimination of the Worst Forms of Child Labour 2008-2015
Children in Conflict with the Law	Children’s Act, 1998 (Act 560); Juvenile Justice Act, 2003 (Act 653); Alternative Dispute Resolution Act, 2010 (Act 798)
Street Children	Children’s Act, 1998 (Act 560)
Child Victims/Witnesses in Criminal Proceedings	Human Trafficking Act, 2005 (Act 694)
Physical Abuse / Corporal Punishment	Constitution ⁵⁶ ; Children’s Act ⁵⁷ ; Ghana Education Code of Discipline ⁵⁸
Sexual Abuse	Criminal Offences (Amendment) Act, 1994 (Act 484) ⁵⁹
Child Prostitution	Criminal Offences (Amendment) Act, 1994 (Act 484)
Child Pornography	
Trafficking in Children	Human Trafficking Act, 2005 (Act 694); National Plan of Action for Combating Trafficking; Human Trafficking Amendment Act; Multilateral Cooperation Agreement to Combat Trafficking in Persons in West and Central Africa

⁵⁵ Guarantees every child the right to be protected from engaging in work that constitutes a threat to his health, education, or development

⁵⁶ Article 28 (3) prohibits “ill-treatment” of children

⁵⁷ Art 13(20) only prohibits corporal punishment if it is unreasonable in kind or in degree according to the age, physical and mental condition of the child

⁵⁸ Allows use of corporal punishment in schools if the head of the school authorises or administers it

⁵⁹ Revised in 1994 but maintains outdated terminology of “unlawful carnal knowledge” and “defilement”

FGM/C	1992 Constitution of Ghana, Article 26; Criminal Offences (Amendment) Act, 1994 (Act 484); Children's Act, s.13
Involvement of Children in Armed Conflict	
Children on the Move	Refugee Law, 1992
Gender-based Violence	Domestic Violence Act, 2007 (Act 732); Criminal Offences (Amendment) Act, 1994 (Act 484)
Children Affected by HIV/AIDS	National Policy Guidelines on Orphans and Other Children Made Vulnerable by HIV/AIDS; National Plan of Action for Orphans and Vulnerable Children 2010-2012
Early Childhood Education	Early Childhood Care and Development Policy, 2004

LEGAL DEFINITIONS OF THE CHILD	
Definition of a child under the child protection / child welfare laws	18
Minimum age for marriage	18
Age for completion of compulsory education	15
Minimum age for employment	15, 13 for light work
Minimum age for engaging in hazardous or exploitive labour⁶⁰	18
Age for consenting to sexual activity under criminal laws	16
Age of criminal responsibility	12
Maximum age for juvenile justice protections	18
Age for compulsory recruitment by governments and armed groups	No conscription
Age for voluntary recruitment by governments and armed groups	18

In recent years, a number of time-bound national plans of action (NPAs) have been introduced to provide an over-arching framework for addressing specific child protection issues, including orphans and vulnerable children, child labour, trafficking and early childhood care and development. NPAs on violence against children and street children were also drafted but not finalised. These NPAs set clear objectives, outline the actions needed to achieve those goals, assign responsibilities to specific agencies, and promote inter-agency coordination. However, there is significant overlap in terms of both the target groups the NPAs address and the activities prescribed. For example, the NPA on OVCs defines vulnerable children broadly to include those experiencing all forms of abuse, neglect and exploitation, including child trafficking and child labour. This overlaps with the target groups of the NPA on trafficking in persons and the NPA on the worst forms of child labour. The NPA on child labour defines the worst forms of child labour to

⁶⁰ Employment or work that by its nature or the circumstances in which it is carried out is likely to jeopardize the health, safety or morals of young persons.

include commercial sexual exploitation and trafficking in children, which overlaps with the OVC NPA and the trafficking NPA. Many planned activities, such as the development of standards and procedures for handling cases of child abuse and exploitation and the provision of recovery and reintegration services for these overlapping categories of children are duplicated under each of the NPAs.

1.3 Principles and Approaches to Child and Family Welfare

The main law governing child and family welfare is the Children's Act, 1988 (Act 650). It includes a statement of children's rights; delineates roles, responsibilities and structures for promoting children's welfare; and provides procedures for responding to children in need of protection. Both the Children's Act and the Constitution recognise the primary obligation of parents in the care, maintenance and upbringing of children, and call for the implementation of State measures to support parents in their child rearing responsibilities. However, while the Children's Act gives District Assemblies broad responsibility to protect the welfare and promote the rights of children within their area, it provides limited guidance with respect to the delivery of child welfare services, or the types of prevention and family support services that should be made available. Primary focus is on reactive interventions once a child has experienced harm. There is no legislative or policy framework for social welfare services in general, or child welfare services more particularly.

LEGAL PRINCIPLES AND APPROACHES TO CHILD AND FAMILY WELFARE

Agency(ies) with primary legal mandate for child welfare services	District Assemblies are responsible for protecting the welfare and promoting the rights of children. District Social Welfare and Community Development Departments have authority to investigate cases of contravention of children's rights.
Legal authority to make decisions about protective interventions	Protection orders are made by the Family Tribunal, on application from a social welfare officer. District Child Panels have non-judicial functions to mediate civil matters concerning the rights of the child and parental duties.
Legal mandate of other agencies and organisations for child protection services	Police are required to assist welfare officers to enter and search premises in child protection investigations, and can remove a child in need of protection and place him/her in temporary fosterage. District labour officers have authority to ensure enforcement of child labour restrictions in the formal sector. District Social Services Sub-Committees are responsible for the informal labour sector.

<p>Definition of children entitled to child and family welfare services</p>	<p>“Child in need of protection” is defined as a child who has been orphaned; neglected or ill-treated; has a parent or guardian who does not exercise proper guardianship or is unfit; is destitute; is wandering and has no home; is begging or receiving alms; frequents the company of any reputed thief or reputed prostitute; is residing in a house used for prostitution; is a victim of trokosi; is found soliciting for immoral purposes; is below the age of criminal responsibility and is involved in an offence other than a minor criminal matter; or is otherwise exposed to moral or physical danger.</p>
<p>Guiding principles for decision-making about protective interventions.</p>	<p>The best interest of the child is the primary consideration. Children cannot be denied the right to live with their parents and family unless it is proven in the court that it would lead to significant harm to the child, subject the child to serious abuse, or not be in the best interest of the child. The Act does not include an explicit preference for interventions that promote family preservation/reintegration, and there is no clear statement of the principle of institutionalisation as a last resort. However, the Foster Care Regulations say that the first priority for a child is to be cared for by his/ her parents and all efforts shall be made to support the family to keep the child. Only when such efforts prove insufficient and not appropriate shall foster care be considered.</p>
<p>Types of interventions (prevention and response) legally mandated.</p>	<p>The Children’s Act does not address prevention or early intervention services. Children in need of protection may be subject to: a) care order removing the child from his/her home and transferring parental right to the Department for up to 3 years; b) supervision order placing child and family under the supervision of a probation officer or welfare officer for up to 1 year.</p> <p>Under the Trafficking Act, victims are entitled to counselling services, employment skills and opportunities; temporary basic material support, and family tracing. Under the Domestic Violence Act, victims (including children) may apply to the court for a protection order.</p>
<p>Types of alternative care legally recognised</p>	<p>1) Approved residential home; 2) Approved fit person; 3) Guardian or relative; 4) Foster care (defined in the law as applicable only to children who have been in institutions); 5) Adoption.</p>

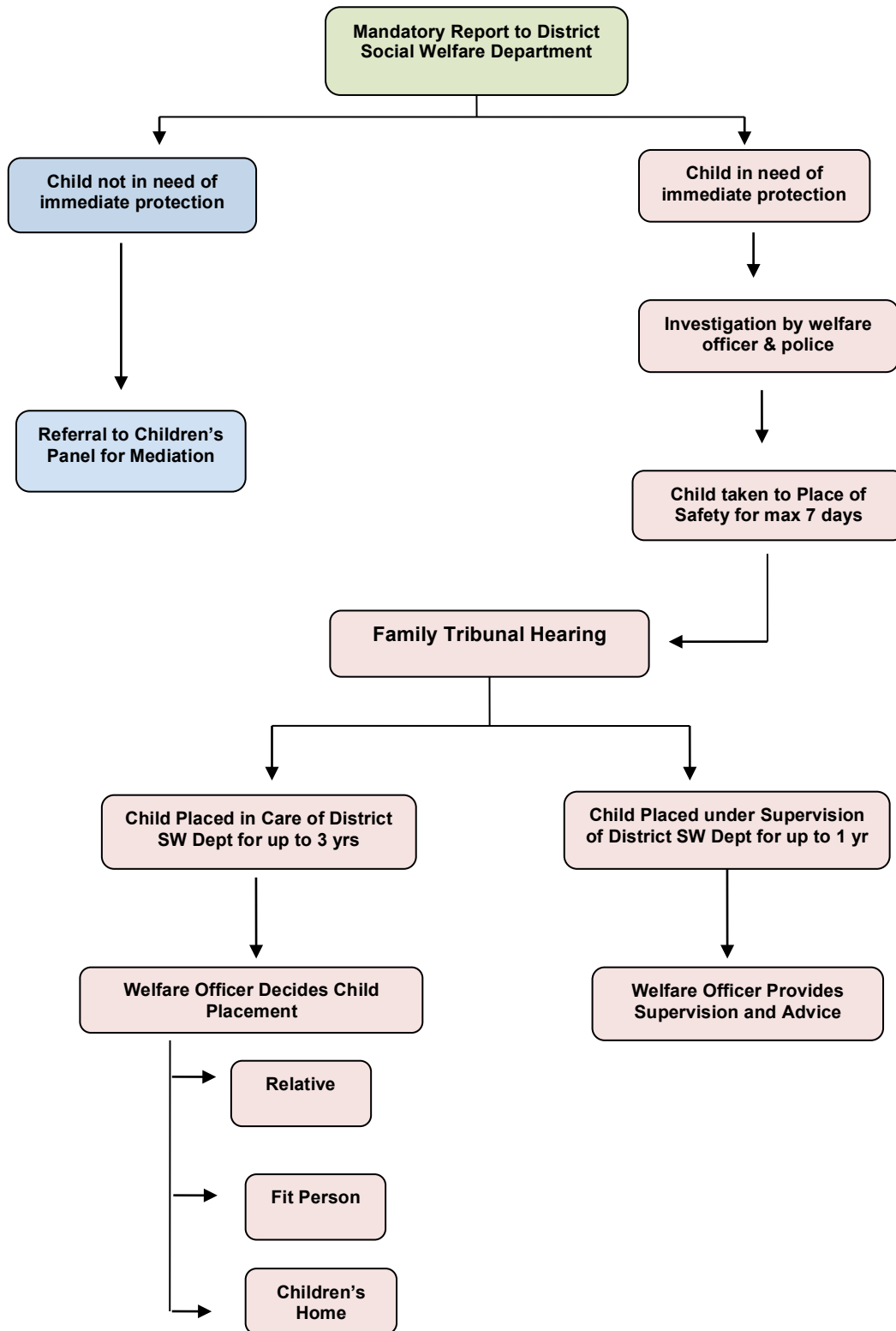
Standards for service provision	Foster Care Regulations; Standards for Residential Homes for Orphans and Vulnerable Children, 2010.
Registration, accreditation and inspection of service providers required	NGOs may establish and operate homes for the care of children. All homes must obtain a license and are to be inspected and monitored by the district social welfare department. Providers of other types of services (counselling, legal aid, etc) are required to register as an NGO, but there is no requirement for accreditation and no standards for services.
Child protection codes of conduct	Required for all residential homes.
Customary or religious laws that impact on child protection.	Customary law is not codified. Informal fosterage/kinship care is common. Early and forced marriage, female genital mutilation and Trokosi persist despite being prohibited.

The Children's Act outlines general procedures for imposing protective interventions whenever a child is at risk of, or has been abused, neglected, exploited or orphaned. All such cases must be reported to the District Social Welfare and Community Development Department. If the child is in need of immediate protection, the district social welfare officer must remove the child from the home (with the support of the police if necessary) and conduct an investigation. Once the investigation is completed, the case is then referred to the Family Tribunal for a care and protection order. Less serious cases may be referred instead to the Child Panel for mediation.

Under the Act, district social welfare officers have been given broad authority to remove children in need of protection from their homes, to conduct investigations and prepare reports for the Family Tribunal, and to make decisions about foster care and institutional placements. However, neither the Act nor the Child Rights Regulation 2002 (LI1705) provides detailed guidance on the exercise of this discretion, and there are no standard guidelines and procedures for handling cases of children in need of protection. An institutional assessment conducted by the Department of Social Welfare in 2007 revealed that not all personnel of the department are conversant with legal provisions guiding social services delivery, and that most facets of their work are not guided by manuals or written rules and regulations.⁶¹

⁶¹ MESW (2007) DSW Institutional Assessment

Diagram 1: Legislated Process for Responding to Children in Need of Protection



1.4 Principles and Approaches to Justice for Children

Specialised justice for children provisions are outlined in the Juvenile Justice Act, 2003, which governs procedures for handling children in conflict with the law, as well as the Children's Act, which governs civil proceedings before the Family Tribunal. There are currently no specialised criminal procedures for protecting child victims and witnesses participating in criminal proceedings.⁶²

The Children's Act calls for the establishment of Family Tribunals as specialised magistrates courts at the district level. The Family Tribunal is constituted by a panel consisting of the district court magistrate and two to four other members, one of whom must be a social welfare officer. They have jurisdiction over cases involving children in need of protection, as well as parentage, custody, access and maintenance of children. Proceedings are closed to the public and as informal as possible.

Ghana's Juvenile Justice Act provides the legal foundation for a separate and distinct approach for handling children in conflict with the law based on a welfarist approach. The Act states explicitly that juvenile matters must be dealt with in a manner that is different from an adult, and that the best interests of the child are paramount. Jurisdiction for dealing with children in conflict with the law lies with specialised Juvenile Courts, which are also composed of a district court magistrate and two other people, one of whom must be a social welfare officer.⁶³ Under the existing legal framework, children in conflict with the law are generally afforded appropriate procedural protections at all stages of the criminal process. However, some of these special protections do not apply to children who commit offences punishable by life imprisonment, or who are co-accused with adults. While the Act provides for a range of custodial and non-custodial sentencing options, it does not include an explicit statement of the principles of proportionality or deprivation of liberty as a last resort.

LEGAL PRINCIPLES AND APPROACHES TO JUSTICE FOR CHILDREN

Justice for Children Strategy

No over-arching strategy or policy on justice for children, but a juvenile justice policy is in the process of being drafted.

Children in need of protection and child victims/witnesses

Procedural safeguards for children subject to child protection proceedings

Children have the right to participate in and express their views in proceedings of the Child Panels and Family Tribunals. Children before the Family Tribunal have the right to legal representation and to have their privacy protected. Proceedings are closed to the public and as

⁶² The Trafficking in Persons Act includes child-friendly criminal procedures, but only for children who are victims of trafficking, not other crimes such as rape or defilement.

⁶³ Court Act, 1993 (Act 459), s. 49

	informal as possible. Publication of a child's identity is prohibited, but names are routinely reported in the media. ⁶⁴
Procedural safeguards for child victims and witnesses in criminal proceedings	Trafficking Act requires police to take children's statements in the presence of a next friend or guardian. No other special procedural laws for child victims / witnesses of crime.
Children in conflict with the law:	
Arrest and Investigation	Arrest must be made with due regard to the dignity and well-being of the child, using minimum force. Police must inform a parent, guardian or close relative as soon as possible after the arrest, or notify the probation officer for family tracing. A parent, guardian, lawyer or close relative must be present whenever a child is questioned or interviewed by the police.
Police custody and pre-trial detention	Children detained under police custody must be separated from adults, and have the right to adequate food, medical treatment, and reasonable visits from parents, guardian, or lawyer. Presumption is in favour of bail. If not released on bail the Juvenile Court may commit the child to the care of parents, guardian, close relative or any fit person; or remand the child to a remand home. Maximum period of pre-trial detention is 3 months, or 6 months for an offence punishable by death.
Legal Assistance /Representation	Children have the right to access to legal advice at point of arrest. Unclear whether they are entitled to free legal representation at the expense of the State.
Adjudication	Juvenile Court proceedings are in a different room or time and closed to the public. Children have the right to remain silent, and to have a parent, close relative or probation officer present at the proceedings. Cases must be dealt with expeditiously, and charges must be discharged if the case is not completed within 6 months.

⁶⁴ MESW (2007) DSW Institutional Assessment

Protection of Privacy	Children have the right to privacy at all stages of the process. Release of any information for publication that may lead to the identification of the child is prohibited. However, the media routinely reports on the names and details of juveniles.
Deprivation of liberty as a last resort	No explicit statement of deprivation of liberty as a last resort, or preference for non-custodial alternatives.
Sentencing options	<ul style="list-style-type: none"> - Discharge (condition or unconditional) - Probation for 6-18 months - Care of a relative or other fit person; - Payment of a fine, damages, or costs; - Payment of a fine, damages, or costs by parents, guardian or close relative; - Bond of good behaviour with security from parent, guardian or close relative; or - Correctional centre; or - Any other lawful manner the court considers just.
Maximum term of deprivation of liberty	Three months for an offender under 16 yrs old, 6 months for an offender 16-18 years old, or 3 years for a serious offence (robbery, rape, defilement and murder). At the request of the Minister responsible for Social Welfare or Interior, the Court can extend the period for up to 1 year if satisfied that it is in the best interest of the child to be detained for a further period.
Rights in detention	The Constitution 15(4) requires that a juvenile offender who is kept in lawful custody or detention be kept separately from an adult offender. The Juvenile Courts Act states that no juvenile shall be detained in an adult prison.
Release and Reintegration	Juveniles may be released on license after serving a minimum of 6 months. Juveniles who are released from correctional centres remain under the supervision of the person in charge of that centre for one year after their release.

Legal recognition of diversion	The police may use informal or formal cautions as an alternative to arrest. The Court has authority to divert a child charged with a minor offence, based on consideration of a social enquiry report. The Children's Act calls for the creation of Child Panels to mediate and resolve minor offences through a community guidance order, apology, and restitution.
Standards for service provision	No regulations under the Juvenile Justice Act. No separate regulations or standards for children in detention or for probation and reintegration services.

The Juvenile Justice Act also includes provisions to promote the diversion of children away from the formal criminal justice system through police cautioning and through the exercise of judicial discretion (on the advice of a probation officer). Through the Child Rights Regulations, police are encouraged to refer all minor offences to the local Child Panels for a mediated settlement. The harshest sanction the Panels can impose is a community guidance order. However, the regulations do not provide any guidance on the process, procedures and general operation of the Child Panels themselves.

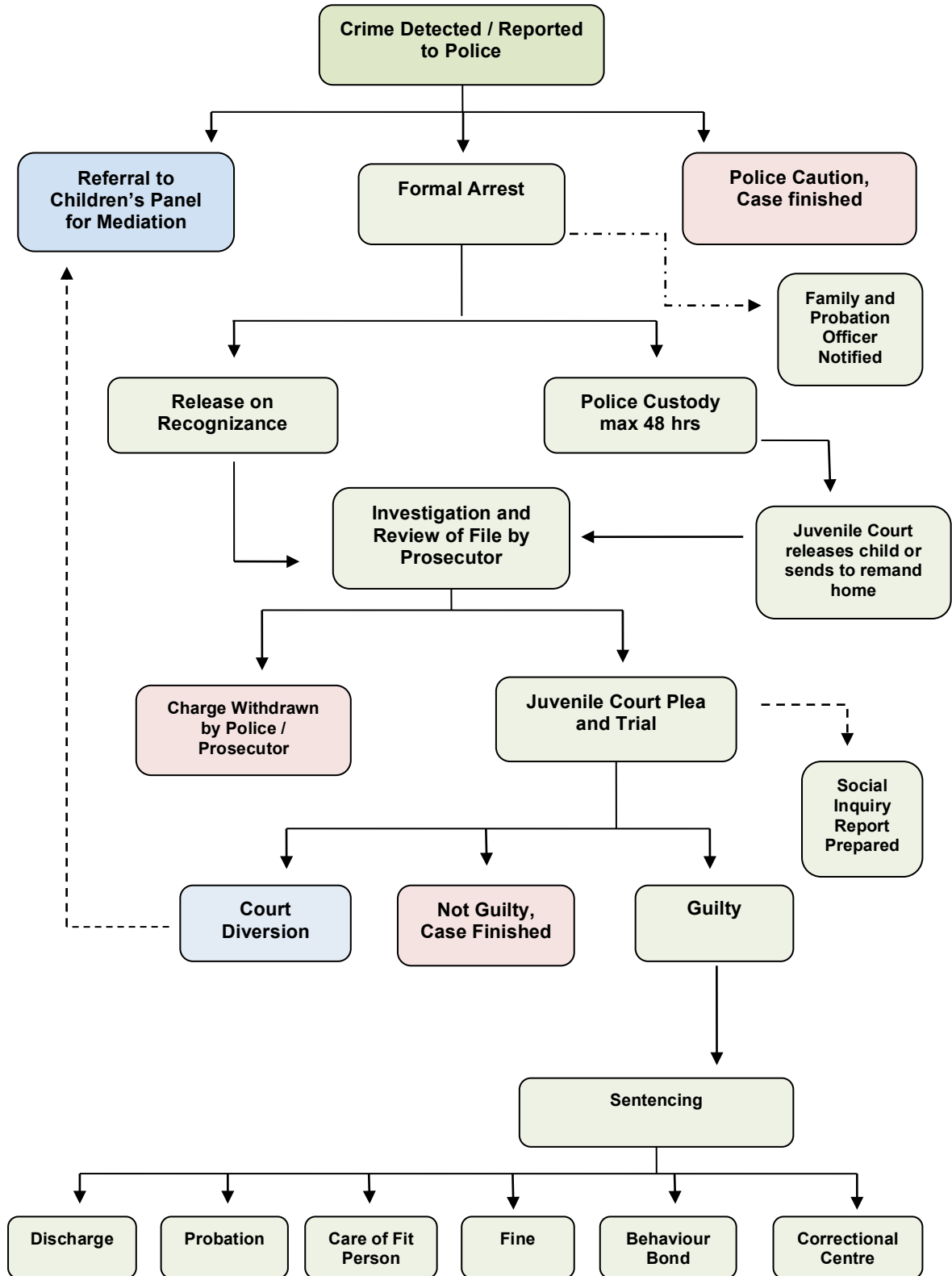
The Juvenile Court may also divert a child; however, the Act does not make specific reference to the Child Panels as the avenue for diversion, and it is unclear at what stage of the judicial process the decision to divert is made. Court diversion is available for any offence other than a serious offence, which is defined as crimes of robbery, rape, defilement and murder (ss. 25, 60). There is no explicit requirement for an early screening or preliminary inquiry process to divert children out of the formal process as soon as possible.

More recently, Ghana has introduced a new Alternative Dispute Resolution Act, 2010 to regulate the process of mediating settlements in civil and minor criminal disputes. This could potentially be used as an avenue for diverting children charged with minor crimes.

1.5 Customary Law

As noted above, Ghanaian customary law has not been codified, although it is recognised under the Constitution as a source of law. Pursuant to the Constitution and the Chieftaincy Act, 2008 (Act 759), the National House of Chiefs has been mandated to undertake a study and codification of customary law with a view to evolving a unified system of customary law rules (s. 49). Regional Houses of Chiefs also have authority to make declarations of customary law in their region, to be submitted for approval by the Minister (s. 51). To date, there are no formal declarations of customary law directly related to child protection. However chiefs reportedly do issue local by-laws on issues that impact on families and children, including community rules on issues such as child labour and FGM/C. Under the new ADR Act, customary arbitration is also now formally recognised as an alternative means of resolving civil disputes and minor criminal matters.

Diagram 2: Legislated Process for Handling Children in Conflict with the Law



KEY FINDINGS

- ❑ Ghana has fairly comprehensive laws prohibiting all forms of violence, abuse, neglect and exploitation of children, with a few notable gaps. While the Criminal Code was updated to strengthen crimes against children, it has retained the outdated colonial language of “defilement,” “carnal knowledge” and “seduction,” and some offences such as child pornography have not been explicitly addressed. Corporal punishment is permitted by operation of s. 31 of the Criminal Code, which justifies the use of force or harm to a child for the purposes of correction. There is also a lack of explicit regulations and protections for children engaged in domestic service.
- ❑ The successful prosecution of people who commit crimes against children is hampered by the lack of special procedural protections for child victims and witnesses (other than in trafficking cases) at all stages of the process.
- ❑ Although significant steps have been taken to strengthen the child justice sector, there is no national policy framework guiding these reforms. Efforts to improve access to justice for children and to promote diversion have not been integrated into broader justice sector reforms (for example, ADR and court-annexed mediation).
- ❑ Ghana does not have a clear national policy framework for social welfare services. The need for a continuum of prevention, family support and response services is acknowledged under the plans of action for OVCs and child labour, but the focus is on issue-specific activities, rather than a more integrated approach aimed at strengthening core child and family welfare services.
- ❑ The child protection system is guided largely by a series of issue-specific national plans of actions, which are overlapping and duplicative both in terms of the target groups covered and the types of activities that are to be undertaken. The NPAs have not been fully costed, and are arguably overly ambitious in terms of what can be accomplished within their time frames.
- ❑ The provisions in the Children’s Act relating to the process for reporting and responding to cases of children in need of protection are based largely on the UK crises intervention model, founded upon formal investigative responses and court-ordered interventions. They have not been adapted to meet the Ghanaian context and culture, and do not reflect family-focused and consensus-based approaches to decision making.
- ❑ There are no detailed guidelines, protocols and procedures to guide social welfare officers, probation officers and the Child Panels in carrying out their mandates and responsibilities under the Children’s Act and the Juvenile Justice Act.
- ❑ Standards have recently been developed for some child protection services (foster care and residential homes), however most aspects of the child protection system remain unregulated. There is no subsidiary legislation under the Juvenile Justice Act, the Human Trafficking Act or the Domestic Violence Act.

2. STRUCTURES AND INSTITUTIONAL ORGANIZATION

2.1 Introduction

In addition to laws and policies, an effective child protection system requires that appropriate structures and organisational arrangements be put in place for the delivery of child and family welfare and child justice services. This should include clear structures, processes, authority and accountability for management and delivery of child welfare and justice services from the national level down through the regional, district, and community level. This section will look at the mandates and structures for child protection within both the formal and informal systems.

2.2 Formal Child Protection Structures

a) Child and Family Welfare

The Department of Social Welfare (DSW), one of the implementing agencies of the Ministry of Employment and Social Welfare, has primary responsibility for child and family welfare services. The DSW's mission is to "work in partnership with people in their communities to improve their social well-being through promoting development with equity for the disadvantaged, vulnerable and the excluded." Its general mandate includes research, advocacy, policy formulation, quality assurance of social welfare services, capacity building and registration and licensing of social welfare services operated by CSOs.

CHILD AND FAMILY WELFARE STRUCTURES	
Agency(ies) with primary responsibility for child welfare services.	Department of Social Welfare (MESW) and the District Social Welfare and Community Development departments.
Organisational arrangements at the national level	DSW has four units responsible for 1) Budget, Planning & Monitoring; 2) Child Rights Promotion & Protection; 3) Justice & Administration; and 4) Community Care.
Regional level	DSW has offices in all 10 regions headed by Regional Social Welfare Director, supported by 3 programme heads and a finance officer. Multi-agency teams have been formed to monitor and inspect all children's homes.

District level	District Social Welfare and Community Development Departments recently created but not yet functioning. The DSW currently has departments in all districts, but not all 170 districts have a full staff complement. Many district offices have only one professional social worker.
Community level	Community child protection teams or committees (volunteers) in selected communities. Development partners are supporting a variety of different models. Also other issue-specific coordinating committees (OVC, EDDC, anti-trafficking, child labour, LEAP etc).

At the central level, the DSW is headed by a Director who is supported by four Deputy Directors responsible for the administration of each of its programme units. This structure is replicated at the regional level, where DSW offices are responsible for monitoring and oversight of district-level social welfare departments. The Child Protection Unit is responsible for registration and maintenance of fit persons and foster family registers, gate-keeping committal to children's homes, and adoption. The Justice Administration Unit is responsible for justice-related services, including preparation of social enquiry reports for the courts and operation of residential facilities for children in conflict with the law. Family empowerment is a cross-cutting issue that falls between these programmatic areas. To address this gap, an Institutional Assessment conducted in 2007 recommended a new management structure adding a fourth programmatic area for family care.⁶⁵

Responsibility for the delivery of child and family welfare services at the district level is in the process of transition. Currently, the DSW has offices in all 170 districts, and district social welfare officers and probation officers are public servants under the direction of the central-level DSW. The DSW's establishment structure provides for District Directors in each district, as well as three programme heads replicating the national and regional structure. However, due to shortage of staff resulting from a cap on recruitment, not every district has the full complement of professional social workers necessary for carrying out its mandate. Many districts have only one professional social worker, and in some districts programme heads are responsible for two districts that are spatially expansive (see Map 1 below).⁶⁶ Although the distribution of welfare officers generally reflects district population size, many of the districts with only one welfare officer are in the three northern regions, which tend to be more geographically disbursed and have higher incidents of poverty. Even in the best resourced areas, the ratio of welfare officers to population is quite low, ranging from 1.38 per 100,000 in Brong Ahafo to 2.57 in Volta.

⁶⁵ MESW (2007) DSW Institutional Assessment

⁶⁶ Ibid.

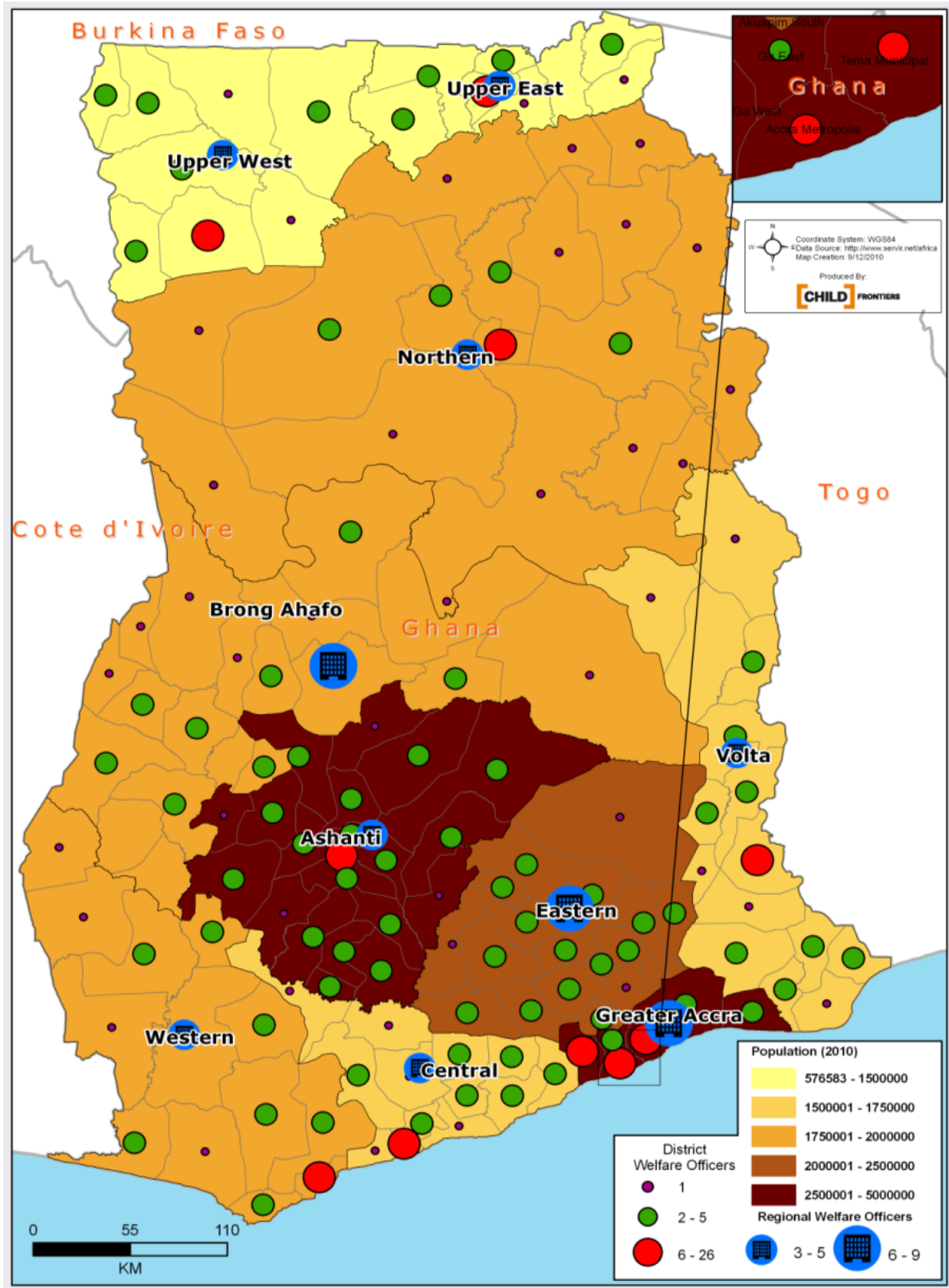
As part of the process of decentralisation, responsibility for social welfare officers and the delivery of social welfare services will soon be transferred from the DSW to the District Assemblies. Effective February 2010, new district Departments of Social Welfare and Community Development have been created by merging local social welfare departments (previously under DSW, Ministry of Employment and Social Welfare) and community development departments (previously under Ministry of Local Government).⁶⁷ The new department and its staff of social welfare officers, probation officers and community development officers will be managed and resourced by the District Assembly, rather than the central-level departments. This transition will require significant reorganisation and re-defining of roles and responsibilities. Although this change theoretically took place early in 2010, the necessary logistics have yet to be put in place, and in practice social welfare officers continue to work independently of the District Administration leadership and take directives from the central-level SWD.

There are no formal government social welfare structures at the community level, and social welfare officers currently have limited capacity for outreach within their districts. To overcome this gap, a variety of different community child protection models have been established with the support of organisations such as UNICEF, World Vision, ActionAid, Plan International, and ILO/IPEC. These are informal structures that rely primarily on committees of volunteers from the community. Some, such as the Child Protection Teams supported by UNICEF, have a broad mandate for monitoring the rights of children in the community, promoting positive child care practices, preventing violence, abuse and exploitation, and referring serious cases of abuse to local authorities. Other committees have been established with a mandate to address specific child protection concerns, such as child labour or trafficking. An assessment of the UNICEF-supported CPTs carried out in 2006 noted weakened inter-agency linkages and the slowing down of activities due to waning enthusiasm and volunteer fatigue. It also noted that they tended to focus on less controversial issues such as birth registration and school enrolment monitoring, rather than more sensitive child protection issues.⁶⁸

⁶⁷ Local Government Service Act, 2003 (Act 656); LI 1961 of 2010, Local Government (Departments of District Assemblies Commencement) Instrument

⁶⁸ Apusigah, A. (2007) *Child Protection Project in Northern and Upper East Regions: Assessment*, Department of Social Welfare, Department of Community Development and UNICEF

Map 1: Distribution of District Social Welfare Officers by Population Density⁶⁹



⁶⁹ Note: updated spatial maps outline all 170 districts were not available at the time of this mapping exercise, however cities and towns were used to note the location district welfare offices that do not correspond to old district boundaries

b) Justice for Children

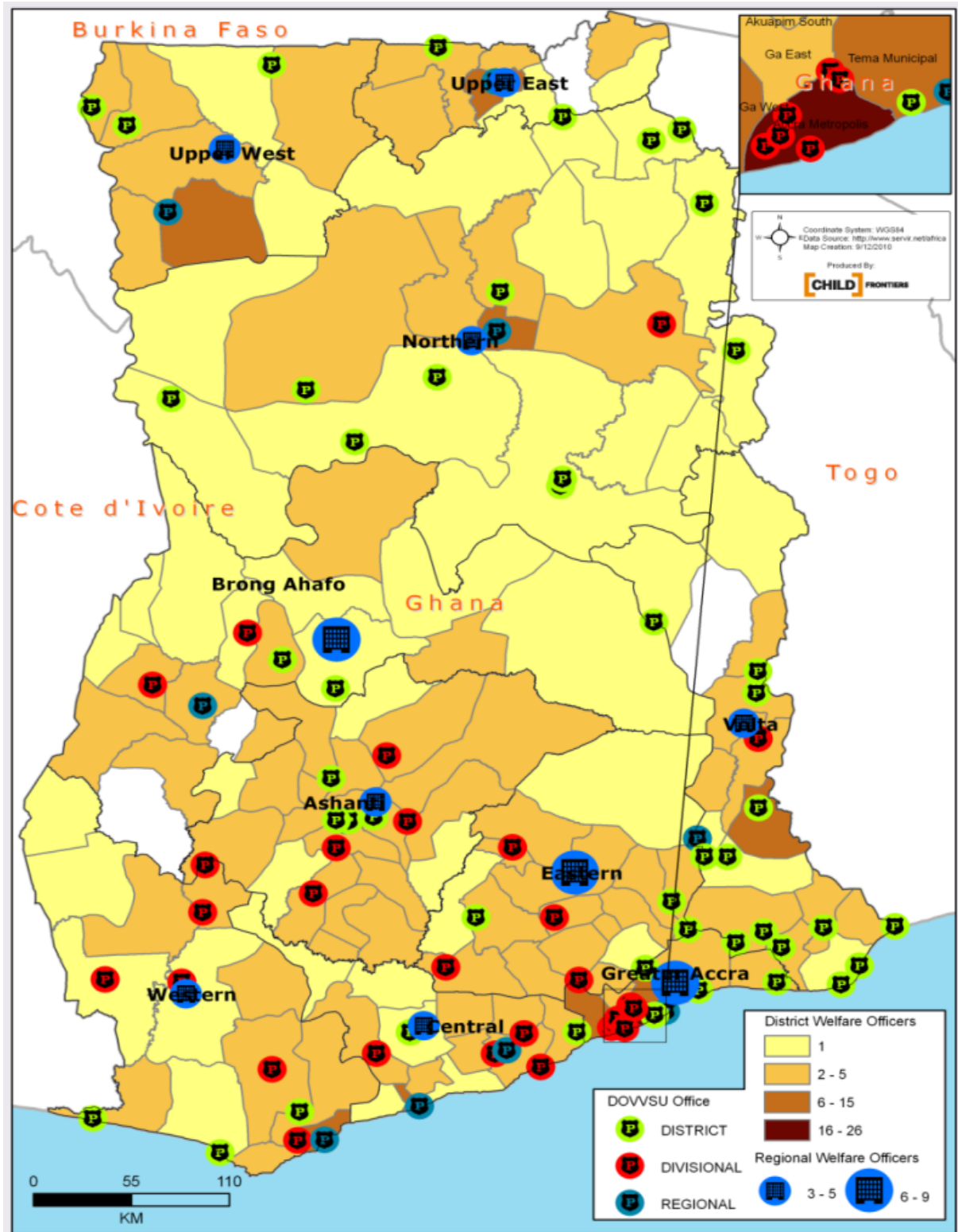
Ghana has also established several specialised justice agencies with a mandate for child protection:

CHILD JUSTICE STRUCTURES	
Designated police units for children (victims, offenders or both)	Domestic Violence and Victim Support Unit (DOVVSU) has a mandate for both child victims and children in conflict with the law. Currently functioning in all regional capitals and 75 districts. Anti-trafficking Unit has its headquarters in Accra and 4 regional offices.
Specialised police interview facilities for children	None
Designated prosecutors for children's cases	Some specially trained police prosecutors in regional capitals.
Designated courts to handle civil and criminal cases involving children	District Courts should sit as Family Tribunals and Juvenile Courts once per week. Due to shortage of magistrates, some districts do not have their own magistrate, and the panel system is not functioning effectively in all areas.
Structure of agency responsible for supervision, rehabilitation and reintegration services for children in conflict with the law	Approximately 127 welfare officers have been designated as probation officers. Where there are no specially designated probation officers, welfare officers perform this function. Probation Committees have recently been re-established in all 10 regional capitals.
Structures for diversion	70 district Child Panels have been officially registered, but not all are currently functioning. Teams of mediators are attached to all district courts, but are generally not used in juvenile cases.
Structures for legal aid	The Legal Aid Board is a public institution mandated to provide free legal aid to the indigent. It has offices in all 10 regions. A number of NGOs also provide legal advice and legal representation to children.

The Ghana Police Service first established a specialised women and children's unit in 1998. The mandate of the Domestic Violence and Victim Support Unit (formerly WAJU) extends to both crimes against women and children and children in conflict with the law; however in practice most children in conflict with the law are handled by the regular police. Some of the DOVVSU teams include a social worker seconded from the DSW, while others have police officers with training in social work or psychology. Where

available, they collaborate closely with NGOs such as Ark Foundation, Federation of International Women Lawyers (FIDA) and the Ghana Legal Aid Board to provide victims with access to counselling and legal aid services. DOVVSU is primarily concentrated in urban centres, but during the short time of its existence it has become very well known throughout the country.

Map 2: Distribution of DOVVSU Offices and Welfare Officers/Probation Officers



Prosecutions in criminal cases are conducted either by the Attorney General's Department, or by police prosecutors. The Attorney General's Office does not have any designated staff to handle children's cases. However DOVVSU has some specially trained police prosecutors to deal with cases involving child victims.

The Children's Act calls for the creation of Child Panels in all districts to mediate civil and criminal cases involving children. A Child Panel consists of the chair of the District Social Services Sub-Committee; a member of a women's organisation; a representative of the traditional council; the district welfare officer; a member of the District Justice and Security Sub-Committee; and two other citizens from the community, one of whom must be an educationalist. Responsibility for appointing the Child Panels lies with the District Assemblies. However, to date very few Child Panels have been established. The Ministry of Local Government has officially registered 70 Child Panels, but there is no reliable information on their current status and functioning. With the support of UNICEF, the Ministry has promoted the establishment and training of Child Panels in some districts, and has encouraged District Assemblies to take responsibility for covering their fees and expenses. However, those that are functioning have received very few cases. Some, such as those supported by Save the Children in Ashanti Region, stopped functioning when donor support ended.

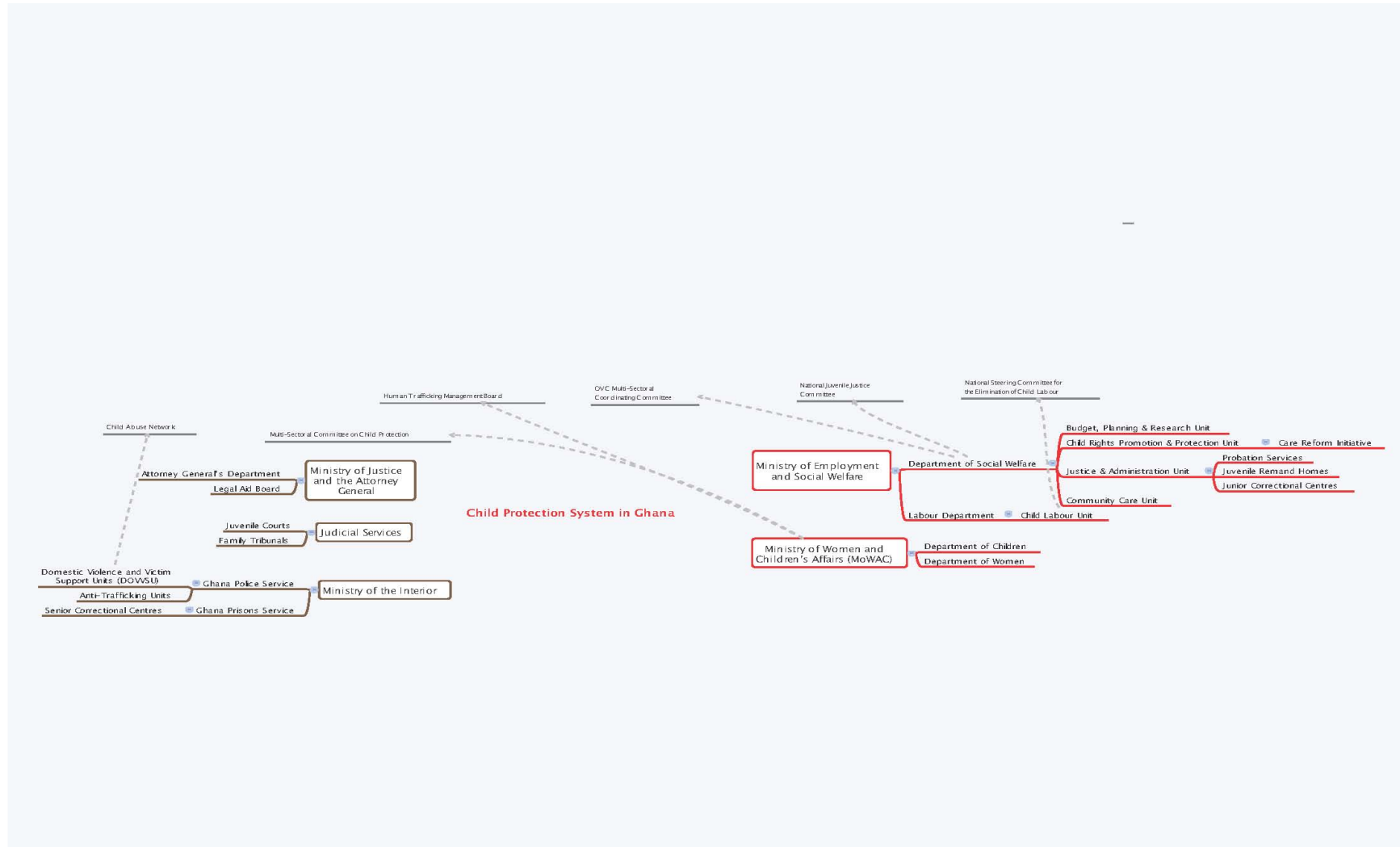
The Judicial Service has also taken steps to promote child justice specialisation at the District Court level through the appointment of Family Tribunal and Juvenile Court panels. In Accra, a separate full-time Juvenile Court has been established with its own facilities. In all other districts, the regular District Courts should sit as a Juvenile Court and a Family Tribunal at least once per week. While the policy is to have a District Court in every district, this has not been achieved in practice and some magistrates are required to sit in more than one district. Some District Courts are reportedly not sitting as Juvenile Courts or Family Tribunals because panel members have not been officially appointed by the Chief Justice, or because one or more of the panel members do not attend on the designated day. The transition between retiring panel members and newly appointed ones is not always smooth, resulting in lapses of time during which the court does not sit. Allowances for lay members of the panel have recently been increased, but they are reportedly not paid on a regular basis, which impacts on panel members' motivation.⁷⁰

Serious crimes against children such as rape and defilement are dealt with by the Circuit and High courts. In Accra, a specialised Gender Based Violence Court has been established to handle criminal cases involving violence against women and children. All court staff have been sensitised on handling these sensitive cases, and emphasis is placed on dealing with cases expeditiously and reducing trauma to victims. In other parts of the country, child victim cases are heard by the regular criminal courts.

⁷⁰ Nzedom, H. (2010) An Assessment of Juvenile Justice in Ghana

As noted above, the Judicial Service has introduced a court-attached alternative dispute resolution programme to reduce court backlog and promote mediated settlements of civil and minor criminal matters. Through this programme, teams of mediators have been trained and appointed to each district court throughout the country, and community mediation centres have been established in selected regional and district capitals. Mediation services are also offered through CHRAJ, the Legal Aid Bureau, and NGOs such as the International Federation of Women Lawyers (FIDA), ARK Foundation, WISE and the Legal Resource Centre. Many child custody and maintenance disputes are resolved through these mediation services, however they are not currently being used as a means of diverting children in conflict with the law, since the perception is that this is the purview of the Child Panels.

Diagram 3: Formal Government Child Protection Structures



c) Other Agencies Involved in Child Protection

In addition to these core welfare and justice agencies, there are also several other government agencies with child protection mandates:

Other Child Protection Structures

Child Rights Monitoring and Coordination

The Ministry of Women and Children (MoWAC) is responsible for policy formulation, coordination and monitoring in relation to children's rights. It is designated as the lead coordinating agency under the Trafficking NPA and the ECCD Policy, and has been tasked under the Child Labour NPA with promoting awareness of children's rights and establishing mechanism for data collection, information sharing, coordination and policy monitoring across agencies. MoWAC has a Department of Children at the national level, and officers in all 10 Regions and 16 districts. Regional, District and community-level ECCD Committees have been created to coordinate implementation of the ECCD Policy.

Child protection mandate and structures in the education sector

GES has a Girls Education Unit to promote gender parity.

Some schools have formed child rights clubs and girls clubs. Under the ILO-supported SCREAM⁷¹ initiative, 5000 schools also have child labour clubs.

Approx 5% of schools have staff social workers. The National Education Plan calls for the establishment of effective guidance and counselling systems at all levels.

Disciplinary committees are in place at the national, regional and district levels to deal with issues of sexual harassment, bullying and other juvenile misdemeanours. However, schools do not have or follow a clear and consistent grievance mechanism in addressing sexual abuse cases.⁷² The teachers' code of conduct is currently being reviewed.

The Child Labour NPA tasks GES with the development and implementation of a child rights sensitisation programme, with a focus on child labour. It also calls for measures to strengthen enrolment, retention and quality education as a means of reducing child labour.

⁷¹ Supporting Child Rights through Education, Art and Media

⁷² CRRECENT (2009) *Report on Child Sex Abuse in Schools*, PLAN Ghana

<p>Child protection mandate and structures in the health sector</p>	<p>MOH has responsibility under the ECCD Policy for developing and implementing parent education programmes.</p> <p>Medical professionals are actively involved in identification of child abuse victims and in completing medico-legal examinations. Specialised child abuse units have been established at the Korle Bu Teaching Hospital and Police Hospital in Accra.</p>
<p>Child protection mandate and structures in the labour sector</p>	<p>The MESW's Labour Department has a Child Labour Unit (CLU), which is responsible for monitoring and enforcing child labour standards in the formal sector. It is also the lead agency responsible for coordination and supervision of the Child Labour NPA. The CLU provides technical support to the MMDAs in implementing the NPA, establishing Child Protection Committees in child labour endemic communities, and putting in place community-run prevention and monitoring systems. The new Child Labour NPA calls for reorganisation and increased staffing of the CLU at the national and district levels.</p>
<p>Child protection mandate and structures in the social protection sector</p>	<p>MESW has primary responsibility for NPRS, and DSW is administering the LEAP cash transfer programme. One of the key targets for cash transfers is OVCs, and many of the conditionalities are related to child protection. District and Community LEAP implementation committees (CLICs) have been established in the districts where LEAP is being administered to assist in targeting and monitoring.</p>
<p>Child Protection mandate of the Human Rights Commission</p>	<p>The Commission on Human and Administrative Justice (CHRAJ) is a quasi judicial body with authority to investigate complaints of fundamental rights violations, corruption, abuse of power, and unfair treatment. It has handled numerous complaints involving children's rights, including maintenance, neglect, abuse, abandonment, labour, paternity, forced marriage, custody, intestate benefits, refusal of medical treatment, and inhuman and degrading treatment.</p>

Mandate and structures for Birth Registration	Births and Deaths Registry is under the authority of Ministry of Local Government and has offices in all the 10 regions, 168 districts and several communities.
Other	The National Commission for Civic Education (NCCE) is responsible for civic education and public awareness on human rights and national laws. Under the Child Labour NPA, it has been mandated with designing and organizing nationwide campaigns on child labour laws.

In addition to these government agencies, Ghana also has a number of INGOs and NGOs contributing to the protection of children.

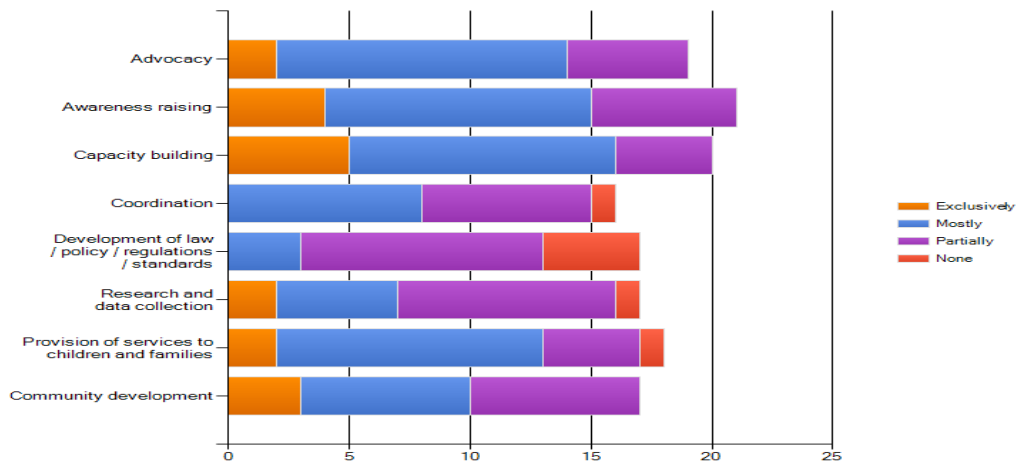
Table 8: Key International and National Child Protection Organisations

Agency	General Areas of Intervention
UN Agencies	
UNICEF	Community-based Child Protection Team models in select districts in the northern regions; capacity building of DOVVSU and the Child Abuse Network; strengthening capacity of institutions to respond to issues of child labour and trafficking and supporting implementation of the NPAs on the worst form of child labour and child labour in cocoa; child protection systems reform; strengthening birth registration; promoting child participation.
ILO/IPEC	Time-bound programme on the worst forms of child labour; programme to eliminate child labour in the cocoa industry; supporting implementation of a new child labour monitoring system.
UNDP	Promotion of human rights and access to justice through institutional strengthening of the justice agencies, support for court-annexed ADR programme, and establishment of community mediation centres.
IOM	Rescue, recovery and reintegration of trafficked children; law enforcement capacity building.
INGOs	
Plan International	Juvenile justice project (research, justice sector training, and capacity building for Child Panels); Safe Schools Programme combating violence in schools.
World Vision	Community awareness and sensitisation on child rights and child protection issues; support to at-risk and poor families in select districts; rescue, recovering and reintegration of children involved in the worst forms of child labour.

ActionAid	Stop Violence Against Girls in School (SVAGS) project; advocacy on violence against children; Community Advocacy Teams in select districts to sensitize communities on children's rights and violence against children.
National NGOs	
FIDA	Legal aid, legal representation, and mediation services for women and children
Ark Foundation	Integrated support services for women and child victims of gender-based violence and sexual abuse, including counselling, temporary shelter, legal aid, legal representation, medical referrals, and subsistence and education support. Also do community education programmes on violence against women and children.
WISE	Legal aid, legal representation, and mediation services for women and children.
Children and Youth in Broadcasting (Curious Minds)	Using the electronic media to provide a platform for young people to contribute to public debates and national policy issues. National radio programme on child rights and child protection.
Challenging Heights	Support to at-risk and poor families to ensure that children are protected from trafficking and the worst forms of child labour. Rescue, recovery and reintegration for trafficked children and child labourers; advocacy and awareness raising on child protection issues.
CRI	Research, awareness raising and advocacy on child protection issues; juvenile justice project (in association with Plan)

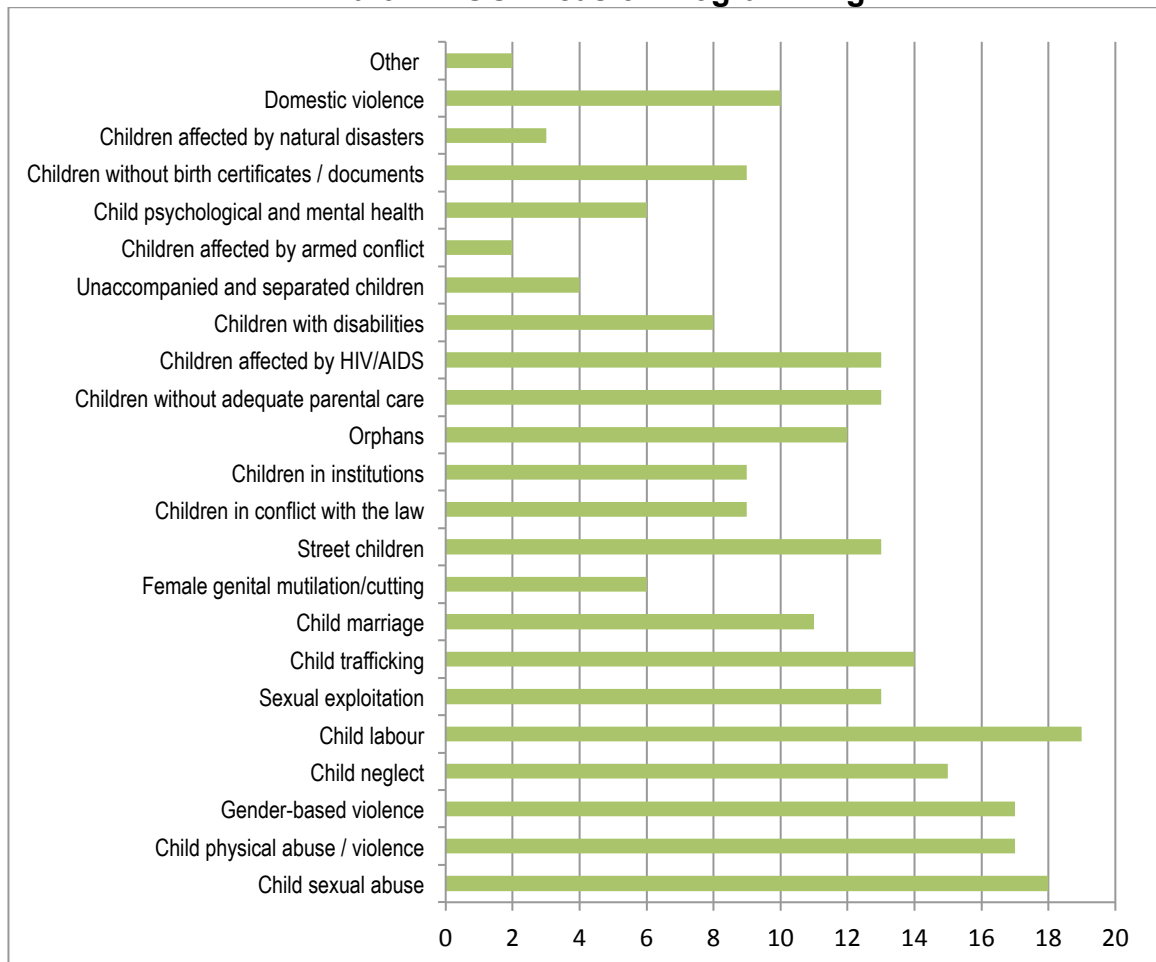
An online Child Protection Sector Survey and mapping exercise were used to capture information about NGOs providing child protection services throughout the country. In all, 25 NGOs provided detailed information about their child protection activities; however, this list is not exhaustive. Results from the survey suggest that many child protection NGOs focus more on advocacy, awareness raising and education rather than provision of direct services to children and families. Many focused on specific issues, rather than broader sectoral approaches, with child labour being the most prevalent.

Chart 1: Role of NGOs in Child Protection



Source: Ghana Child Protection Sector Survey

Chart 2: NGO Areas of Programming



Source: Child Protection Sector Survey 2010

2.3 Informal Community Structures

Customary Chiefs and Queen Mothers play a significant role in the governance of their communities, particularly in rural communities. In the absence of government presence, Chiefs often resolve problems locally, including crimes committed by children and cases of child abuse. Queen Mothers are traditionally responsible for the welfare of women and children and can play a strong leadership role, providing women with advice on how to raise children and providing guidance to Chiefs. Queen Mothers can summons meetings with sub-chiefs and elders to discuss the problems of the community, and help settle disputes and conflicts amongst members of the community through arbitration with elders.⁷³ They have also been proactive in promoting community-based care of orphans and vulnerable children.⁷⁴

Although not fully integrated into the child protection systems, traditional authorities have been incorporated into several formal child protection structures, including the Child Panels, court-annexed ADR, the LEAP community implementation committees, and some community child protection teams/committees. Traditional authorities have also played a significant role in the campaign against HIV/AIDS, child labour, trafficking and sexual exploitation at the community levels.⁷⁵

KEY FINDINGS

- ❑ Responsibility for the delivery of child and family welfare services at the district level is in the process of transition. The creation of new district-level Social Welfare and Community Development Departments provides an ideal opportunity to design a comprehensive model for social welfare service delivery centred at the district level, with a more clearly articulated role for the central DSW in policy formulation, standards setting, research and oversight.
- ❑ Ghana has made significant progress in putting key institutions in place to promote child protection, including district-level professional welfare officers and probation officers, DOVVSU, Family Tribunals and Juvenile Courts. However, the distribution of these institutions is uneven, and most remain urban-centred with limited reach outside of district capitals.
- ❑ There is no clear structure for delivery of social welfare and child justice services at the community level. A number of child protection team / committee models are operating in select districts, but many are focused on specific child protection issues only, and they have generally not been conceptualised as the lowest rung of the social welfare service delivery framework. Many do not have clear linkages to district-level social welfare authorities, and are dependent on external funding.

⁷³ MoWAC (2009) Children in Ghana; Kreitzer, L and Abukari, Z et al. (2009) *Social Work in Ghana: A Participatory Action Research Project Looking at Culturally Appropriate Training and Practice*, Ghana School of Social Work

⁷⁴ UNICEF (2008) Legislative Reform Related to the Convention on the Rights of the Child in Diverse Legal Systems: National Case Studies Armenia, Barbados and Ghana; Apusigah, A. (2007)

⁷⁵ MoWAC (2007)

- ❑ Some of these community committee models have been operating for many years, and their experience could help inform the design of the social welfare service delivery system. It might be useful to draw together lessons learned from these various models and assess whether it would be feasible to take them to scale nation-wide, and what costs would be involved in doing so.
- ❑ There are existing community structures, including community health workers, teachers, women's groups, CLICs, family elders, mediators, Chiefs and Queen Mothers who could be tapped as part of the child protection service delivery system. The pros and cons of drawing on these existing structures, rather than creating new committees, should be considered when assessing appropriate community-based models.
- ❑ The design of some justice structures, such as the panel system required for the Family Tribunal and Juvenile Court, are arguably over ambitious given existing resources. Requiring welfare officers to sit on both of these court panels, plus the Child Panels, consumes a significant amount of their time and takes resources away from working directly with children and families.
- ❑ Despite being on the books for over ten years, the Child Panels have never functioned as intended. Because they are designed to operate at the district level, those that are in place are not easily accessible to people in communities outside district capitals. Other, more informal structures such as traditional dispute resolution or court-annexed mediation may provide a more accessible and informal means of promoting juvenile diversion and mediating civil cases involving children.

3. COORDINATION, PLANNING, AND INFORMATION MANAGEMENT

3.1 Introduction

A comprehensive child protection system generally involves contributions from a variety of different government and non-government agencies and organisations. To ensure effective operation of the system, mechanisms should be in place to promote inter-agency planning, coordination and consistent policy development. Mechanisms also need to be in place to ensure that policies, programmes and services are informed by research, rigorous data collection and analysis, and regular monitoring and evaluation. This section will look at what mechanisms Ghana has in place to promote coordinated planning and information management across all agencies with a child protection mandate.

3.2 Strategic Coordination

The Ministry for Women and Children's Affairs has overall responsibility for coordination, monitoring and policy development in relation to children. Its mandate is to: formulate gender and child specific development policies, guidelines, advocacy tools, strategies, and plans for

implementation by MDAs, District Assemblies, private sector agencies, NGOs, and others; prepare national development plans and programmes for women and children; and ensure that development programmes for women and children are effectively implemented, through continuous monitoring and evaluation.

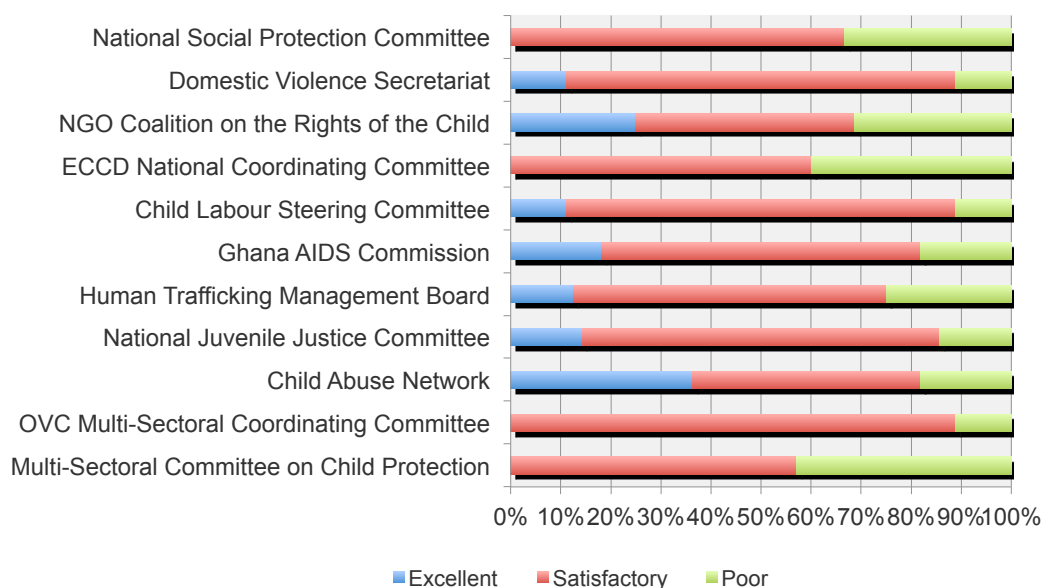
Ghana also has several sectoral and issue-specific coordinating committees at the national and sub-national levels with a child protection mandate. These committees provide a forum for representatives from government and non-governmental agencies to meet regularly and discuss policy and planning issues. Each of these committees includes representatives from the same core government and non-government child protection agencies, though the individual representative who is appointed to each committee tends to vary:

COORDINATION AND PLANNING		
		Chair/Secretariat
National Level	Multi-Sectoral Committee on Child Protection	MoWAC
	OVC Multi-Sectoral Coordinating Committee	DSW
	National Juvenile Justice Committee	DSW
	Child Abuse Network	DOVVSU
	Human Trafficking Management Board	MoWAC
	National Steering Committee for the Elimination of Child Labour	MESW/CLU
	Child Labour Partners' Forum	CLU
	Domestic Violence Secretariat	MoWAC
	Social Protection and Livelihood Team (SPLIT)	MESW
	ECCD National Coordinating Committee	MoWAC
	NGO Coalition on the Rights of the Child	
	Social Protection and vulnerability group	
Regional Level	Child Protection Networks in some regions	
	ECCD Committees	MoWAC
	Probation Committees	DSW
District Level	Some District Child Protection Committees or Networks	
	District Social Protection Committees/ LEAP Implementation Committees (DLIC)	
	ECCD Committees	MoWAC
Community Level	Various child protection team / committee models	
	Anti-trafficking vigilance committees in some communities	
	Cocoa Child Labour Protection Teams in cocoa growing areas	

	Community LEAP Implementation Committees (CLICs)	DSW
	ECCD Committees	MoWAC

Some committees, such as the National Juvenile Justice Committee and the Child Abuse Network meet regularly and have reportedly provided an effective means for government and non-governmental stakeholders to share information, identify gaps or problems in the system, and work together to solve common problems. For example, members of the Child Abuse Network are currently developing agreed inter-agency protocols and procedures for handling child abuse cases. The National Juvenile Justice Committee has formed sub-committees to propose solutions to some problems that have been identified such as age determination. However some committees, such as the Multi-Sectoral Committee on Child Protection have been inactive for some time. Many committees at the sub-national level, including the regional probation committees and many of the district child protection committees, are dependent on support from development partners for their continued operation.

Respondents who participated in the Child Protection Sector Survey rated the effectiveness of most inter-agency committees as satisfactory. However, lack of effective coordination was cited by most stakeholders at both the national and district levels as a key weakness in the child protection system. Factors most frequently cited as impacting on the effectiveness of coordination mechanisms included weak leadership, funding constraints, lack of commitment from stakeholders, absence of clearly defined mandates, tasks and priorities, infrequent meetings, competing interests between government agencies (particularly MoWAC and DSW) and weak or inconsistent representation at committee meetings.

Chart 3: Perceptions of the Effectiveness of Coordinating Committees

Source: Child Protection Sector Survey

With respect to planning and policy development, most high-level child protection policies have been developed through a collaborative basis, involving both government and non-governmental stakeholders. Key national child protection laws, strategies and plans of action were all drafted through a broad consultative process with input from a wide range of stakeholders. However, annual planning and budgeting by agencies involved in child protection is done at the individual agency level with limited input from or coordination with other relevant MDAs. The multi-year NPAs are not clearly linked to the annual planning processes of each agency, and individual agency priorities do not necessarily reflect the commitments assigned to them under the inter-agency NPAs.

Apart from the time-bound NPAs on specific child protection issues, there is no sector-wide approach to child protection planning and policy development. The committee chair and lead agency responsible for developing and implementing child protection strategies varies for each child protection issue (DSW for OVCs, MoWAC for trafficking, CLU for child labour, DOVVSU for child abuse), resulting in some duplication of activities and conflicting strategies and approaches. For example, while key partners involved in child trafficking, labour and child abuse are promoting the establishment of more temporary shelters for children, the DSW, through the OVC Strategy and Care Reform Initiative, has been actively working towards de-institutionalisation. There does not appear to be agreement amongst stakeholders as to the appropriate use of alternative care options for children, and on the degree to which the government should prioritise institution-building versus strengthening family-based care options.

In general, most national child protection laws, policies and plans of action have been developed with explicit reference to the CRC and other international instruments and have been designed to promote compliance with international standards. Stakeholders most

frequently identified international child protection standards, donor priorities, and emerging national issues as the key factors influencing both government and NGO programmes and priorities. As the table below shows, NGOs who participated in the sector survey highlighted international instruments such as the CRC and the African Charter on the Rights and Welfare of the Child as key references in the development of their programmes. Other significant influences included national laws and policies, government strategies and priorities, community priorities, and local culture and traditional practices. While most government and NGO respondents advised that they consulted with traditional and community leaders in the design of child protection programmes, the religious and traditional leaders interviewed as part of the field research were less positive about the degree to which they were engaged. Most advised that, while they were generally informed of government and NGO programmes being introduced in their area, they were generally not consulted about programme design and priorities.

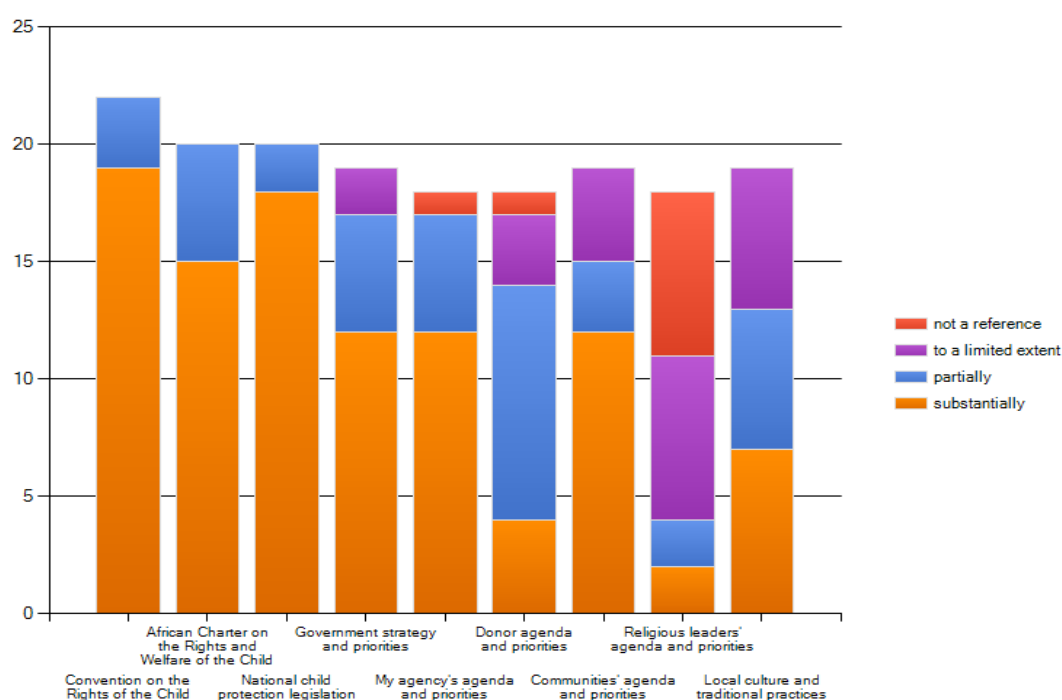


Chart 4: Key References in Development of Child Protection Programmes (NGOs)
Source: Child Protection Sector Survey

There are currently no structured mechanisms at the national level for children to participate in policy formulation and programme planning. However, the government has reportedly begun to take the importance of child participation into consideration. The National Youth Policy calls for greater participation by young people (defined as those between the ages of 15 and 35) in the work of municipal and district assemblies. Student Representative Councils (SRC) have been created to provide a platform for children to participate in the school governance process, and school-based children's right clubs are promoting leadership skills.⁷⁶ Opportunities have also been created for children to contribute to policy formulation through the initiative of agencies such as MoWAC, Children and Youth in Broadcasting,

⁷⁶ MoWAC (2009); CRRECENT (2010)

UNICEF and other development partners.⁷⁷ For example, children were consulted in the development of the Adolescent Health Policy, the draft Child Labour Policy, the Human Trafficking Act, and on proposed amendments to the national Constitution. In celebration of the 20th anniversary of the CRC, a national forum was held to allow children from around the country to voice their opinions on children's rights to Parliamentarians. However, the challenge is to make adults receptive to the thoughts and ideas of young people in a society in which wisdom is traditionally associated with status as an elder.⁷⁸

3.3 Information Management

Ghana has limited mechanisms in place for the systematic collection of information on children, particularly with respect to child protection. There is currently no national information management system integrating all data on child protection. The Department of Children has a research unit which undertakes periodic situational analyses on children. However, it does not have data management systems for consistent, ongoing information collection, analysis and dissemination.⁷⁹ The DSW has a research division at the central level, but its capacity to collect and analyse data is reportedly hampered by inadequate equipment and technical knowledge in information processing.⁸⁰

Individual agencies within the child protection system, including DSW, the police and the courts, have mechanisms in place to collect data on the cases they handle, and each agency generally requires regular, periodic reporting from the district level up through to the regional and central level. However, agencies have been slow to develop computerised data management systems, so most data continue to be recorded and transmitted in print form. Transmission of reports to head offices is reportedly not always systematic or comprehensive, resulting in gaps in information from some districts. In addition, the standard reporting forms being used have not been designed to capture detailed data disaggregated on the basis of age and gender, or to track progress and outcomes in individual cases. For example, the standard format that DSW social welfare officers use to produce quarterly and annual reports requests data on the number of cases of juvenile delinquency, adoption and orphaned/abandoned children that were handled, but does not record the number of cases of child abuse or exploitation that were referred to DSW (other than those received at the shelter for abused children). It is also unclear from the reports how many of the reported cases being "handled" are new, and how many are ongoing from a previous reporting period.⁸¹

Within the justice sector, neither the police nor the courts collect comprehensive data disaggregated by age, and there are therefore no comprehensive national statistics on the number and types of cases involving juvenile offenders and child victims. While DOVVSU maintains a national database on child victim cases, these figures reflect only the cases that DOVVSU has handled, and do not include those investigated by the general police force. The Judicial Service produces annual reports on the number of cases completed and pending before the courts, including separate data on cases before the Family Tribunals and

⁷⁷ MoWAC (2009); CRRECENT (2010)

⁷⁸ MoWAC (2009)

⁷⁹ CRC Report, MoWAC (2007)

⁸⁰ MESW (2007) DSW Institutional Assessment

⁸¹ DSW Annual Reports 2009 and 2010

Juvenile Courts. However, there is no detailed breakdown of the types of cases these courts are handling (child maintenance, custody, protection orders, types of juvenile offences), or of children who appear before the regular District Courts and High Court.

This lack of comprehensive data to inform policy development and resource allocation has been acknowledged as a challenge, and some initiatives are underway to strengthen information management systems. The Judicial Service is in the process of putting in place a new records management system, and has been steadily strengthening its data collection procedures at all registries. The DSW is developing a database on children in residential care, and has begun the process of collecting information on all children in privately-run homes. Through the LEAP initiative, MESW/DSW has initiated a common targeting system and single registry for all government benefit schemes, including LEAP beneficiaries, education grants schemes, and NHIS. As part of a new national child labour monitoring system, the Child Labour Unit of the MESW plans to develop a decentralised, single registry system integrating community-level data on children's age, sex, household status, education, health and labour activities. Community registers will be consolidated at the district level, and the information used to produce regular child labour monitoring reports submitted to the national level.

KEY FINDINGS

- ❑ Numerous inter-agency committees are in place to promote coordination and collaborative policy-making. However, despite the proliferation of committees, limited coordination among government ministries, departments and agencies is often cited as a challenge. Challenges to effective coordination included weak leadership, funding constraints, lack of commitment from stakeholders, absence of clearly defined tasks and priorities, infrequent meetings, weak or inconsistent representation for participating agencies, and lack of commitment to move discussion to action.
- ❑ Child protection information management systems are quite weak, and there are no mechanisms for consistent, ongoing information sharing and data analysis between agencies involved in child protection. Individual agency data collection and reporting systems do not provide sufficiently disaggregated data on children.
- ❑ The single registry system being implemented in connection with LEAP could constitute a good entry point to develop a broader database on interventions to address child-specific vulnerabilities. Similarly, the district-level Child Labour Monitoring System being implemented by the CLU has the potential to serve as an effective model for collecting information on child welfare and protection more broadly. While both of these registries are initiatives of the MESW, there does not appear to be plans for them to be linked.

4. SERVICES FOR FAMILIES AND CHILDREN

4.1 Introduction

A comprehensive child and family welfare system requires the development of a clear continuum of prevention, early intervention and response services aimed at building the capacity of families and communities to care for their children, and for an appropriate response when children have experienced violence, abuse, exploitation or are in conflict with the law. This section explores what programmes and services are available to prevent and respond to all forms of violence, abuse and exploitation of children, and to handle cases of children in conflict with the law.

4.2 Prevention Services

In recent years, significant progress has been made in raising awareness about child rights and child protection issues at the national and sub-national level. A wide range of government agencies, NGOs and INGOs have been involved in awareness activities, including DOC, DSW, CLU, National Commission for Civic Education, GES, CHRAJ, UNICEF, ILO, Plan Ghana, ActionAid, World Vision, CRI, Curious Minds, Challenging Heights, WISE, FIDA and Ark Foundation and numerous other local NGOs and CSOs. Public education, awareness and sensitisation have been promoted through workshops and seminars, the print and electronic media, and through community and school-based clubs and committees. However, most initiatives have been designed by individual agencies or organisations in isolation, with no overarching behaviour change communication strategy or consistent approach to messaging. This has resulted in some overlap and duplication, as well as a focus on a narrow range of topical issues, particularly trafficking and child labour. There has also been some community resistance to top-down messaging, particular with respect to the concept of child rights and promotion of zero tolerance for corporal punishment.⁸²

Another key prevention strategy has been to provide financial support to vulnerable or at risk families to strengthen the capacity of parents for improved childcare. This includes a variety of different government and NGO micro-credit schemes, cash transfers, skills training and livelihood support programmes, agricultural input support, NHIS, education and vocational training scholarships, and school capitation grants. As noted above, the LEAP conditional cash transfers programme, currently operating in 80 of 170 districts, specifically targets OVCs, and its conditionalities have been designed to reduce child labour and exploitation.

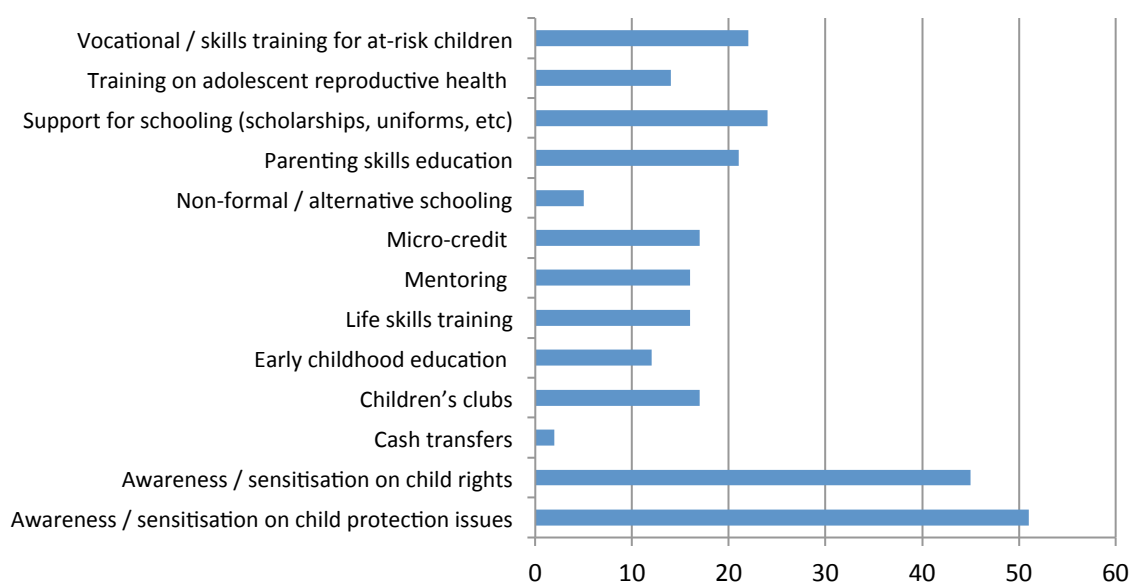
Apart from these various forms of financial assistance, there are limited family strengthening services aimed at preventing family breakdown, strengthening parenting skills, or intervening early to prevent abandonment or maltreatment of children. District social welfare officers provide general counselling and family guidance to parents who come to them for assistance, but staff have limited capacity for outreach and there are no mechanisms in place to proactively identify children and families experiencing difficulties. In some districts, community child labour or trafficking surveillance committees have been established with the support of ILO/IPEC, IOM and local NGOs to identify and intervene to prevent children from

⁸² Apusigah, A. (2007) *Child Protection Project in Northern and Upper East Regions: Assessment*, Department of Social Welfare, Department of Community Development and UNICEF

being trafficked or recruited into labour. However, the coverage of these committees is limited, and they tend to focus primarily on child labour and migration vulnerabilities, rather than broader concerns about neglect, abandonment and maltreatment. However, there is potential to improve early identification of vulnerable children and families through greater collaboration with community health workers, midwives, CLICs, community child protection teams / committees, teachers and school counsellors, and others who have regular contact with children and families.

In some districts, formal government services are supplemented by prevention programmes of NGOs. As the table below shows, most NGO interventions focus on general awareness raising, livelihood support, and supporting children's education and training needs. Fewer are providing services directly addressing parent-child relationships, such as counselling, mentoring, and parenting skills education.

Chart 5: NGO Prevention Services



Source: Child Protection Mapping Workshop and Questionnaire

Ghana does not have a separate juvenile crime prevention strategy. However, the new National Youth Policy 2010 recognises the challenges faced by youth (aged 15-35) and identifies youth in crime as a group requiring special attention. In line with the UN Guidelines on the Prevention of Juvenile Delinquency, it promotes a holistic approach to youth crime prevention and outlines the following priority areas for intervention: education and skills training; employment; mentoring; promotion of sports and recreation opportunities; conflict prevention and peace building; and a focus on vulnerable youth and the integration of displaced youth into society. CHRAJ and Legal Aid NGOs such as WISE, FIDA and Ark Foundation are also active in promoting legal awareness and access to justice for children and young people.

4.4 Response Services

Although the Children's Act makes it mandatory for all cases of suspected child abuse, neglect, exploitation or abandonment to be reported to and investigated by the District Social Welfare and Community Development Department, this is reportedly not functioning in practice. There are currently no standard protocols or procedures requiring police, teachers, health care professionals and child care providers to report all suspected cases of abuse to social welfare authorities, and no formal referral linkages between district welfare officers and teachers, school counsellors or health care professionals (midwives, community health workers, nurses, doctors). The DSW does have social workers seconded to most major hospitals, however annual reports of their activities suggest that their main focus is on supporting low-income patients to pay for their medical treatment rather than identifying and responding to suspected cases of child abuse.⁸³

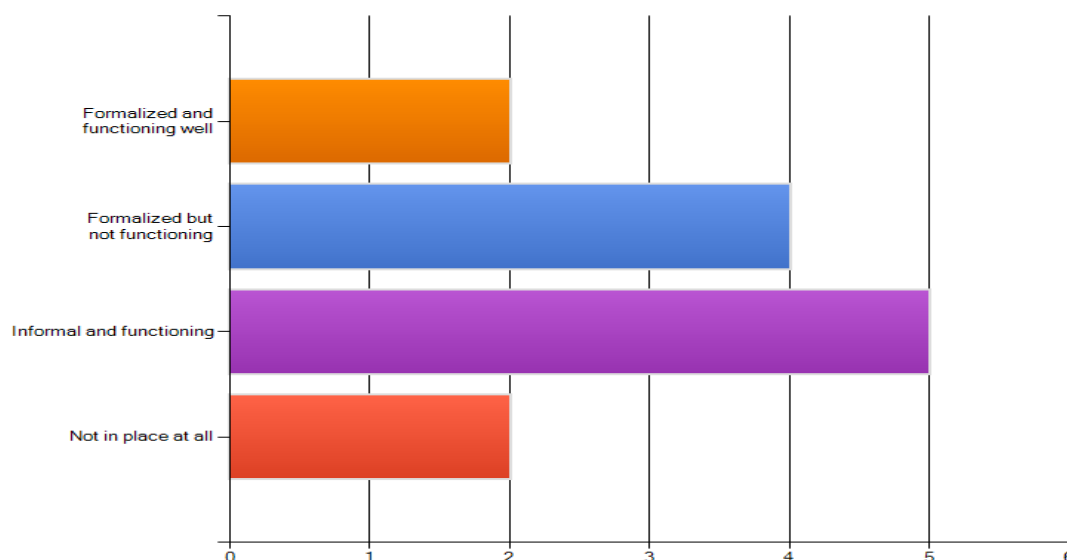
For most children, entry into the formal child protection system is as the result of a report to DOVVSU, or through periodic child rescue operations carried out by the Anti-Trafficking Unit or various NGOs involved in combating trafficking and child labour. Since DOVVSU was established, the number of cases of child maltreatment reported to the police has grown from approximately 1,100 per year in 2007, to over 1,600 in 2009. DOVVSU receives many complaints directly from families, and also gets referrals from NGOs and health care professionals. While its main focus is on investigation and criminal prosecution, it also has staff social workers and/or psychologists who provide victims with counselling and advice throughout the investigation process. In some areas, DOVVSU also has an informal network of government and NGO service providers that it can refer children and families to for counselling, temporary shelter, medical treatment and legal aid.

Most stakeholders interviewed depicted the role of social welfare officers as ancillary to the response process. In some cases, particularly where support is needed for family tracing or temporary shelter in a DSW facility, police and health care professionals may refer cases to the DSW. However, this is not a standard practice followed in all cases, and many child protection cases that come to the attention of authorities are not referred on for appropriate assessment, case management and protective interventions by social welfare authorities as required under the Children's Act. Instead, decisions about the child's care, custody and welfare needs are often made by the police, or by the NGO that rescued or received the child on referral from the police.

Through the national Child Abuse Network, efforts are being made to clarify roles and responsibilities and to formalise inter-agency coordination and referrals through the development of inter-agency protocols. At present, referrals operate mainly on the basis of personal contacts and relationships. As the table below shows, the NGO representatives who participated in the on-line Child Protection Sector Survey had mixed opinions about the functioning of inter-agency referral mechanisms. The majority of district-level child protection workers (welfare officers, police, health care professionals, teachers and NGOs) in the districts visited rated inter-agency collaboration as fair.

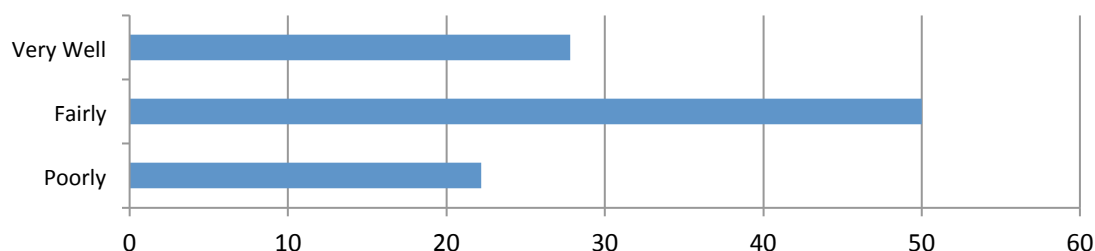
⁸³ DSW Annual Report 2009

Chart 6: NGO Perceptions of Local Referral Mechanisms



Source: Child Protection Sector Survey, 2010

Chart 7: District Child Protection Workers' Perceptions of How Well Agency Work Together



In general, welfare officers are limited in their ability to carry out investigations or to take proactive measures to address child protection issues, and their interventions are generally limited to responding to clients who come directly to them for advice and support.⁸⁴ Public understanding of their role and mandate is reportedly low, and welfare officers are mainly perceived as resolving child custody and maintenance disputes, rather than dealing with child welfare and protection issues. As a result, child maintenance cases, together with meeting their obligations to sit on and provide reports to the Juvenile Court and Family Tribunal, consume the bulk of their time. For example, in 2009, welfare officers dealt with 9,984 family welfare cases under the child rights promotion and protection programme. Of those, 4,942 (49 percent) related to child custody, paternity and maintenance, and an

⁸⁴ MESW (2007) DSW Institutional Assessment

additional 1,976 (20 percent) were Family Tribunal cases, most of which would also relate to child maintenance and custody. The DOVVSU caseload is similarly dominated by child maintenance cases (67 percent of all children's cases in 2009) and, maintenance and custody disputes constitute the bulk of children's cases referred to CHRAJ.

When cases of child abuse, neglect or exploitation are referred to DSW, a welfare officer conducts an assessment and determines what actions need to be taken to safeguard the child's best interests. If the child has been separated from his/her parents (as in the case of rescued trafficked victims) or needs to be removed from the home for their own safety, arrangements are made for temporary alternative care. Preference is reportedly given to finding a relative or foster family to care for the child, although in many cases this is not feasible and the child is sent to a shelter or orphanage. There are no guidelines or standard procedures to guide welfare officers in assessment, case management and decision-making, or in making best interest determinations. While it was once standard practice for welfare officers to maintain written care plans for all children, this is reportedly no longer being done on a systematic basis. A review of court files in 2003 revealed that no cases had been referred to the Family Tribunal for a protection order as required by the Children's Act.⁸⁵

RESPONSE SERVICES FOR CHILD VICTIMS

Mechanism for identification and reporting of children in need of protection

Mandatory for anyone with information about child abuse or a child in need of protection to report to the District Social Welfare Department. In practice, reporting is primarily through DOVVSU.

Community surveillance committees have been established and small-scale direct action taken in identifying, withdrawing and rehabilitating children from trafficking and from the worst forms of child labour in cocoa growing areas and other high prevalence districts.

Inter-agency protocols or procedures for handling reported cases of children in need of protection

No inter-agency protocols or MOUs, but some inter-agency collaboration and referral is happening on an informal basis.

Assessment, case management and decision-making process

There is no standardised assessment and case management process used in all cases, and no detailed guidelines or procedures for case management and decision-making about protective interventions. Welfare officers have the primary responsibility for investigation and case management, but in practice this function is often performed by police or NGOs. Few child protection cases appear before the Family Tribunals for formal care or supervision orders.

⁸⁵ Gagnon, Lise (2003). *Report on Access to Justice by Women and Children*, UNICEF and CUSO

Types of services available to children (and families) who have experienced violence, abuse, neglect and exploitation

<p>Social welfare</p>	<p>DSW has limited capacity to provide ongoing support and recovery services for children and families. Services tend to be concentrated in urban areas. Available services include:</p> <ul style="list-style-type: none"> - Family tracing; - Financial assistance (LEAP, micro-credit etc); - Counselling and psycho-social support from DOVVSU, DSW, and NGOs. - Residential care (DSW operates 3 children’s homes, 1 shelter for victims of abuse and 1 for trafficked victims. Approx 110 private orphanages). - NGO-run shelters, drop-in and outreach services for street children and Kayayee in some urban centres. - Rehabilitation and reintegration packages available for some children rescued from child labour and trafficking (supported by UNICEF, IOM and ILO/IPEC).
<p>Justice</p>	<p>Some pre-trial preparation is provided to child victims/witnesses by DOVVSU staff, but there are no social workers attached to criminal courts.</p> <p>There is one specialised court in Accra for hearing criminal cases involving child victims. No special measures such as video-taped testimony or use of screens to facilitate children’s testimony. Judges have been encouraged to hear sensitive cases <i>in camera</i>, but the general practice is to require children to testify in open court.⁸⁶</p> <p>Free legal aid is available through NGOs such as FIDA, WISE and Ark Foundation.</p>
<p>Health</p>	<p>In Accra, specialised services are available for child victims through the child abuse units at the Korle Bu Teaching Hospital and the Police Hospital.</p> <p>A standard forensic medical form has been developed for use by police, health authorities and courts in rape cases. Medical care is available free of charge for victims covered by NHIS, and for victims of domestic violence.⁸⁷ The cost of medical certificates required by the Courts must be paid by the victim, and is often beyond their means.</p>

⁸⁶ MoWAC (2007)

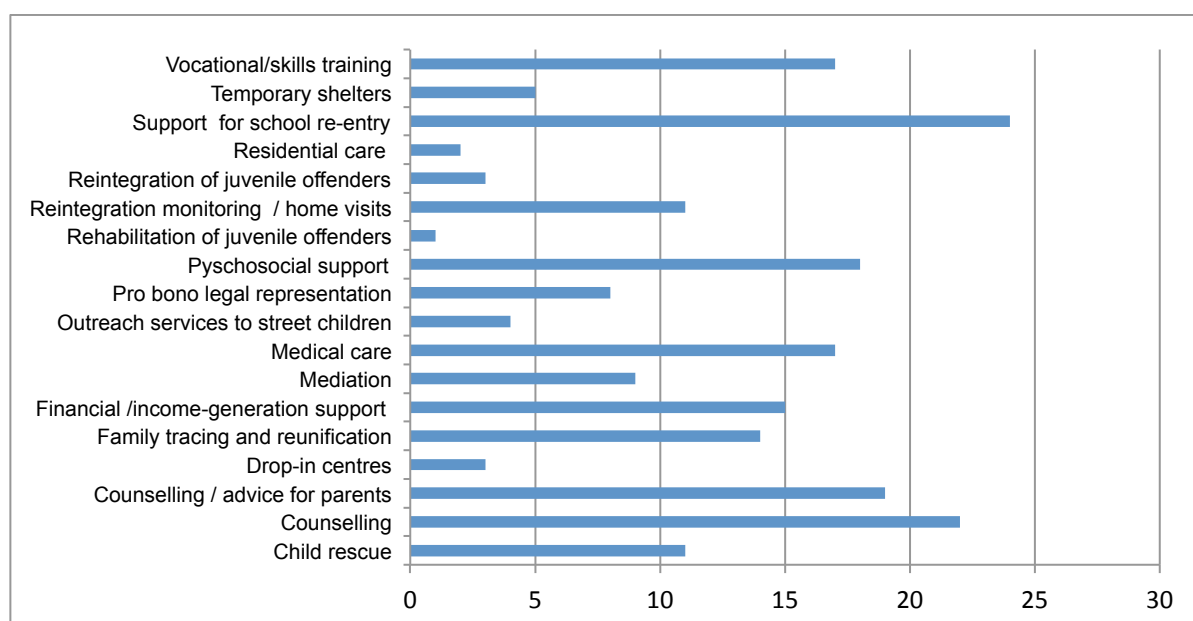
⁸⁷ Domestic Violence Act

Education	Various scholarships, school grants and vocational training assistance is available for OVCs and for children withdrawn from child labour or rescued from trafficking.
Types of alternative care available	Kinship care, foster care, institutional care (government and NGO), and adoption. DSW is in the process of developing mechanisms for registration and inspection of all children's home, and is building a register of foster parents. So far, only 70 foster families have registered.

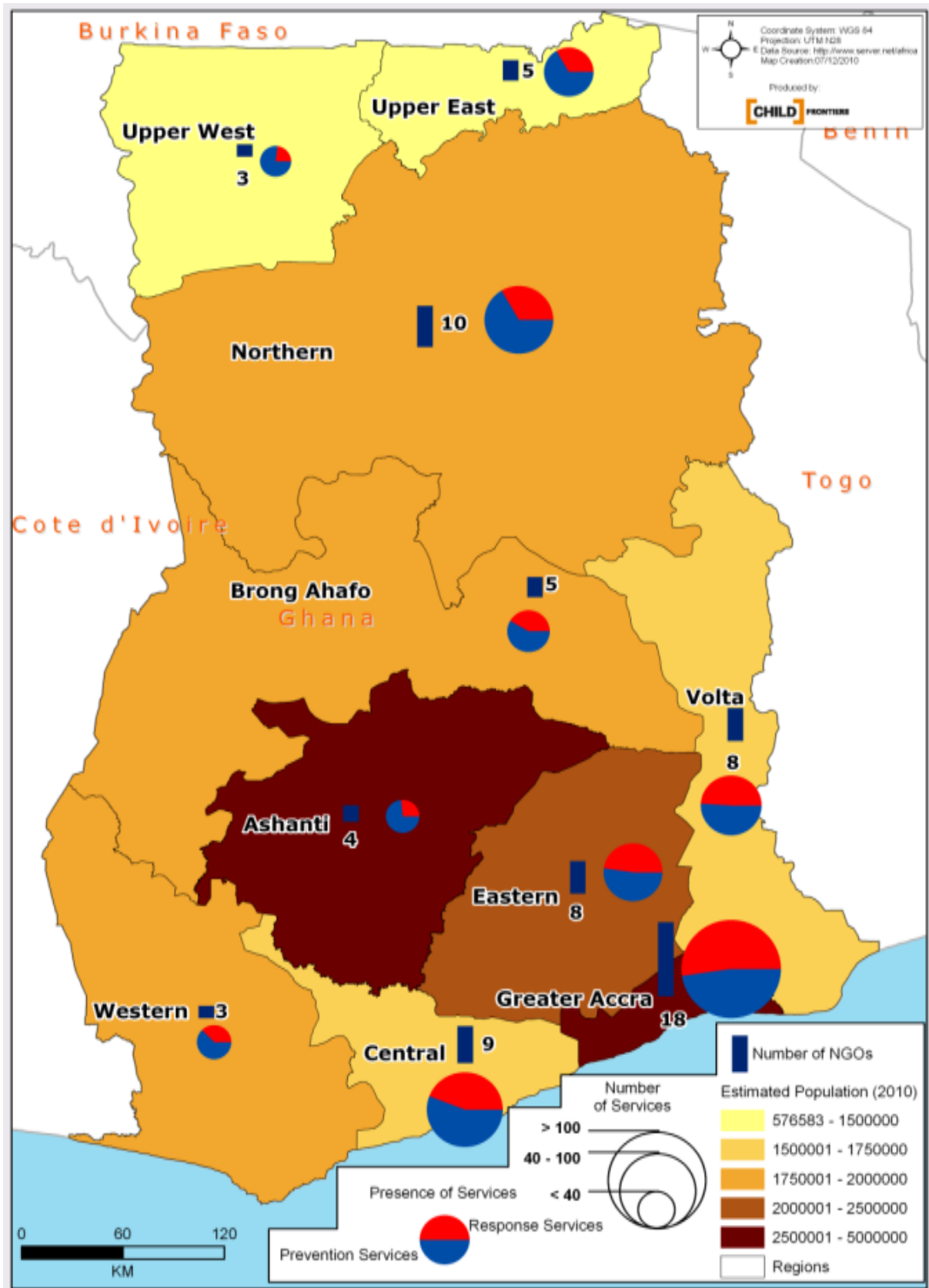
Support services for children who have experienced violence, abuse, and exploitation are quite limited, and tend to be concentrated in urban centres. Due to limited staff, resources and transportation, the DSW has limited capacity to provide ongoing counselling, supervision and recovery and reintegration services to children and families who live outside the district capital. Through national child labour projects supported by development partners such as UNICEF, IOM and ILO/IPEC, comprehensive family tracing, recovery and reintegration packages are available in some districts for children rescued from trafficking or removed from the worst forms of child labour. However, these initiatives rely primarily on local NGOs for delivering support services, and the number of child victims who benefit is quite small.

As the chart and map below show, there are a number of NGOs providing recovery, reintegration and legal aid services to children and families. However, their geographical coverage is uneven and many focus only on particular categories of children. Most NGO interventions are concentrated in select districts within the regions where they work, and the balance leans towards prevention rather than response. NGOs providing response services tend to be concentrated in major urban centres in the southern region.

Chart 8: NGO Response Services



Map 3: NGO Service Providers



Source: Child Protection Systems Mapping Questionnaire

Through its Care Reform Initiative, the DSW has taken significant steps to promote family-based alternative care for orphans and other vulnerable children, and has taken a strong policy stance against institutionalisation. In 2006, a national study showed that in just under a decade, the number of privately run orphanages had increased dramatically from 10 to 158. None of these homes were legally registered, and the vast majority (80 percent) of the children in their care had one or both parents still living. Some homes were found to be involved in arranging illegal national and international adoptions.⁸⁸ To address the issue, the DSW has developed new standards for institutional care and has set up regional multi-agency teams to inspect homes, but welfare officers' capacity for gatekeeping and ongoing quality assurance is limited by lack of resources. To date, eight homes have been shut, and DSW's advocacy efforts have been successful in halting the establishment of new homes and reducing the intake of children at existing ones. With the support of UNICEF, the DSW has also begun the process of reintegrating children back to their parents or families, with close to 1,000 children reintegrated so far. A foster care register has also been established, although it has been a challenge to recruit interested parents and so far only 70 families have been registered. The government is also taking steps to tighten up mechanisms for reviewing and approving both national and international adoptions.

4.5 Services for Children in Conflict with the Law

As noted above, the Juvenile Justice Act, 2003 calls for diversionary measures to promote reconciliation of juvenile offences without resort to the formal justice system. As the first point of contact with the formal justice system, police have broad discretion to divert children at the earliest stage by issuing an informal or formal caution, or referring the child to a Child Panel. Police reportedly do make use of cautions to divert children accused of minor crimes, but because the police do not keep comprehensive statistics disaggregated by age, there is no reliable information on the percentage of children diverted at the arrest stage. Input from respondents in all three research sites also raised concerns that police sometimes hold children in police cells for one or two days as punishment and then release them without charge.

The main legal mechanism for diverting child offenders is the district-level Child Panels, which provide a forum for mediation and reconciliation. However, as noted above, few Child Panels have been established, and those that are functioning have had very few cases referred to them. For example, the Child Panel in the Tema District (Greater Accra) received only three cases in its first eight months of operation, and Accra Metro has had none. Reasons cited for the low uptake in these services included lack of awareness amongst stakeholders and the general public about their existence, inaccessibility outside of the district capital, and the availability of other, better known agencies for mediating children's cases.

Children who are processed through the formal justice system are entitled to special protection at all stages of the proceedings. Although DOVVSU has a mandate to handle cases involving both child victims and child offenders, in practice the majority of child

⁸⁸ MESW (2007) DSW Assessment

offenders are handled by the regular police. Although police are required to notify the child's parents and the probation officer as soon as possible after the arrest, this is not always respected. Many police stations reportedly do not have the phone number of the nearby DSW office, and in the majority of cases probation officers become involved in the process only when the case comes before the Court.⁸⁹

There are no reliable statistics on the percentage of children in conflict with the law who are held in police custody and on remand pending their trial. As a general rule, children suspected of minor offences and whose family can be traced are reportedly released on bail, while those whose families cannot be found or do not come forward to take responsibility for them are liable to be held on pre-trial detention, even for minor crimes. The DSW has ten special remand homes for children awaiting trial, although only three are operational. As a result, children are often kept in police cells with adult offenders, putting them at risk of abuse. From 1993 to 2003, a total of 10,488 children were kept in police cells by the police nation-wide.⁹⁰

Children in conflict with the law are entitled to legal representation, but the cost of legal services and the limited availability of lawyers remain significant barriers. The Ghana Bar Association's official list of lawyers in good standing at the Bar includes 1473 names, the bulk of whom are located in the main cities. Although the government provides free legal aid through the Legal Aid Bureau, their capacity and reach is quite limited, and they reportedly have not been actively involved in representing children. In some urban centres, NGOs such as FIDA provide free legal assistance to children, and in Accra a group of lawyers provides pro bono services with the support of UNICEF. However, in the majority of cases, children appear before the Juvenile Court without legal representation.

The courts do not have a separate case management process for handling juvenile cases, and there is no standard practice of prioritising or expediting juvenile cases. According to judicial staff, the majority of children appearing in court plead guilty and most cases are disposed of within six months. However there is no court data to substantiate this, and proceedings are reportedly often delayed due to the irregular sittings of the Juvenile Court, or the absence of panel members on the assigned day for sitting.⁹¹ The Juvenile Court has the power to divert children's cases by referring them to the Child Panels or some other form of diversion, but this is reportedly not happening in practice. The Juvenile Justice Act does not provide clear guidance as to what stage the decision to divert should be made, and there are no clear referral mechanisms between the courts and the Child Panels. Although court-annexed mediation services are in place in most districts, these are reportedly not being used in juvenile cases.

Proceedings before the Juvenile Court are reportedly more informal than the regular district court, with hearings held in chambers or in a closed courtroom. As noted above, constituting the tripartite panel on a regular basis remains a challenge in some districts. Lay members of the Juvenile Court panels do not receive training. Some reportedly do not have a strong

⁸⁹ Nzedom, H. (2010)

⁹⁰ CCRESCENT (2010)

⁹¹ Tevi and Kutsoati (2005)

understanding of their role or of juvenile justice principles, and in any event decisions tend to be dominated by the magistrate.⁹²

In most cases, district probation officers or social welfare officers prepare social enquiry reports (SER) to guide the court in sentencing. To ensure fairness and impartiality, the welfare officer who prepares the SER should not be the same person who sits on the Juvenile Court panel. However in many locations this is not possible since there is only one welfare officer in the district. Lack of staff and access to transportation also makes it difficult for probation officers to conduct the detailed assessment necessary to prepare comprehensive SERs.⁹³

The Judicial Service does not maintain detailed statistics that would indicate sentencing practices across the country. The most commonly used sentences are reportedly probation, payment of fine, or detention in a junior correctional centre or senior correctional centre.⁹⁴ Since there are no mechanisms in place to identify “fit persons”, that sentencing option is generally not used. A review of the 49 cases dealt with by the Accra Probation Unit in 2009 showed that 51 percent of juveniles were given sentences of probation, while 14 percent received custodial sentences (junior or senior correctional centres).⁹⁵ However, the total number of cases referred to the Probation Unit is quite low, suggesting that this does not reflect the total number of juvenile offenders sentenced by the court in Accra. It is also not clear whether this is reflective of sentencing practices in other parts of the country.

Children on probation are placed under the supervision of a probation officer and provided guidance, advice and assistance with schooling, vocational training or apprenticeship. Regional Probation Committees sit regularly, with the support of UNICEF, to support probation officers in dealing with difficult cases. While probation officers should meet regularly with juveniles under their supervision, this is reportedly made difficult by lack of staff and limited mobility. As a result, in some cases probation officers are only able to meet with juveniles once or twice during the probation period. There are very few NGOs providing services for children in conflict with the law, and no specialised programmes to address offending behaviours (anger management, life skills, etc).

The DSW operates three junior correction centres for boys located in Sekondi (Western Region), Agona-Swedru (Central Region), and Tamale (Northern Region) and one for girls located in Osu (Greater Accra). The Ministry of the Interior operates one Senior Correctional Centre in Accra. The DSW reportedly spends most of its operational budget in feeding and delivering limited vocational skills to juveniles in care.⁹⁶ Facilities and services are outdated, and the highest budget allocation for food for inmates in correctional centres is 60 Pesewas per inmate per day (about US\$0.42).⁹⁷ Although children under 18 should not be sent to prison, a 2003 DSW report found that over a 10-year period, 1,778 boys and 324 girls were incarcerated in adult prisons. CHRAJ’s reports of its independent monitoring of detention facilities confirm that this remains a problem.⁹⁸ Children released from custodial facilities should receive reintegration support and supervision from probation officers. However due to lack of staff and resources, this is not being done on a systematic basis. Probation units

⁹² Nzedom, H. (2010)

⁹³ Ibid.

⁹⁴ Gagnon (2000); Nzedom (2010)

⁹⁵ Nzedom (2010)

⁹⁶ MESW (2007) DSW Institutional Assessment

⁹⁷ Nzedom (2010)

⁹⁸ CHRAJ Annual Report, 2007

generally follow up for about one week after the juvenile's release to make sure the child has settled somewhere, but there is limited ongoing support to help address reintegration. While there is generally notification to district probation officers whenever a juvenile is being released from a DSW facility, there are no mechanisms for communication between the Senior Correctional Centre and local welfare authorities.⁹⁹

Services for Children in Conflict with the Law	
Legal aid services	Legal Aid Board
Diversion programmes and services	Child Panels facilitate mediation and reconciliation. Children may undergo 6 months of guidance and supervision by a person of good standing in the community. No formal diversion programmes.
Services to support non-custodial sentences (community supervision, education, vocational training, substance abuse treatment, mental health services, etc)	Some district-level welfare officers have been specially trained as probation officers. Time and resources required to meet court requirements for social enquiry reports leaves limited capacity for interaction with children and families under supervision. No special programmes to address offending behaviours. Register of "fit persons" to supervise children is not currently being maintained.
Institutions for detention and rehabilitation (pre and post-trial)	10 Remand Homes (3 functioning) and 4 Junior Correctional Centres (JCC) operated by DSW; 1 Senior Correctional Centre (SCC) operated by Prison Services.
Children in detention wholly separated from adults	Independent monitoring has revealed that children are detained together with adults both in police cells and prisons.
Services for release and reintegration of children in detention	JCC: A discharge plan is drawn up between DSW and the child's family, arranging for where the child will live and continue training. Probation officers follow up for about one week to make sure the child has settled somewhere. SCC: children due for release spend time in the "exit unit" to prepare for their release. Transportation money is provided to assist them to return home.

⁹⁹ Nzedom (2010)

KEY FINDINGS

- ❑ Over the years, significant community awareness and education on child protection issues has been promoted through both community-based and school-based awareness programmes. Numerous government departments and NGOs are involved in advocacy and awareness; however they tend to act independently with no over-arching communication strategy. This has resulted in duplication and a tendency to focus on some topical issues more than others. Less attention has been paid to youth crime prevention and sensitising the community to mitigate harsh community responses to child offenders.
- ❑ While some counselling and parenting education is available, formal family strengthening strategies are mainly focused on poverty alleviation. Although some child protection issues are closely related to poverty (e.g. child labour and trafficking), child maltreatment and juvenile offending are complex issues which are not easily addressed through cash transfers and economic empowerment alone.
- ❑ Due to limited access to and awareness of district social welfare officers, DOVVSU has become the main entry point for responding to cases of violence, abuse and exploitation of children. Since their inception, there has been a significant increase in reported cases of violence and abuse against children. However, with police as the main entry point, protection services tend to be available only to children who have experienced the most severe forms of abuse or exploitation.
- ❑ Inter-agency coordination and referrals between police, DSW, hospitals and NGO service providers are reportedly functioning well, though this is generally dependent on individual relationships. The process of developing structured protocols and procedures has begun, though plans include the development of numerous, potentially overlapping SOPs (under CAN, for trafficking, and for child labour). These processes should be integrated.
- ❑ In general, the response system has been oriented towards rescue and removal of children rather than working with families to address concerns in the home. Temporary places of safety for rescued or removed children remain a challenge, and the focus has been on shelter-based, rather than family-based solutions.
- ❑ The capacity of social welfare officers to provide follow-up and continuing support to children after the initial crisis stage is very limited. There are some NGOs providing counselling, psychosocial support and legal aid, but their geographical coverage is limited.
- ❑ Support services for the rehabilitation of children in conflict with the law are also quite weak. The time required to meet court requirements leaves probation officers with limited capacity for interaction with children and families and they are hampered by lack of resources for travel. Beyond mediation and legal aid, there are few NGOs working with child offenders.
- ❑ The number of Child Panels has expanded in recent years, but they are still not fully functioning. Court-annexed ADR is much more widely available, and could be a more effective mechanism for diverting juvenile offenders and resolving child maintenance and custody disputes.

5. HUMAN AND FINANCIAL RESOURCES

5.1 Introduction

A child protection system is a series of inter-linking processes and services, each requiring its own set of skills and competencies. To function effectively, staff across government departments and non-governmental agencies must have clearly defined roles and responsibilities within that system, as well as the necessary skills and financial resources to carry out their functions. This section looks at human and financial resources within Ghana's child protection system.

5.2 Human Resources

While social work has a long history in Ghana, human resources within the social welfare sector remain a challenge. Ghana has a national Association of Social Workers which is a member of the International Federation of Social Workers (IFSW). However, it lacks a licensing system and ethical board to monitor and regulate social work practice.¹⁰⁰ Ghana University has a Department of Social work which offers three levels of social work education: 1) a two-year associate degree in Social Administration for practitioners in the Department of Social Welfare; 2) a four-year bachelor's program in social work; and 3) a Master of Philosophy in Social Work. Historically, social work training was heavily influenced by Western models. A participatory process of curriculum review was undertaken between 2002 and 2004 to indigenise social work training, and the curriculum has been revised to reflect a more culturally appropriate social and community development approach. However, available books, resources materials and journals remain largely western.¹⁰¹

Social welfare officers employed by the DSW generally have graduate qualifications in social work, sociology and psychology, and some personnel also have post-graduate specialisation in law, juvenile justice and development practice.¹⁰² The DSW operates a School of Social Work which initially provided in-service training for staff but now provides certificate-level courses for fee-paying students. Most in-service training for welfare officers and probation officers has been supported by development partners such as UNICEF and is linked to specific projects. The DSW institutional assessment carried out in 2007 highlighted a range of individual and organisational capacities that need to be addressed in order to better meet the protection needs of children and their care-givers. These include staff capacity to engage in policy analysis; to conduct data collection, research and analysis; and to carry out rigorous monitoring and impact evaluations. The DSW's Institutional Strengthening Plan includes long-term plans to address these gaps, with technical and financial support from DFID and UNICEF.

The DSW is represented in every district of Ghana with approximately 750 professional personnel who are complemented by 490 employees providing other specialised and support services. This includes 550 professional social workers, 139 technical staff, and 71

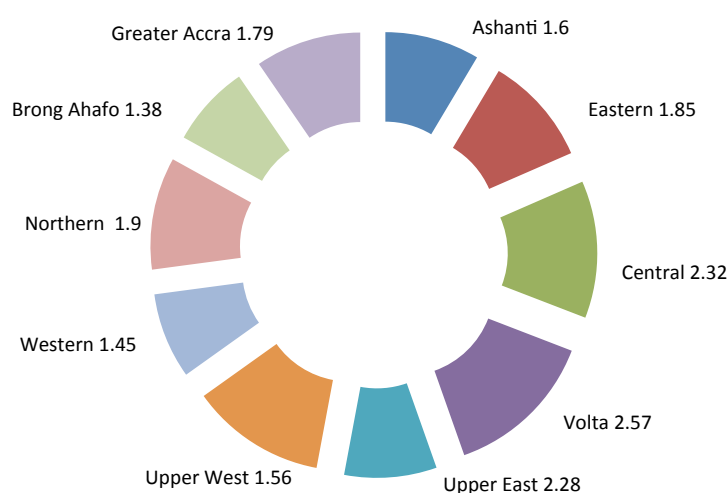
¹⁰⁰ Kreitzer, L and Abukari, Z et al. (2009) *Social Work in Ghana: A Participatory Action Research Project Looking at Culturally Appropriate Training and Practice*, Ghana School of Social Work

¹⁰¹ Ibid.

¹⁰² MESW (2007) DSW Institutional Assessment

child care workers (posted to residential care facilities).¹⁰³ The DSW has been under a hiring freeze since the structural adjustments of the 1980s, and has not been permitted to expand its staff complement to account for population growth, or the recent expansion from 138 districts to 170. As a result, the distribution of welfare officers is quite uneven, particularly in the northern regions, and many districts have only one professional staff member who is required to perform all departmental functions. Some districts have graduates from the National Youth Employment Programme to supplement their ranks; however they generally have no training in social work or child protection. As the chart below shows, the DSW ratio of professional staff per 100,000 people does not vary dramatically across the regions. However, at its highest, there are only 2.57 welfare officers per 100,000 people, which seriously undermines the DSW's ability to deliver on its broad mandate.

Chart 9: Ratio of District Social Welfare Officers per 100,000 Population



As discussed above, district welfare officers should have been transferred to the local government service effective February 2010, but this has yet to be implemented. When decentralisation does take effect, the new District Social Welfare and Community Development Departments will be staffed by welfare officers and community development officers. Currently, there are on average two to three community development officers in each district, some of whom have professional social work or community development qualifications.

Within the justice sector, significant steps have been taken to promote greater specialisation in handling children's cases. The Ghana Police Service continues to expand the number of DOVVSU offices to provide a specialist response to crimes against women and children, though they remain predominantly urban-based. With the support of local NGOs and development partners such as IOM and UNICEF, DOVVSU and the Anti-Trafficking Unit have conducted periodic in-service training programmes for their staff, with a particular focus on child-sensitive procedures. Steps are also underway to add introductory courses on domestic violence, trafficking and child labour into the standard induction training programmes offered by the police colleges. However, child protection issues have not been comprehensively integrated into induction training programmes, and in-service training

¹⁰³ Ibid.

workshops tends to be short and dependent on external funding. There is no standardised, certificate-based training course to accredit police attached to DOVVSU, and limited capacity for refresher training.

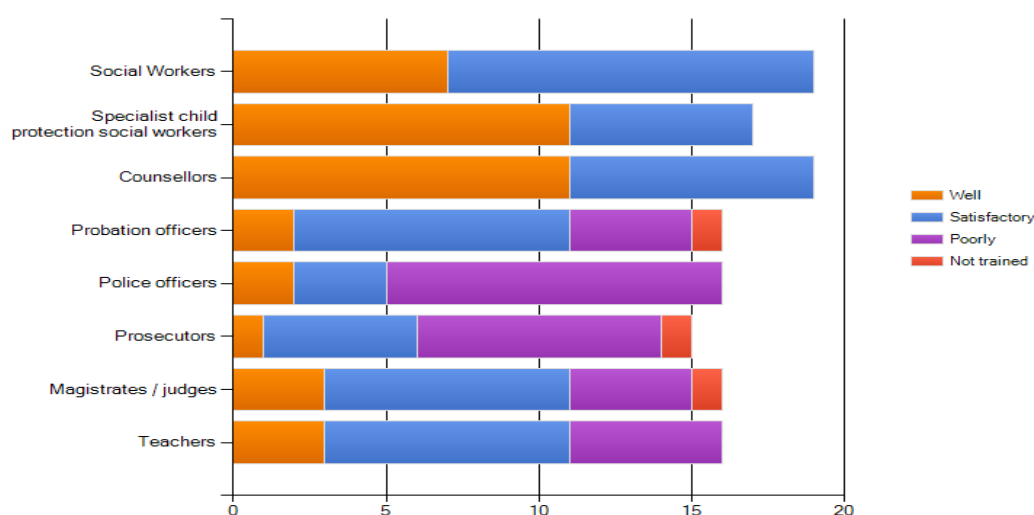
The Attorney General’s Office has yet to appoint specialists for prosecuting cases involving children. In most criminal cases before the lower courts, including cases involving children in conflict with the law and child victims, the Attorney General delegates prosecuting authority to the Ghana Police Service. The Legal and Prosecution unit of the police service does not have designated specialists to handle cases involving children. Some police prosecutors attached to DOVVSU have received specialised training in dealing with child abuse cases, however their capacity to vigorously prosecute cases before the court is reportedly limited, particularly when up against legally trained defence lawyers.

The Judicial Service has established a Judicial Training Institute (JTI) to provide induction and in-service training to magistrates and judges. With the support of NGOs and development partners, most judges and magistrates have participated in in-service training workshops on child rights, child labour, trafficking, juvenile justice and domestic violence. JTI has also added a session on child rights to its standard induction training programme; however there is no specialised training course that magistrates must undergo before being assigned to the Juvenile Court or the Family Tribunal.

Training for other government agencies involved in child protection, including health care professionals, teachers and labour inspectors has been similarly sporadic, and generally linked to specific projects. With the support of ILO/IPEC, labour inspectors and teachers in selected districts have received training on child labour. Through Plan Ghana’s Safe Schools Programme, teachers in select districts have also received training and sensitisation on violence in schools. However, in general, health care professionals, teachers and child care providers have received limited training on how to identify and respond appropriately to children at risk or children in need of protection.

Chart 10: Perceptions of Qualifications of Child Protection Workers

In my opinion, across the child protection system, the following professionals are trained and qualified to conduct their responsibilities for protecting children:



Source: Child Protection Sector Survey

5.3 Financial Resources

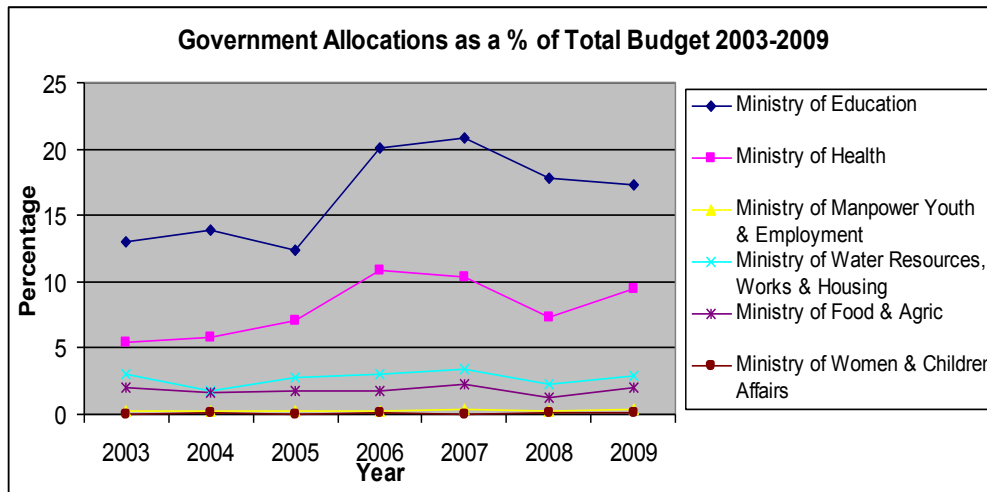
As in most countries, budgetary allocations for child protection are made to the relevant individual ministries, departments and agencies, and there is no consolidated, inter-sectoral budgeting for child protection. Ghana's national budget preparation has a cycle that begins in May each year, starting with a series of workshops organized by the Ministry of Finance and Economic Planning (MoFEP) for all ministries, departments, and agencies (MDAs). The workshops are aimed at deciding on the anticipated ceilings within which MDAs are expected to operate, as well as government policy and specific targets that each would be expected to achieve. The MDAs are then expected to prepare their respective budgets using data generated at their own level. It is at this stage that they work in collaboration with the relevant NGOs and civil society groups having an impact on their activities. The budgets of individual MDAs are subjected to discussion, following which a composite draft budget is prepared and submitted to Parliament.

All agencies in the child protection sector raised inadequate financial resources as a major constraint on their work. Although Ghana's growth and poverty reduction strategies have all placed significant emphasis on vulnerability reduction and strengthening basic social services, this has not necessarily translated into greater budgetary allocations for social welfare and child protection services. The government's commitment to achieving MDG goals has resulted in increased investment in education and health, and the importance of the cocoa industry has ensured continued investment in specific child labour programmes. However, budgetary allocation to general social welfare and child justice services has not kept pace.

An analysis of the 2010 budget commissioned by UNICEF showed that allocations to the Ministry of Employment and Social Welfare and Ministry of Woman and Children Affairs saw a drop from the 2009 budgeted figure. The former's budget dropped by over 10 percent while the latter saw a marginal drop of about 0.3 percent in nominal terms. A breakdown of the budget for MESW shows that about 95 percent will be channelled to wages and salaries with only 1.9 percent and 0.8 percent spent on services and investment respectively. The allocation to the LEAP programme for 2010 was only about one third of that required to fully implement the programme.¹⁰⁴

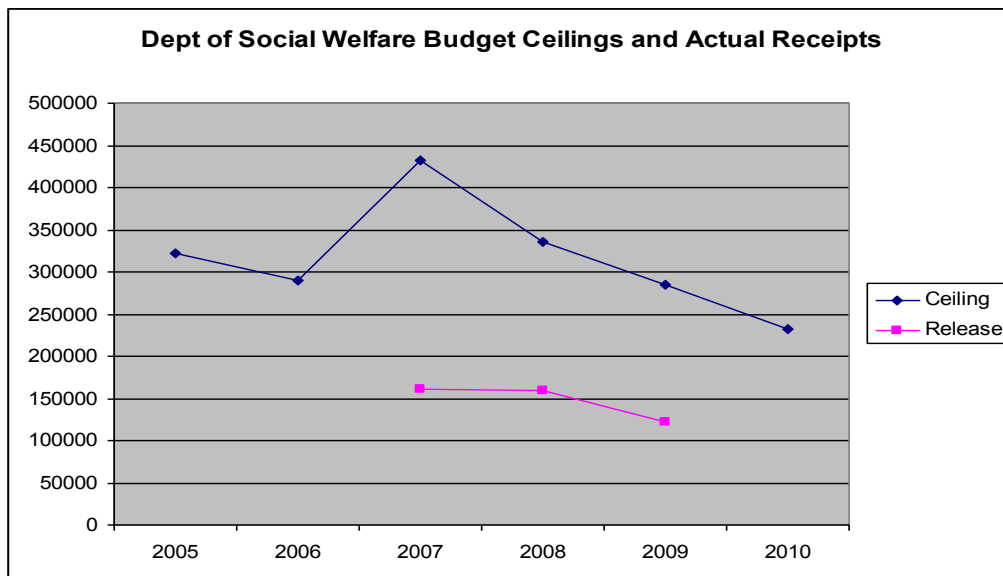
¹⁰⁴ ISODEC (2010) *Analysis of the 2010 National Budget and Economic Policy*, UNICEF

Chart 11: Government Budget Allocations 2003-2009



In addition to declines in the overall budget, the table below shows significant gaps between the department’s budgetary allocation and the amount actually received. For example in 2007, only 25 percent of the DSW’s budgeted amount for services was actually released. In 2008, this increased to 76 percent due in large part to allocations for LEAP cash transfers.¹⁰⁵ No Public Expenditure Tracking Survey (PETS) has been undertaken in the child protection sector, although a PETS for the health and education sectors concluded that the extensive delays in public expenditure releases from central ministries and agencies had repercussions on the whole system and contributed to inefficient resource utilization.¹⁰⁶

Chart 12: DSW Budget Allocations and Actual Receipts 2005-2010



¹⁰⁵ Ibid.

¹⁰⁶ Public Expenditure Tracking Survey 2008

From these central-level allocations, the DSW is expected to provide funding to each region to implement its programmes. In general, allocations from DSW to the regions and districts has been very low, and well below the levels needed to carry out their mandate effectively. A regional breakdown of the 2010 DSW budget shows that the Greater Accra Region received the highest allocation from the department, followed by the Ashanti Region. The two poorest regions in the country - Upper West and Upper East - received the lowest allocations.¹⁰⁷

Table 8: Regional Breakdown of 2010 Budgetary Allocation for the DSW (GH¢)

Description	Justice Administration		Child Rights		Community Care		Total
	Admin	Services	Admin	Services	Admin	Services	
Central Admin.	585	1205	657	2332	959	2755	8493
Greater Accra	1186	5284	674	3271	598	3377	14390
Volta	601	2610	659	345	565	3099	7879
Eastern	638	736	733	452	723	3251	6533
Central	692	3577	680	345	592	542	6428
Western	710	2535	731	337	1233	1028	6574
Ashanti	710	2130	793	3343	670	6651	14297
Brong Ahafo	663	1597	710	354	683	2186	6193
Northern	734	1608	768	2684	772	2165	8731
Upper East	599	1014	730	474	624	1439	4880
Upper West	592	1465	575	425	583	1433	5073
General Admin.		0	-	0	-	0	0

In addition to allocations from central-level Ministries, funding for district level services is also provided through the District Assemblies Common Fund (DACF), which is administered by the Ministry of Local Government and Rural Development. DAs are expected to use a portion of these funds to address children's welfare and protection. However, district Social Welfare and Community Development Departments reportedly receive limited direct funding from the District Assemblies. While some DAs support welfare officers with transport allowances and fuel, the extent of support received in each location is dependent on individual relationships.¹⁰⁸ Many stakeholders expressed concern that District Assemblies were more interested in visible, high-impact infrastructure projects, rather than in investing in less tangible social welfare programmes. Another factor contributing to low DA investment is the tension between central-level sectoral ministries and the DAs. Although the DAs have a mandate for service provision, the resources for each sector are controlled by the relevant ministries, which tend to bypass the assemblies in planning and budgeting. This situation is expected to improve once the process of fiscal decentralisation is complete and the DAs have greater direct control over planning and budgeting in each sector.

¹⁰⁷ ISODEC (2010) *Analysis of the 2010 National Budget and Economic Policy*, UNICEF

¹⁰⁸ MESW (2007) DSW Institutional Assessment

KEY FINDINGS

- ❑ There are many qualified, dedicated people working in the child protection sector (government and NGO), but distribution of human resources remains concentrated in urban centres and district headquarters.
- ❑ The number and distribution of key child protection agencies, most notably welfare officers and DOVVSU, is inadequate to carry out their mandate effectively. Both agencies lack basic resources such as vehicles, travel allowances and adequate office equipment.
- ❑ The number of welfare officers per 100,000 population is extremely low throughout the country, and is insufficient for carrying out their broad mandate as it is currently envisioned.
- ❑ A significant amount of training has been undertaken across the sector, but most of it has related to singular child protection issues (e.g. trafficking, child labour). Training tends to be ad hoc and donor-driven rather than fully embedded in agency induction and in-service training programmes. In service training has consisted mainly of short-courses (2-3 days) and has reached only a limited number of staff. There are no standardised, certificate-based training courses for police, welfare officers, probation officers, DOC staff, teachers, and health workers.
- ❑ The financial resources available for all agencies involved in child protection are inadequate to perform their basic functions. Under the 2010 GOG budget for MESW, 95% of budgetary allocations were channelled to wages and salaries, with only 1.9 % spent on services. Without means of transportation or resources for programmes and service delivery, welfare officers are largely restricted to providing advice to clients who come to their offices. This is an unfortunate under-utilisation of valuable human resources.
- ❑ Staff members often rely on their own pockets to pay for essentials such as transportation and children's food and medical expenses.

PART C: CHILDREN'S AND FAMILIES' PERSPECTIVES AND EXPERIENCES

1. INTRODUCTION

This section of the report provides a “snapshot” of community perceptions of child protection issues and the mechanisms used to resolve child protection issues, based on the findings of research carried out in selected communities.

As part of the mapping exercise, the research team visited six communities to understand what types of child protection issues they believed were a priority for their communities, and what mechanisms were currently being used to resolve these issues. The communities included a mix of urban, peri-urban and rural locations. In each community, the research team met with Chiefs and community leaders, and conducted group discussions with groups of adolescent boys, adolescent girls, mothers, fathers, and district-level child protection workers (police, welfare officers, teachers, health professionals, mediators, NGOs and faith-based organisations). The aim was to provide an initial picture of community practices that could be used as the basis of further research and exploration, and the sampling was not intended to be comprehensive or representative.

2. COMMUNITY PERCEPTIONS OF CHILD PROTECTION AND WELL-BEING

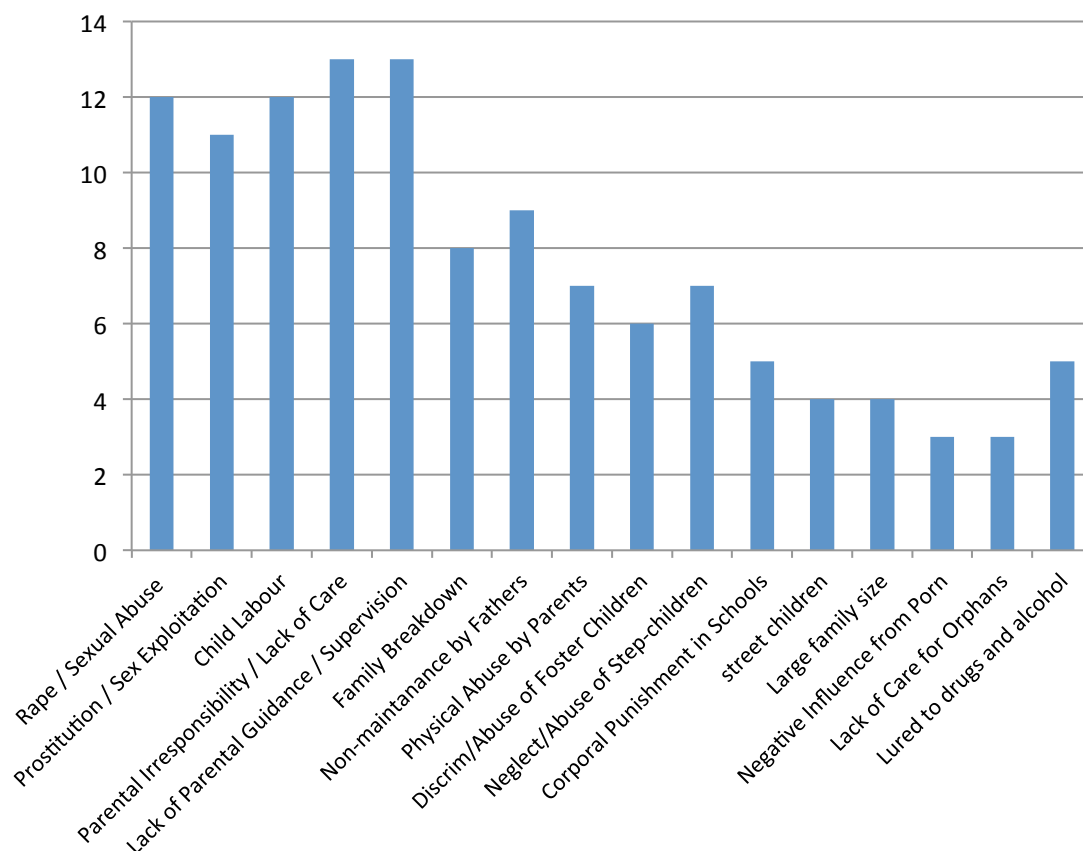
2.1 Perceptions of Factors Affecting Children’s Well-being and Safety

In three of the communities visited (the market area of Kaneshie District, Dorimon in Wa West District, and Nsueam in Tarkwah District), participants were asked to identify what factors made children unsafe or insecure within their community. The brainstorming sessions tended to produce a mix of causal factors as well as different forms of child abuse and exploitation that were of concern to the community. In general, the types of issues identified were consistent across all three communities, and fairly consistent across the different groups (adult and adolescent). Sexual abuse, sexual exploitation or prostitution, physical abuse and child labour were raised as concerns in all communities, and most groups also highlighted poor parenting practices, family breakdown and failure of fathers to pay maintenance as key factors impacting on children’s wellbeing. Three issues – sexual abuse, forced marriage and child prostitution – were described as specific to girls, while all others were common to both genders. Girls were reportedly at risk of sexual abuse at the hands of step-fathers and also faced sexual abuse and harassment from teachers and peers. Sexual abuse of school girls by teachers was highlighted by a number of groups, particularly the adolescent girls, as a serious concern.

In the more rural district of Wa West, three issues were identified that were not raised in other communities – forced/early marriage, FGM/C and children migrating to cities for work (kayayoo). In peri-urban Tarkwah, the involvement of children in galamsey (illegal mining) was highlighted as a key concern.

The following chart shows the main issues identified, with the number accompanying each factor indicating the number of groups that cited that factor as an issue for their community:

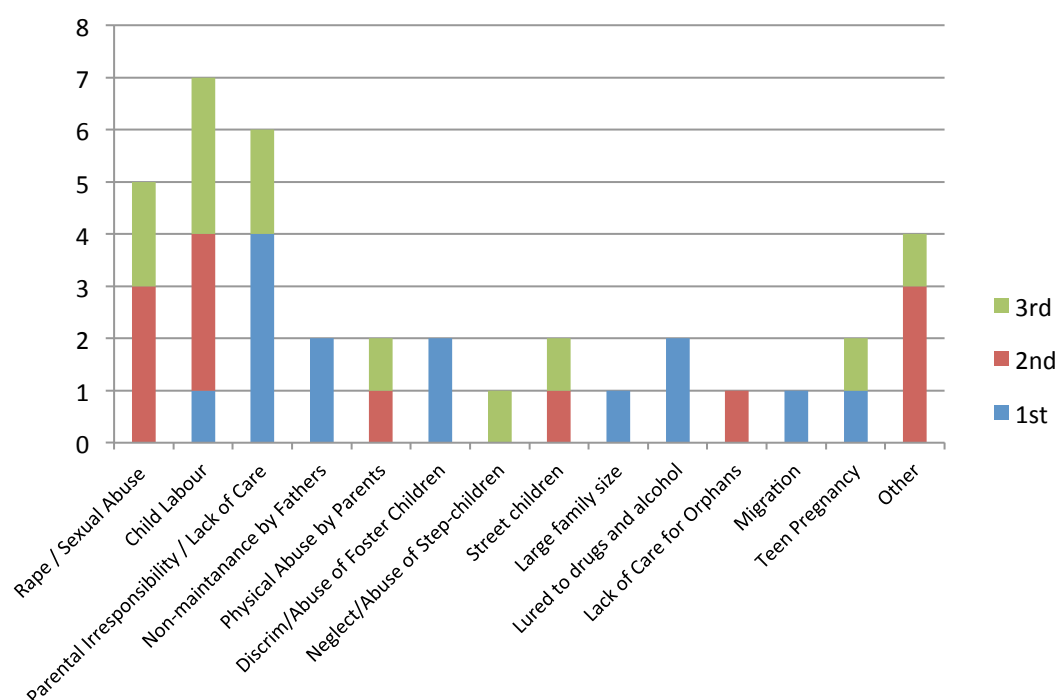
Chart 13: Community Perceptions of Factors Impacting on Children’s Wellbeing



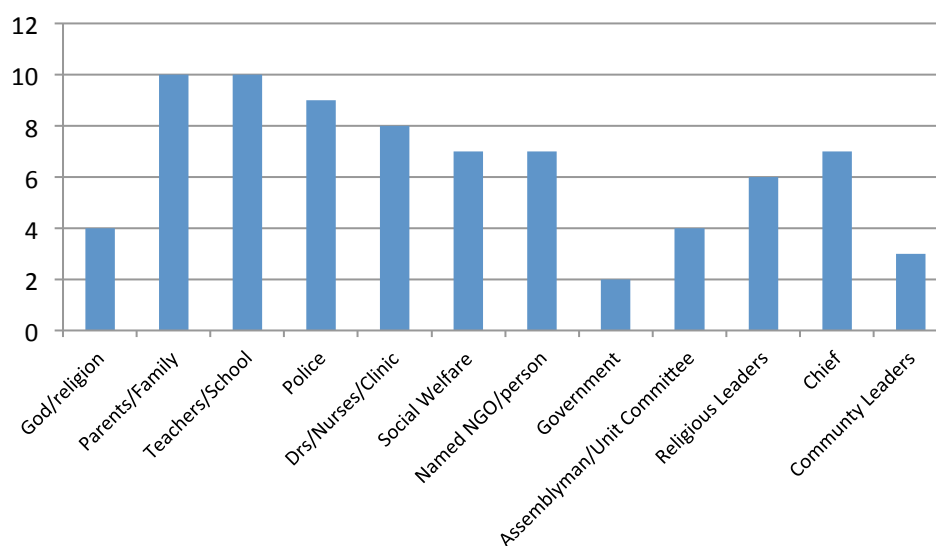
In discussing these issues, most participants linked child protection concerns to lack of parental care and family breakdown. Most groups expressed concern that parents’ failure to provide for children’s basic needs was leading children to engage in harmful labour or, in the case of girls, to “chase men for money”. While some groups associated this neglect with poverty, the majority were of the view that it was more an issue of parental irresponsibility, fathers’ refusal to pay maintenance to their children, and a breakdown in the family system. Some of the adult groups, particularly the mothers, tended to frame child protection issues in terms of adolescent misbehaviour, the lure of luxury goods, and negative influences from peers, video games and pornography. However, others highlighted concerns about parents pressuring children to work and mothers pushing their daughters to have sex with men for money. In all three communities, the increased vulnerability of step-children and children being cared for by someone other than their parents was highlighted.

When asked to prioritise factors that were making children unsafe or insecure, issues of child labour, lack of parental care and sexual abuse received the most votes across all groups:

Chart 14: Community Prioritisation of Factors Impacting on Children’s Wellbeing

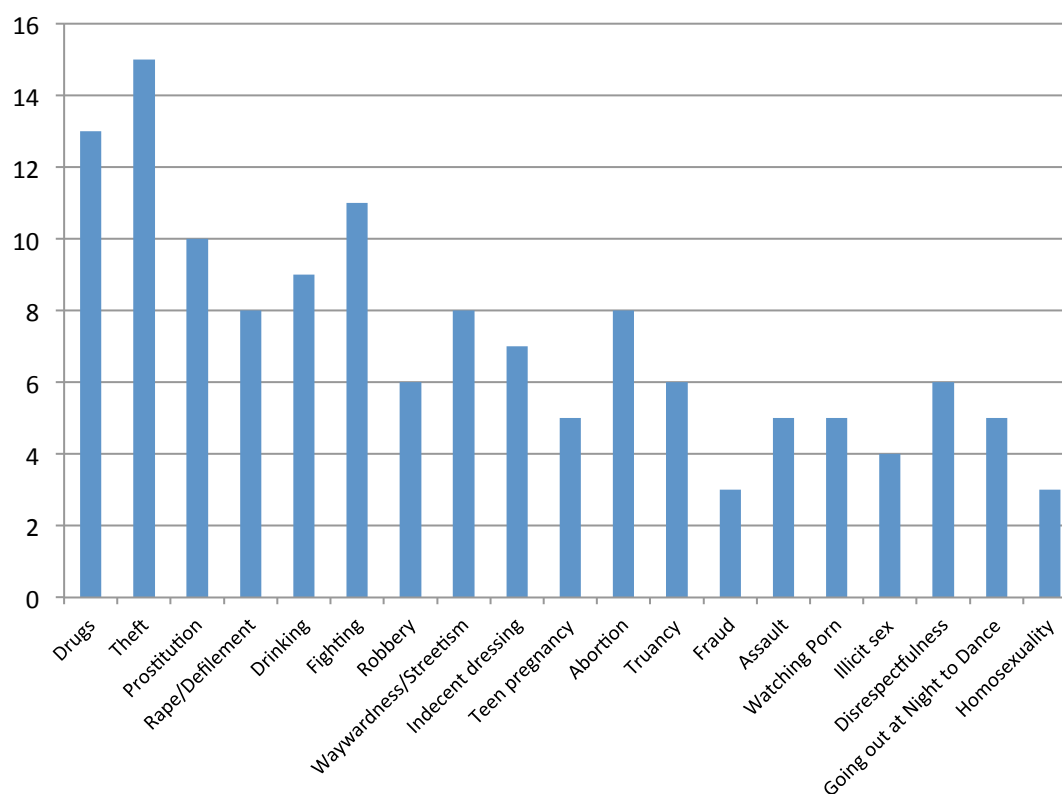


When asked what kept children protected and safe from harm, responses in all communities tended to focus on the importance of key people within the community responsible for children’s wellbeing. Parental / family care and education were identified most often as an important protective factor. Of the government agencies mentioned, the police were most frequently cited as being important to children’s safety and well-being, though health care providers and the social welfare department were also identified by many groups. The importance of Chiefs and traditional elders was highlighted by most groups in Wa West and Tarkwah, but not in the urban district of Kaneshie, where there was more emphasis on government agencies and NGOs.

Chart 15: Community Perception of Protective Factors

2.2 Perceptions of Juvenile Offending

In the remaining three communities (the market area of Ashaiman District, Kwesimintim in Sekondi/Takoradi, and Zosali in Savelugu Naton), participants were asked what types of juvenile crimes or other misbehaviours were most prevalent in their communities. In both rural and urban communities, theft was identified as the most common offence, while alcohol and drug use (primarily “wee” or marijuana) and sexual offences were also frequently highlighted as problems. Young people forming gangs, becoming involved in criminal activity or displaying unacceptable behaviour were highlighted as problems in both rural and urban areas. In the rural area of Zosali, migration to work as a Kayayee was also identified as a key concern.

Chart 16: Community Perceptions of Juvenile Crime / Misbehaviour

Adults who participated in the group discussion tended to focus on behaviour considered by the community to be immoral or disrespectful, rather than criminal activity. This included provocative dancing, indecent dressing (by both boys and girls), staying out late, sexual promiscuity and being disrespectful to elders. Several groups were of the view that drug and alcohol use contributed to more serious crimes, particularly violent or aggressive behaviour. Others noted negative influences from violent films and pornography. Adolescents, on the other hand, highlighted peer pressure and parents' failure to provide for their children's basic needs as a factor contributing to both theft and prostitution. In Zosali, juvenile offending was also associated with organised groups called "ghettos," which are considered to be contributing to drunkenness, marijuana and fighting. Negative influences from young people returning from Accra was also cited as a problem. There is also a belief that bad behaviour can be inherited, particularly from one's mother.

Theft was identified in all communities as both the most common offence committed by young people, as well as the most serious crime. This is an interesting result, since theft is generally considered a relatively minor offence within the formal criminal justice system. However, most community members ranked it as more serious than crimes such as rape and defilement. Reasons cited for ranking theft as the most serious included the fact that it is very common and troublesome to the community, makes community members feel insecure and results in conflicts between families.

3. INFORMAL COMMUNITY HELP AND PROTECTION

A number of stakeholders highlighted the fact that Ghana has a strong tradition of family and community self help and support. Traditionally, children were considered the responsibility of all adults in the community and adults would routinely step in to keep a child safe from harm or correct misbehaviour. Through informal kinship care, children who were orphaned or vulnerable would be cared for within the extended family. Mothers, grandmothers and other respected women in the community played an important role in mentoring and supporting new mothers. As a result of migration and urbanisation, these extended family networks are reportedly coming under increasing strain, and many families and children in urban areas find themselves isolated from traditional support structures. However, family and community ties remain strong in many rural communities and elders and Chiefs continue to have significant influence.¹⁰⁹ Many stakeholders were of the view that these traditional mechanisms could play an important part in the child protection system if mechanisms were put in place to strengthen them.

3.1 Informal Mechanisms for Dealing with Violence, Abuse and Exploitation

In both rural Wa West and peri-urban Tarkwah, stakeholders advised that informal community structures continued to play an important role in dealing with child protection issues. The majority of group discussion participants in these communities were of the view that if a child was experiencing abuse, they would be most likely to turn to a family elder, religious leader, assemblyman / unit committee member, Chief or Queen Mother for help. Many groups noted that children would not feel free to go directly to the police on their own, but would first seek help from someone they know in the community. Interestingly, although schools featured prominently as a factor that protected children, teachers were not mentioned as someone children would turn to for help. By contrast, in the more urban district of Kaneshie, participants focused more on intervention of police, welfare officers, religious leaders and NGOs, and only the group of adolescent boys mentioned Chiefs as a possible avenue for support. Other than in Kaneshie, welfare officers did not feature prominently in people's responses since they are not readily accessible to community members.

Cases that are handled informally are generally resolved through a process of discussion and mediation. Depending on the nature and circumstances of the case, this may take the form of very informal discussions within the immediate family mediated by the head of the extended family or a religious leader. In the rural sites visited, stakeholders advised that more serious cases or those that involved more than one family are generally referred to the Chief, who has authority to issue a binding determination. In such cases, the Chief would have his elders conduct some initial inquiries, and then summons everyone involved to the Palace to discuss the problem before him and his elders. Participants typically include parents and extended family members from both sides, and sometimes neighbours and other community members. The parties are each given the opportunity to explain what happened, and the Chief and his elders might ask questions to better understand the underlying causes and consequences of the abuse. The child may attend the meeting and in

¹⁰⁹ MoWC (2009) Children in Ghana

some cases is allowed to speak if asked a direct question, but in general their interests are represented by an adult relative and they are not permitted to participate directly.

After hearing from both sides, the Chief would then decide, in consultation with his elders, how to resolve the matter. Their primary aim is to arrive at an amicable resolution that preserves the family, promotes reconciliation and restores peace and harmony. In most cases, this includes some form of admonishment against the abuser, as well as payment of a fine to the Chief and/or compensation to the victim's family. Where necessary, the child may be removed from the abusive situation and placed in the care of another family member, or returned to his or her parents if the abuse or exploitation occurred within the context of an informal kinship care arrangement. The Chief might also appoint a member of the community to monitor the child. While none of the groups were able to provide very detailed information about the kinds of support and assistance that the community would give to the child and his/her family, it was noted that the community is often better able to provide the necessary monitoring and support since police and welfare officers do not have resources to follow-up on child victims after the criminal case has ended. A number of stakeholders also noted that the Chief's authority is generally well-respected in the community, and if he rules against certain behaviour people will generally comply. The shame or remorse as a result of the Chief's judgement would reportedly prevent people from repeating their behaviour, particularly since they know that the community will now be watching them.

In all communities visited, the majority of participants advised that serious matters such as rape, defilement or maltreatment resulting in significant injuries would not be handled locally. In such cases, the Chief would generally designate the Assemblyman to take the child to the police and/or the health clinic. Chiefs and community leaders who participated in the research were generally aware of the limitations of their authority, and none who were interviewed had handled such serious cases on their own.

Example of Informal Community Interventions

In Nsuem (Tarkwa), the Chief and his elders reportedly continue to play a significant role in child protection issues. On occasion, the Chief has assembled community members to talk about children's well-being and to issue instructions about the protection of children. He has issued several rules relating to child protection, including banning children from watching certain videos, requiring funerals to finish early so that children do not stay out late, and prohibiting galamsey (illegal mining). The latter rule worked for some time, but has not been respected due to the lure of potential income for both children and their families.

When an incident of abuse or exploitation of a child is brought to the Chief's attention, he will consult with his elders and decide how to deal with the case. In serious matters such as rape or defilement or where there are grave injuries, the case will not be handled locally, and the Chief will designate the Assemblyman to take the child to the police and/or the hospital. In less serious matters, the Chief would invite the relevant parties to the palace to discuss the problem. After hearing both sides, the Chief and his elders would decide how to resolve the matter. This generally involves counselling or reprimanding the abuser to change their behaviour, imposing a fine as punishment, and making an order of compensation. They will also decide if the child needs to be relocated, and if so, with whom the child should live. Someone might be given responsibility to visit the house to monitor the situation and see how the child is doing, and community members would likely offer help and encouragement to the child.

3.2 Informal Mechanisms for Dealing with Children in Conflict with the Law

With respect to children in conflict with the law, virtually all groups were of the view that the immediate response to any juvenile crime, including petty theft, would be "instant justice" in the form of a mob beating. These beatings can be quite severe, and sometimes result in death. In the case of children, a sympathetic community member will usually intervene to rescue them, particularly if the offender is a girl.

The majority of participants advised that girls are generally beaten less harshly than boys, though they may also be subject to other forms of degradation such as being stripped in public. In Wa West, it was noted that when a girl commits a crime, the family will step in quickly to try to cover up the case to protect her reputation. Because bad behaviour is considered to be inheritable from your mother, having it known that a girl has committed a crime would impact negatively on her marriage prospects.

In all communities that participated in the research, informal settlement was the main mechanism used to resolve juvenile offending. In Kwesimintim (Secondi) and Zosali (Wa West), most participants were of the view that family elders or Chiefs would be the primary mechanism used to resolve the dispute. Generally, very minor crimes would be resolved by family elders, and only more serious disputes are referred to the Chief. Imams or pastors might also be called upon to mediate between the two families and settle cases outside the formal system. Only in very serious cases such as murder or armed robbery, or with persistent offenders, would the case be processed through the formal system.

Where cases are referred to the Chief, the process followed is generally the same as described above. The Chief would summons all relevant parties to appear before him and his elders, and each party would be given an opportunity to present his or her side of the story. Further questions might be asked to establish the facts of the case, to understand what motivated the juvenile to behave the way s/he did, and to determine the impact and consequences of his or her actions. The juvenile sits in on the discussions and might be asked questions, but generally does not actively participate in discussions. In most cases, the Chief would give

the juvenile a strong verbal reprimand, and may threaten more serious community punishment and/or referral to the police if the juvenile repeats the behaviour. Resolutions typically include payment of a fine to the Chief and/or compensation to the victim, as well as some form of physical punishment imposed on the juvenile.

Example of Informal Community Interventions

In Savelugu Naton cases of juvenile offending are generally referred to the elders or the Chief for resolution. Cases are only referred to the police if they are very serious, or the juvenile refuses to cooperate or tell the truth.

The Chief would have his elders conduct some initial inquiries, and then summons the parties, including the victim, the juvenile, and the juvenile's parents, before him and his elders to discuss the case. The Chief would listen to both sides and ask questions to explore what happened and why the juvenile behaved the way that he did. He tries to understand what the root cause of the problem is and what is behind the juvenile's conduct. However, children are generally not permitted to take part in the discussions unless they are asked a direct question.

Resolution would generally involve return of the stolen item or payment of compensation, as well as some additional measures aimed at punishing the juveniles and helping them to correct their behaviour. The types of actions participants described included: caning; burning the child's hand with a metal object; slitting the child's finger and putting pepper in the wound; locking the child in a room for some days; issuing a stern warning or threat; conducting a ritual healing; saying prayers for the child; giving counselling to the child; and putting the child under the care of an extended family member. The child might also be sent to a religious leader for prayers and counselling.

The urban district of Ashaiman was the only community where the majority of respondents advised that the primary response to a juvenile crime (after "instant justice") would be to report the child to the police. However, in such cases, stakeholders advised that the general practice was for the police to hold the juvenile in police cells for a few days as punishment, following which either the juvenile's parent or a community leader would negotiate to have the case resolved informally within the family. Examples were given of assemblymen, pastors and Imams interceding with the police on behalf of a child to have a case withdrawn and settled through mediation between families. In such cases, they mediate compensation for the victim, and may also provide counselling and advice to the child and parents to prevent reoffending. In some cases, community leaders have tried to arrange skills training or job opportunities for the young person. The case story below demonstrates both the strengths and limitations of community leaders' interventions:

Case Story (Pastor)

There was a case of a young boy – a street child – who was beaten and arrested. I stepped in, talked to the offended, and also talked to the child. He had a lot of problems, and told me he was homeless and hungry. In this case, he had no home, so it was difficult to follow up. I took him and became responsible for him. I tried to see what to do, and connected him with a push chart owner who was part of the church so that he could work. He went 2, 3, 4 times, but it did not last. He eventually vanished. In the end I could not find a solution. I couldn't find a solution because I was not in Ashaiman and lost track of him because of distance. I don't know what happened to him in the end.

4. CHILD AND FAMILY PERCEPTIONS AND EXPERIENCES OF THE CHILD PROTECTION SYSTEM

4.1 Child and Family Welfare

In all communities that participated in the mapping, there was a strong reluctance to report cases of child abuse and exploitation to government authorities. Several participants noted that children could not go directly to the police or DSW to report a problem, as this would result in rejection by the family. In Tarkwah and Wa West in particular, stakeholders advised that reporting a case to the government would be perceived as a betrayal of the family. In Wa West, this was expressed as the concept of Tijabunyer, or “we are all one”. Instead, concerns had to first be brought to family elders or Chief, and would be referred on to the police only if the matter was considered to be too serious to be handled locally. Both front-line workers and community members expressed the view that government officials were generally viewed as “intruders.” Only in the urban district of Kaneshie was there strong support for the involvement of government officials in child protection cases. Even where cases were officially reported to the police, family members, religious leaders or Unit Committee representatives would often intercede to try to have the case dropped and resolved within the family. One group also highlighted that how a case is handled might depend on the status of the girls' family and relatives in the community; those who are less privileged were said to be “helpless”.

The majority of community stakeholders were of the view that informal ways of resolving problems were preferable to the formal system. The most frequent reasons given were that family members would consider it a betrayal to take matters to the government, and that the formal system was unfamiliar or intimidating to children and families while traditional mechanisms were more comfortable. Some noted that welfare officers are only in big towns, and people cannot go there because it is too far. Others were of the view that the Chief has more authority in the community than government authorities, and that if matters were resolved locally then people would sympathise with the victim more and there would be community monitoring and support. A significant minority, however, were of the view that it would be preferable for the police to intervene so that there would be justice.

When cases of child abuse, neglect or exploitation are officially reported, it is generally the police, rather than social welfare authorities, that families and communities turn to for

intervention. This is partly because the police are better known and more easily accessible than social welfare officers. However, discussions in all communities also revealed a general perception that formal government services were primarily a means of imposing justice or punishment on the perpetrators, rather than a potential source of support and assistance to families. Most community stakeholders demonstrated limited awareness of the role of welfare officers, or of the support and protective interventions available to children within the formal child protection system.

In all of the districts visited, the police reportedly have relatively good working relationships with social welfare officers and will refer on cases of child abuse when necessary. However, this is not standard practice in all cases, and welfare officers are generally contacted only where temporary shelter is needed, or where the case involves a custody or maintenance dispute. When a case is referred to DSW, the welfare officer conducts an assessment, consults with the parents, and decides what actions need to be taken to safeguard the child's best interests. If the child needs to be removed from the home for their own safety, arrangements are made for temporary care. Preference is reportedly given to finding a relative who is willing to care for the child, though in many cases this is not feasible and the child is sent to a local shelter or orphanage. Beyond meeting the child's basic care needs, welfare officers generally have limited resources to provide ongoing monitoring, support or counselling, particularly if the child lives outside of the district town.

Once a case is officially reported, Chiefs and community leaders reportedly have limited further involvement since the matter is then viewed as a "government" case. While police and welfare officers generally visit a Chief and inform him of a case before taking any action, there does not appear to be a standard practice of engaging Chiefs, community leaders, and extended family members as part of the formal response process. Chiefs and community leaders generally expressed a desire to work more cooperatively with the police and welfare officers to help strengthen families and address child protection issues in their communities. However district child protection workers tended to portray family elders and traditional leaders as barriers to the proper handling of cases rather than as potential partners in child protection, particularly in cases of violence within the family where they often intercede to prevent a criminal prosecution. In all the communities visited, the perception given was of a fairly clear division between the informal and formal system for handling child protection cases, with limited linkages between the two.

The following two case stories illustrates the limitations of the formal child protection system, and in particular the gaps in collaboration between police and welfare officers, the limitations of the justice system as the primary means of responding to child abuse cases, and the limited scope of counselling and support services for child victims and their families:

Case Story (Welfare Officer)

A recent case involved a 10 year old girl with an obstetric fistula problem. The case was reported to the hospital and they brought us in because we collaborate a lot with the hospitals. This girl could not go to school because she was always “leaking”. This kind of complication affects women during childbirth, and I probed why the girl of 10 could have such a problem. I was told the girl got it because of FGM that was done to her when she was young. The woman who performed the FGM was invited, but she refused to respond. We involved the Police and she was processed for court and jailed.

I contacted SWAA Ghana (an NGO) who arranged for me to bring the girl for surgery in the hospital. Two weeks ago I brought her for the surgery. I was happy to hear that she had had a successful surgery and sent back home. The girl was treated and discharged. There was no other support.

If we had solved it out of court we could have given some compensation. It is necessary to improve upon part of the process. I do not believe that sanctions alone are enough. The victim must be compensated. This is a scar for life. According to the medical staff in the hospital, the scar can tear during child birth, which can cause a lot of pain. Perpetrators of child abuse must therefore be made to compensate child victims.

Initially, the family was not happy about the fact that the Police and Social Welfare got involved. They started blaming everything on ignorance. The nurses however refuted that and indicated that a lot of education has been undertaken in communities and therefore ignorance is no more an excuse. Even though the parents and family of the girl were not happy we as DSW and the hospital were happy that we had achieved something that can be a deterrent to future perpetrators.

Case Story (DOVVSU)

One case I handled concerns a girl from a remote village who suffered a severe degree of defilement by a neighbour. She herself has not told us the story but she has told her parents. When the case was reported to us we sent her to the hospital because she was bleeding. The incident occurred during the Africa football tournament and people had gathered around a TV set in the village. There was this young man who called the girl into a dark place and defiled her severely. The little girl lives with the grandmother. Her real mother lives some 100 metres away. She told her grandmum and they organised and sent the matter to the Police.

When she was discharged from the hospital she was not ready to say anything. I applied my psychology skills on her and still she would not talk. The perpetrator denied having done anything to the girl. So we are in a limbo. The boy’s people went for a lawyer. The relatives of the girl think they will not get justice because they are poor. We assured them there will be justice. The parents trust DOVVSU to do something for them. Access to the village is very difficult. We do not have means of transportation. We want the parents to bring the girl.

We did not inform DSW because there were relatives around. When parents are abusive to children we inform DSW. But here the relatives were around and were supporting her.

The child is now degenerating. She is pale, more timid, and now discharges very badly. She needs proper medical care and this calls for money. She needs a specialist and she needs counselling too. She needs special care. Nothing by way of compensation is being given the child for her care. Money must be taken from the boy's family to take care of this girl. There are no facilities to support victims. No money. Some medical officers will insist on money first before attending to a victim.

If I had the chance, she should be removed from the area. She needs clinical counselling. Nutrition is bad at home, and she is shouted at. When she is outside of the home and she meets us she will not talk. I think that if social welfare were resourced enough, it could just relocate (adopt) her. The girl and her grandmother with six other children are crammed in one small village room. The girl must be taken out of the place.

If we had a proper home, the child could be supported. We are helpless. These children need lawyers to fight their cases for them. The lawyers of the boy seem to be having their way. It looks like the poor does not get justice.

However, there have also been instances of good working relations between police and welfare officers have resulted in better outcomes for children:

Case Story (Welfare Officer)

I have recently handled a cases concerning two children whose mother was a mental patient. The mother was sleeping on the street with these children. The woman had been sleeping on the streets for weeks, and looking at the conditions under which these children were living on the streets, dirty, being starved. So every day in day out the woman would have to go out begging for food. So somebody reported the case to the police. So the inspector, since we have been collaborating over time, also reported the case to my end.

The initial thing we did was to get protection for the children. We have a home for vulnerable children so we took the children there and provided them with basic needs, clothing and other things. In collaboration with the police we took woman to mental hospital. We took her there, they assessed her and provided the needed drugs. It took some two or more months while the woman was responding until the last time that we sent her for a check-up the hospital authorities thought she was ok. She wanted to know where the children were, so then we brought her to the orphanage. When she saw the children she was very happy. But we have to wait for some time. After the hospital discharged her we have to make a follow up to find out where the family was and we were able to trace the family.

In the end, the woman and the children re-united with their family, and we will assist her with her transport fare and those things to go for her drugs. We have been paying visits to the home to find out how the children are fairing.

4.2 Juvenile Justice

Communities who were asked about children in conflict with the law also expressed a preference for cases informally, rather than referring the matter to the police. The most common reasons given for preferring informal, community settlements was that the formal system was costly and time consuming; children received worse treatment from the police; spending time in police cells and correctional centres made child offenders even worse; people preferred their own cultural ways solving problems, which foster peace within the community; family ties were close, so people don't want to expose a juvenile's family; the formal system was corrupt; and that resolutions by the Chief acted as a strong deterrent both to the juvenile and other children in the community. The majority of participants were of the opinion that informal resolutions were better for both the juvenile and the community, however many expressed the view that sending children to police cells and correctional centres was a stronger deterrent.

As noted above, in both urban and rural communities, participants advised that informal resolution was used to resolve the majority of juvenile offences. Even in cases where the juvenile was reported to or caught by the police, a family member or community leader would generally intervene to have the matter resolved informally through mediation. It was noted that police often do not even bother to register juvenile cases, since they know it will likely be withdrawn. While district child protection workers seemed more accepting of the role of Chiefs and community leaders in resolving juvenile cases informally, there does not appear to be a standard practice of police proactively referring juveniles to community leaders unless family members or community leaders themselves come to the police to intervene. This places juveniles without strong family or community support at a disadvantage. Some group discussion participants noted that how a case was handled, and whether religious or community leaders would intervene on behalf of a juvenile would depend on their perceptions of the juvenile's character and his or her family status.

In all communities, participants were aware of the availability of correctional centres for juveniles, and generally perceived this as the main response available through the formal juvenile justice system. None of the groups demonstrated awareness of other government or NGO services available to support the reintegration and rehabilitation of juvenile offenders, such as probation services. Even in the more urban areas studied, the support available to assist young people to deal with offending behaviours is quite limited, and district probation officers are significantly constrained in terms of the types of support they are able to provide, and the frequency and intensity of their contact with young people and their families. The following case story demonstrates how the formal system can at times be oriented towards rehabilitation rather than punishment, but also highlights some of the constraints and limitations probation officers face in carrying out their duties:

Case Story (Probation Officer)

One of the cases I have handled is about a 14 year old boy who defiled a 3 year old girl. This boy was living with his single parent mother who had 6 other children. The boy's mother was a porter (kayayo) so she leaves home early and comes back late in the evening. The complainant reported to the police that the boy had defiled her granddaughter. The police sent the matter to court. At the court the boy pleaded guilty and his plea was taken. The case was then referred to the DSW to produce a Social Enquiry Report (SER) whilst the boy was granted bail. The case was handled by a specialised juvenile court.

To write the SER I visited the boy in his house and interviewed him. The boy's mother, the victim's mother and the complainant were also interviewed. During the interview I realised that the offender was a house boy in the complainant's house. The granddaughter came to spend the weekend in the complainant's house. One day when the complainant was leaving home the victim was still sleeping so she asked the boy to bath her when she got out of bed. The boy did, but also had sex with the child before bathing her. When the complainant returned the victim demonstrated the act to her. The boy admitted the offence.

I asked whether the victim had been injured in the act and the cost of medical bills. The complainant said the victim didn't sustain any serious injury but they gave her some medicine. The medical report indicated that there was no serious injury and the victim's mother also confirmed that the medication was not too expensive and child had recovered.

I asked the boy why he committed the offence and he said he does not know what came over him. I tried to find out whether he watched pornography but he said no, he didn't watch those things. I made recommendations that the boy be put on 18 months probation and it was accepted. The offender is now on probation and living with his mother in town.

I was so satisfied with the way the case was handled because the boy was a first time offender and did not know that such a thing could happen to him. I counselled him and educated him of some of the symptoms, changes and signs he would experience as a young boy and how to handle such feelings. I explain to him the seriousness of the offence and the consequences if he was an adult. I told him to be careful whenever he goes out. He should not hesitate to come to my office when he feels these symptoms and I'll tell him what to do. I realised that he was an innocent boy and did not know what came over him. The complainant was not satisfied; she tried to curse me, saying this thing will happen to my child some day. Again, she often went to the market to insult the boy's mother. I asked the boy's mother not to mind her because the complainant was just trying to cause trouble for her.

The boy reports at the office every 2 weeks and I also visit him once every month. So far he is the only person who reports regularly and he shares his thoughts willingly. He is doing well. The mother has arranged for him to work at a corn mill when he closes from school and he uses earnings from working at the mill to pay for his school uniform, books, shoes, etc. The only problem I had was the issue logistics/finances; I had to use my own money to run some of the errands. DSW does not provide any money to the probation officer to make visits. Expenses incurred are also not refunded.

KEY FINDINGS

- ❑ In all of the communities visited, there was a strong sense of the important role that family and community play in promoting the welfare of children, but also concern about the erosion of the family system.
- ❑ Community members identified a broad range of issues impacting on children's well-being that go beyond the current priorities of the formal child protection system, including child prostitution, physical abuse, teenage pregnancy, and general concerns about parenting skills and parental responsibility towards their children.
- ❑ In both urban and rural areas, communities have their own mechanisms for managing child protection concerns. It appears that the vast majority of child maltreatment and juvenile offending cases are handled informally either at the family level, or through interventions of religious leaders or Chiefs.
- ❑ Where cases are resolved informally, emphasis is primarily on compensation, reconciliation and restoring harmony in the community. However, while the best interest of the child is not the primary focus, resolutions do generally take into account the child's need for care, support, and protection. The authority of family elders and Chiefs can be used to bring community pressure to bear to prevent recurrence of abuse or exploitation, and to ensure follow-up monitoring and encouragement from community members.
- ❑ In rural areas, Chiefs play a vital role in determining whether cases are referred to the formal system, since children and families will generally not go directly to the police without first consulting with them. In the more urban areas, religious leaders and the assemblymen often play this gate-keeping role. Community leaders seemed aware of the limitations of their authority, and most advised that they would refer serious cases of child maltreatment or juvenile offending to the appropriate authorities. Once a case was officially reported, there was limited cooperation between the formal and informal systems.
- ❑ In all communities that participated in the mapping, there was a strong reluctance to report child protection cases to government authorities. The majority of community stakeholders were of the view that informal ways of resolving problems were preferable to the formal system.
- ❑ In rural areas, access to formal government and NGO services is extremely limited. Even in more urban areas where formal structures are in place, child protection authorities have limited ability to provide supportive services to children and their families.
- ❑ Communities tended to equate formal child protection services with police intervention. Awareness of other child protection programmes and services (particularly social welfare and probation services) was quite weak, even in more urban areas.

PART D: ANALYSIS

ANALYSIS

Through the Children's Act and Juvenile Justice Act, Ghana has established a relatively comprehensive legal framework for the child protection system. However, there is a wide disconnect between law and practice, and between law and community approaches to dealing with child protection issues. Many stakeholders expressed frustration over the limited implementation of these laws, which is attributed largely to the government's failure to properly resource the key structures they mandate, including social welfare officers, probation officers, DOVVSU, Juvenile Courts, Family Tribunals and Child Panels. However, this mapping and analysis has raised more fundamental questions about whether these structures and approaches are in fact relevant, feasible and appropriate to the Ghanaian context and culture.

Ghana's formal child welfare system has been structured largely on the UK protective intervention model, which is founded upon formal investigative responses and court-ordered protective interventions. This is a resource-intensive model, requiring significant investment in child welfare services and specialised family courts. The juvenile justice system is similarly oriented towards formal judicial and quasi-judicial interventions, which are dependent on well-resourced probation officers, Juvenile Courts and specialised correctional centres for children. While the Child Panels were conceived as a more informal means of resolving children's cases, they too have been designed as relatively formal, quasi-judicial bodies of designated district-level office holders. For the most part, available resources are insufficient to ensure the effective functioning of these structures, and they remain relatively inaccessible to most communities outside of the district capital.

The main entry point for children and families to access formal child protection services is generally the police. As a result, emphasis has primarily been on reactive interventions for children who have already experienced serious harm. This is due in part to the advocacy efforts of DOVVSU, resulting in relatively high community awareness of the unit and of the need to report serious cases of violence to the police. By contrast, welfare officers are not well known or easily accessible outside of district capital and generally do not have networks in the community. Informal cooperation between district-level police, welfare officers, health workers and NGO service providers is generally quite good, but there is no formalised inter-agency referral mechanism, and no structured approach to case management and care planning. Rather than being central to the process, DSW is generally ancillary. Progress has been made, particularly in urban centres and district headquarters, in strengthening medico-legal services for child victims at the initial stages after abuse has been reported. However, the capacity to provide continuing monitoring and support to children and families after the initial crisis stage is very limited. The formal response system has not been designed to engage family elders, religious leaders, Chiefs and community members in case planning, monitoring and supporting children.

Both government and NGO response services are oriented towards rescue and removal of children, rather than working with families to address concerns in the home. There has also been less emphasis on early intervention or to more supportive child and family support services as separate and distinct from criminal interventions. Alternative care and temporary places of safety remain a challenge, and available options are primarily institution-based,

rather than family-based. While the National Plans of Act on child labour, OVCs and trafficking call for the establishment and strengthening of prevention, early intervention and recovery and reintegration services for children and their families, there is no detailed articulation of how this is to be accomplished, or what the country's overall approach to child welfare services should be.

Children in conflict with the law face the added challenge of harsh community attitudes towards offending behaviour. By the time they come to the attention of the police, most juvenile offenders have already experienced the brutality of "instant justice" at the hands of community members. While it appears that many juveniles are diverted from the formal system through police cautioning or the intervention of family and community leaders, there is a worrying tendency of using temporary detention in police cells as a form of immediate punishment. This is contrary to both national laws and international standards. More formal diversion through the Child Panels is not functioning in most parts of the country, and Juvenile Courts have not been making use of existing ADR mechanisms for juvenile cases.

While community attitudes tend to be quite punitive, the formal juvenile justice system has been oriented towards rehabilitation rather than punishment. The majority of juvenile offenders reportedly receive non-custodial sentences; however in the absence of statistics on recidivism, it is unclear whether existing approaches to rehabilitation are effective. Probation officers provide what guidance and support they can to juveniles under their supervision, but are constrained by lack of human and financial resources. The input from community groups suggests that there are a variety of factors contributing to juvenile offending, including poverty, drug and alcohol addiction, peer pressure, parental neglect, inadequate parental supervision, and poor parent/adolescent relationships. However, there is a dearth of programmes and services that could help children and families to address these issues. The kinds of support needed to address family problems and offending behaviours are often beyond the capacity of individual probation officers, who are generally limited to periodic counselling (if and when the juvenile comes to their office) and referrals aimed at addressing education, vocational training or employment needs. There does not appear to be a consistent practice of proactively engaging family elders, religious leaders, Chiefs and community members to support monitoring, rehabilitation and reintegration of juvenile offenders unless the community leaders themselves take the initiative to intervene.

The data that was available would suggest that uptake of formal child protection services is quite limited, and the vast majority of child protection cases either go completely undetected, or are handled informally by families and communities. In all communities visited, there was a strong reluctance to report child protection cases (abuse, exploitation and offenders) to government authorities. Both front-line workers and community members expressed the view that government officials were generally seen as "intruders." In addition, because of the justice-centred way the child protection system has evolved, the formal government system appears to be perceived by the community as primarily an enforcement mechanism to punish and deter perpetrators, rather than a means of accessing support and assistance for children and their families. In general, communities resorted to the formal system only in very serious cases that were perceived to be beyond the jurisdiction of community leaders. Reluctance to engage with the formal system was due not just to limited access to government services, but primarily because community mechanisms were perceived as being more appropriate and effective.

In all of the communities visited, informal mechanisms were in place to deal with child protection issues. In more rural areas, Chiefs, Queen Mothers and elders played a role in arbitrating cases of both children in need of protection and juvenile offending. In more urban areas, family heads, the assemblyman, religious leaders and to a lesser extent Chiefs played the mediating role. In contrast to formal system, decision-making at the community level is done through a process of group discussion involving family members and community elders. The primary focus is to arrive at an agreed resolution that restores peace and harmony and compensates the injured party. While the best interest of the child is not a primary concern, in both child offending and child maltreatment cases the resolutions do tend to take into account the child's care and supervision needs, and sometimes include ongoing support such as informal counselling and encouragement, financial or educational assistance, and monitoring and home visits. While some of the orders that Chiefs impose are cause for concern (particularly with respect to juvenile offenders), their authority generally allows them to mobilise community support in favour of children and their families. Furthermore, because the extended family and community is involved in the process, there is reportedly greater likelihood of follow-up monitoring and support to the child, as well as community pressure brought to bear to prevent continued abuse or re-offending. Examples were given in all communities of dedicated Chiefs, assemblymen, pastors, Imams, and members of the community giving of their time and personal resources to help both child victims and children in conflict with the law.

However, the linkages between these informal practices and the formal child protection system remain quite weak. Chiefs and Queen Mothers are sometimes engaged as opinion leaders on prevention and awareness activities, and many have been influential in issuing local rules with respect to issues such as child labour and FGM. However, cooperation in dealing with individual cases is limited. In all the communities visited, family elders, assemblymen, religious leaders and Chiefs effectively acted as gatekeepers to the formal system, since few children and families would go directly to the police without first consulting with community elders. Once a case is referred to child protection authorities, it is perceived by community leaders as a "government" case and they generally have limited further involvement. Similarly, formal child protection workers generally do not refer to or collaborate with Chiefs and community leaders in resolving cases that come to their attention unless the community leaders themselves take steps to intervene. The formal child protection system has not been designed to engage extended family, Chiefs and community leaders in decision-making about individual cases, and the processes (adversarial court proceedings, traditional social work case management practices) draw more from inherited British models than from traditional mechanisms for resolving family issues. This is a lost opportunity for the formal system to promote more consensus-based, family-focused decision-making, and to draw on the strengths of existing monitoring and support networks at the community level.

A number of stakeholders at both the national and sub-national level expressed the view that the child protection system could be strengthened by forging greater linkages with and building the capacities of Chiefs, Queen Mothers and other community leaders. It was often noted that, while traditional community caring practices were beginning to wane, particularly in urban areas, they could potentially be revived and strengthened with government support. Most of the Chiefs and community leaders who were interviewed as part of the research process expressed a willingness to work together with child protection authorities to address

child welfare and juvenile offending in their community. However, there remains some resistance amongst district-level child protection workers to work collaboratively with community leaders, who they sometimes perceive as interfering with their cases and sabotaging their work. Through the ADR Act and the Court-annexed mediation programme, Chiefs have been formally recognised as an important part of the adult justice system, and traditional arbitration is increasingly being revived as a valid alternative to formal litigation. However, this collaborative approach has not yet fully filtered through to the child protection sector.

Overall, the mapping and analysis exercise revealed that the formal child protection system is generally not addressing the needs of most children and their families, and has not been designed to be culturally appropriate and sustainability within existing resources. However, there are a number of opportunities that could be leveraged to help strengthen the system and make it more effective:

- ❑ The new Ghana Shared Growth and Development Agenda 2010-2013 reinforces the government's commitment to strengthening social welfare services;
- ❑ MESW and DSW have already acknowledged the need to shift away from remedial and reactive approaches to social welfare to a developmental and proactive one;
- ❑ Through the LEAP initiative, a MESW Institutional Strengthening Plan has been developed and funded through development partner contributions. An organisational review and restructuring has been planned for 2011. This opportunity could be harnessed to strengthen social welfare services for children and promote synergies with other dimensions of social protection.
- ❑ However, as previous reports have pointed out, the new prioritisation of social protection presents both an opportunity and a challenge to the child protection system. As the implementing agencies for LEAP, the MESW and DSW have received additional resources to strengthen their institutional capacity, and these resources could be leveraged to build DSW's capacity to deliver effective child and family welfare and probation services. However, to date there has not been any expansion of central, regional or district-level staff compliments to take into account the added responsibilities of LEAP. Implementing the new cash transfer programme has required significant commitment of already limited DSW staff time and resources, and there is a risk that district social welfare officers will become administrators of grants, rather than the focal point for broader child and family welfare services. As currently envisioned, LEAP has been designed to identify and provide financial support to the extreme poor in select districts. As such, the overlap between families receiving LEAP and those requiring child and family welfare services is likely quite limited. While poverty is linked to some child protection issues, there is generally a complex range of factors that put children at risk of violence, abuse, exploitation and offending behaviour, and these issues generally cut across socio-economic groups. In most cases, where children and families are experiencing difficulties, cash transfers alone are not sufficient to address their needs, and a broader range of family support services is required. As the MESW moves forward with its social protection strategy, care is needed to ensure that an appropriate balance is struck between the DSW's mandates for social protection and broader social welfare services.

- The creation of new District Social Welfare and Community Development Departments under the MMDAs provides an opportunity to more clearly articulate what the mandate of these new Departments will be, what core services they could feasibly and realistically be expected to provide, and what resources (human and financial) they will need to do so. The convergence of welfare officers and community development officers at the district level also provides an opportunity to re-orient District Social Welfare and Community Development Departments towards more outreach and empowerment practices. However, this will require new ways of viewing the role of welfare officers, and new skills.
- Through the cocoa and worst forms of child labour initiatives, community-centred models of prevention, early intervention and response have been operating in some districts. Lessons learned from these models could be used to inform the broader child protection system design.
- Through the Court-annexed mediation programme, the Judicial Service has promoted a network of trained mediators throughout the country, and also has plans to conduct training and awareness with Chiefs on their role under the new ADR Act. This could be leverage as an opportunity to develop more informal, cost-effective mechanisms for diverting juvenile cases in lieu of investing in the establishment of Child Panels.

PART E: RECOMMENDATIONS

RECOMMENDATIONS

Based on the findings above, it is recommended that Ghana embark on a process of reconceptualising its child protection system and designing an approach that is more feasible and sustainable, and also more relevant and accessible to children and families. The following general recommendations are proposed for consideration:

Strengthen the Child and Family Welfare System by:

- **Developing a vision or conceptual framework the social welfare system that clarifies the aims, objectives and overall approach of the system.** This conceptual framework should inform the design of a child and family welfare service delivery system that draws on the strengths of existing community structures and traditions, and outlines a realistic, sustainable and culturally appropriate system based on a dynamic partnership between the formal system and communities. It is recommended that the development of this conceptual framework be informed by:
 - Technical review of literature and experiences from other countries on models and approaches to social welfare generally, and child and family welfare more specifically, including: the growing literature on pro-active and community development approaches to social work; the shift from rescue/reactive services to more emphasis on prevention and early intervention; and new models for consensus-based and community-led decision-making in child protection cases;
 - Consultations with key child protection stakeholders, local communities and community leaders to identify the values and principles that the system should reflect, to discuss the role of the District Social Welfare and Community Development Departments and their relationship to communities, and to explore opportunities to incorporate existing formal and informal community structures (CLICs, community health workers, teachers, Queen Mothers, Chiefs, religious leaders, etc) into the child and family welfare delivery system;
 - Policy-level dialogue on emergency care for child victims to develop a consensus amongst all key agencies (government, NGO and INGO) about the appropriate role and use of temporary shelters and orphanages;
 - Documentation and review of lessons learned from existing community-based child labour interventions and child protection committee models to help inform the design of community-based service delivery mechanisms;
 - As part of the ongoing MESW/DSW organisational review under the LEAP initiative, critically assess the broad mandate, roles and responsibilities of the DSW and District Social Welfare and Community Development Departments.

- **Developing a new social welfare services policy /strategy,** with a focus on child and family welfare services, to guide the gradual implementation of the new conceptual framework. This should go beyond particular categories of vulnerable children to articulate the country's overall strategy for delivering social welfare service, including:

- Agreed principles and approaches to social welfare / child welfare services;
 - Institutional arrangements for social welfare service delivery, centred on the new District Social Welfare and Community Development Departments, with networks down to the community level;
 - Clearly defined roles and responsibilities of all key agencies (welfare officers, police, health, teachers, courts, civil society, Chiefs and community leaders etc) within that service delivery framework, including clarification of how civil society organisations, Chiefs, religious leaders and other community leaders can contribute to the system, as well as the circumstances that would trigger the obligation of the state to intervene with the delivery of services;
 - Mechanisms for inter-agency coordination, and for ongoing networking and collaboration with civil society organisations and community leaders;
 - Plans for human and resource development.
- **Undertaking organisational review/restructuring:** Ensure that the planned organisational review and restructuring of the DSW and District Social Welfare and Community Development Departments is linked to - and informed by - the social welfare services strategy, and looks broadly at DSW's ability to implement all aspects of its social welfare services mandate (not just LEAP). Existing resources committed to the ISP could be leveraged to re-define DSW roles, responsibilities and accountabilities, to develop clear job descriptions, and to re-orient staff in line with the proposed new social welfare services strategy.
- **Strengthening inter-agency coordination by reviving the national Multi-Sectoral Committee on Child Protection** as the key mechanism for policy dialogue and strategic planning across all Ministries, agencies and organisations. The Committee should have a clearly articulated mandate and objectives. Membership should include representation from existing issue-specific coordinating committees (child labour committee, OVC committee, Child Abuse Network, etc) to promote more integrated planning across all child protection issues.
- **Developing guidelines and procedures for all agencies:** Once the over-arching social welfare services policy has been developed and roles and responsibilities are clearly defined, more detailed regulations, guidelines and procedures will be needed to guide all agencies in carrying out their child welfare/protection mandates, and to promote greater inter-agency collaboration and referral. This would include guidance for agencies within the formal system (standards for services; reporting, assessment and case management procedures; inter-agency protocols and referral procedures), as well as guidance for Chiefs, religious leaders and other community leaders on their role in the system. In developing procedures for case management and decision-making, consideration should be given to incorporating more culturally appropriate, consensus-based and family-focused approaches, as has been done, for example, in New Zealand, Canada and Australia. It would also be preferable to develop standard general procedures for handling all types of child protection cases first, and then develop any additional guidance needed for specific types of cases (trafficking, labour, etc). This would avoid

the proliferation of different issue-specific SOPs that may not be consistent, and that call for different approaches depending on what “box” the child fits into.

- **Piloting a comprehensive child protection system in selected districts:** It is recommended that selected districts be used to pilot a comprehensive, integrated child protection system, centred on the District Social Welfare and Community Development Departments with clear linkages to other key partner organisations (DOVVSU, DOC, health, education, CLU, civil society, community leaders, etc). This could include action-oriented research to identify and build locally appropriate community networks from the ground up. Ideally, pilot districts would include a mix of urban, peri-urban and rural districts, and build on locations where investment has already been made in some capacity building. To maximise synergies, it would also be advisable to focus on districts that overlap with LEAP and child labour pilot communities.

Improve Access to Justice for Children by:

- **Developing a comprehensive child justice policy,** building on the process that has already been started by the Juvenile Justice Committee, but addressing not just children in conflict with the law, but also child victims participating in justice proceedings. The policy should take a broad look at the overall principles and approaches that should underpin the system, with particular emphasis on appropriate use of, and models for, diversion, alternative dispute resolution and community-based rehabilitation. It is recommended that the development of this policy be informed by:
 - Technical review of different international models and approaches, particularly in relation to diversion, the use of traditional dispute resolution, and community-based approaches to rehabilitation and reintegration;
 - Consultations with key juvenile justice stakeholders, local communities and community leaders to identify the values and principles that the system should reflect, and to explore opportunities for incorporating existing community mechanisms into the juvenile justice system. In particular, this should explore the role that community mediators, Chiefs, and religious leaders could play in facilitating mediation and assisting with guidance, mentoring and supervision for juveniles on probation or who have been released from custodial settings;
 - Document and review lessons learned from the court-annexed mediation programme for adults.
- **Reviewing and reconsidering the Child Panel model:** It would appear that the Panels that are functioning receive very few referrals and are mainly dealing with child custody and maintenance cases. It is recommended that a review be undertaken to re-assess whether Child Panels are indeed the most appropriate and feasible mechanism for promoting juvenile diversion and informal resolution of children’s cases. Arguably, the current Court-annexed mediation programme and new Alternative Dispute Resolution Act provide much more accessible mechanisms for mediation and diversion, without the cost of creating new quasi-judicial structures. The Juvenile Justice Act 2003 provisions on diversion are framed in very general terms (the Child Panels are mentioned only in

the Children's Act, not the Juvenile Justice Act), so there is no legislative barrier to developing alternative diversion programmes.

- **Reviewing and reconsidering the panel system of the Juvenile Court and Family Tribunal:** the current panel system is reportedly not functioning well in many districts, and in some instances is causing unnecessarily delays in completing children's cases. The requirement that welfare officers sit on both panels is a significant drain on their time and resources, particularly in districts with only one professional social welfare staff member. Resources could be better invested in ensuring that probation officers have the capacity to prepare comprehensive and informative Social Enquiry Reports.
- **Introducing guidelines, procedures and regulations:** There have yet to be any regulations or guidelines issued under the Juvenile Justice Act, and greater guidance is needed for all agencies involved in the administration of justice. This includes agency-specific guidelines and procedures for police, prosecutors, magistrates, judges, probation officers and correctional centres; protocols for improved inter-agency collaboration and referrals; and guidance for Chiefs and community leaders in conducting mediations involving children. Binding minimum standards should be introduced for all juvenile institutions (police cells, remand homes and correctional centres).
- **Improving Inter-agency Coordination** by developing clear objectives and a work plan to guide the National Juvenile Justice Committee. It is also recommended that the existing regional Probation Committees be re-established as Child Justice Committees, with a wider mandate to promote coordination on all child justice issues, rather than simply dealing with individual cases of children on probation.
- **Developing a behaviour change communication strategy** to address community attitudes and perceptions towards juvenile offenders, and in particular to counter punitive and "instant justice" responses.

Strengthen Information Management Systems by:

- **Reviewing and Revising Standard Agency Reporting Formats** to ensure that appropriately disaggregated data is collected on all children's cases by the police, welfare/probation officers, courts, correctional centres and prisons. In the long term, agency data management systems should be upgraded to ensure more accurate and consistent flows of information up to the central level.
- **Introducing Mechanisms for Consistent Collation, Analysis and Sharing of Child Protection Data** by strengthening MoWAC's capacity to act as a central repository and putting in place mechanisms for regular, periodic data sharing from all agencies involved in child protection.

Strengthen Human Resources Across the Child Protection Sector by:

- **Undertaking a child protection training needs assessments** and develop training plans for relevant staff of all agencies, including welfare officers, probation officers, police, magistrates, Judges, and correctional officers in prisons and correctional centres.
- **Developing standardized, certificate-based training courses** (multiple courses and levels of training if necessary) that can be incorporated into standard induction training programmes and delivered on an in-service basis with development partner support. Training should be skills-based (rather than simply informational or motivational), and grounded in national laws and agency policies and procedures (rather than simply international standards).
- Identify opportunities to leverage existing donor-funded ADR capacity building programmes to help **build the skills of community mediators and Chiefs in child-friendly mediation of juvenile cases.**
- **Reviewing and revising the curriculum of the School of Social Work** to provide a more culturally appropriate approach to social work, in line with the proposed new Social Welfare Policy. Ghana University's Department of Social Work reportedly underwent a process of revising its curriculum in 2004 to reflect a more culturally appropriate social and community development approach.

Improve Financial Resources across the Child Protection System by:

- **Undertaking Costing Exercises** to cost the resources needed to implement the proposed new models for child and family welfare and child justice services, and to estimate the long-term cost to society of failing to put in place appropriate prevention and response services.
- Within the context of the ISP, **strengthening the capacity of DSW and District Social Welfare and Community Development Departments** in planning, budgeting and advocating for greater resources to the sector.
- **Requiring greater investment in social welfare service by District Assemblies** by either mandating the proportion of District Assembly Common Funds, or clearly articulating service standards that must be met in all districts.

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Susan Sabaa

Frances D'Ovidio, ILO/IPEC

Qasar Khan, World Bank

Eric Peasoh, IOM

Graham Gaas, DFID

Greater Accra Region (Kaneshie):

Group Discussions: 6 Child Protection Workers
9 Boys
10 Girls
10 Mothers
9 Fathers

Individual Interviews: Chief
Assemblyman
District Social Welfare Officer
Teacher
Reverend

Greater Accra Region (Ashaiman):

Group Discussions: 7 Child Protection Workers
12 Boys
10 Girls
10 Mothers
9 Fathers

Individual Interviews: Assemblyman
DOVVSU representative
Imam
Pastor
Queen Mother

Western Region (Tarkwah):

Group Discussions: 10 Child Protection Workers
9 Boys
9 Girls
10 Mothers
12 Fathers
9 Unit Committee Members

Individual Interviews: Chief and Elders
District Social Welfare Officer
DOVVSU Representative
Market Queen
Community Volunteer

Wester Region (Secondi/Takoradi):

Group Discussions: 7 Child Protection Workers
9 Boys
6 Girls
10 Mothers
7 Fathers

Individual Interviews: Chief
District Probation Officer

Assemblyman
DOVVSU Representative

Upper West Region (Wa West):

Group Discussions: Child Protection Workers
10 Boys
11 Girls
10 Mothers
10 Fathers

Individual Interviews: Chief
Queen Mother
District Social Welfare Officer

Northern Region (Savelugu Naton):

Group Discussions: 8 Child Protection Workers
7 Boys
11 Girls
11 Mothers
16 Fathers
5 Child Protection Team Members

Individual Interviews: Chief
CHRAJ
District Social Welfare Officer
Imam

Research conducted by:



www.childfrontiers.com