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Introduction

Human trafficking though internationally defined (UN, 2000), needs a national definition relevant to its occurrence within the territorial jurisprudence of the nation experiencing it.¹ In Ghana, the Human Trafficking Act² broadly defines human trafficking as:

the recruitment, transportation, transfer, harbouring, trading or receipt of persons within and across national borders by a) the use of threats, force or other forms of coercion, abduction, fraud, deception, the abuse of power or exploitation of vulnerability, or b) giving or receiving payments and benefits to achieve consent. Exploitation shall include at the minimum, induced prostitution and other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs. Placement for sale, bonded placement, temporary placement, placement as service where exploitation by someone else is the motivating factor shall also constitute trafficking (Article1: Clause 1-3).

This definition provides no distinction between the trafficking of adults and the trafficking of children. Although article 42 of the Human Trafficking Act (2005) makes reference to the possibility of children being victims of human trafficking, it falls short of an explicit definition of the concept, setting the scene for multiple definitions, with the inevitable difficulties that emerge from such legal imprecision.

¹ (UN, 2000, article 5)

² Human Trafficking Act (2005 as amended in 2010)

Article (1) clause (4), of the Human Trafficking Act (2005) states that:

where children are trafficked, the consent of the child, parents or guardian of the child cannot be used as a defence in prosecution under this 'Human Trafficking' Act, regardless of whether or not there is evidence of abuse of power, fraud or deception on the part of the trafficker or whether the vulnerability of the child was taken advantage of.

Taken in isolation, the above reference in Article 1, Clause 4, is not enough to enable anti-trafficking agencies to identify child victims within Ghana. It is in this regard that we set out to explore the understanding of child trafficking within Ghana, from the perspective of anti-trafficking agencies with some responsibility for implementing or responding to the Human Trafficking Act.

The importance of a shared understanding, endorsed in law (for instance ³), as to what constitutes child trafficking *within* a country cannot be over emphasized. Studies have shown that lack of clarity or existence of human trafficking definitions jeopardizes services rendered to victims. For instance, in their study, Skilbrei and Tveit⁴ concluded that the definition of human trafficking, as outlined by the Palermo Protocol⁵, could be applied to other social problems such as economic migration. Their study, which focused on sex trafficking in Norway, found that the identification of victims of sex trafficking in a society where commercial sex work exists (illegally) is a difficult task for law enforcement and welfare workers. While economic migrants who engage in commercial sex work do so voluntarily, victims of sex trafficking have no choice with respect to sexual exploitation. The only criterion that could help identify the victims of sex trafficking from economic migrants is the consent of those involved. But because the Palermo Protocol⁶ over-ruled the issue of consent in human trafficking, both categories of sex workers were treated sometimes as victims of human trafficking and at other times as economic migrants, to the detriment of those trafficked and in need of assistance.⁷

³ Ibid no 2

⁴ Skilbrei and Tveit (2008)

⁵ Ibid no 1

⁶ Ibid no 1

⁷ Ibid no 4

Further, in article (3) sub-paragraph (c) of the Palermo Protocol⁸ on child trafficking, the focus suggests that *'the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered 'trafficking in persons' even if this does not involve any of the means 'force or other forms of coercion' set forth in sub-paragraph (a)'*, having in mind that *'any person under eighteen years of age'* is a child according to article (3) sub-paragraph (d), is in isolation, clear. However, the ambiguity in article (3) of the Palermo Protocol comes to light when considered alongside child labour, with emphasis on exploitation as the core incriminating element of child trafficking. Thus, without consideration for consent (which is the case when the best interest of a child has to be protected), it is easy to confuse child trafficking with child labour and vice versa in some situations.

The definition of a child as used in the Palermo Protocol⁹ has been described as a westernized definition that excludes the working child.¹⁰ Western societies, according to¹¹ perceive childhood as a blissful moment in one's life where protection and provision are the guardian's responsibility. To this effect, the Palermo Protocol's (2000) definition of child trafficking may be irrelevant in Africa.¹²

The importance of a uniform definition of human trafficking is also seen in the quest to obtain statistics on its occurrence and the number of existing victims. As noted by Makisaka¹³, though human trafficking is recognized globally as a crime, the number of people trafficked each year is not known. Research attributes the absence of accurate statistics on human trafficking to definitional inconsistencies at both the international and national level, which makes the identification of trafficking cases and reporting problematic.¹⁴ While certain activities may be counted as trafficking by the standards of the Palermo Protocol (2000), individual countries may differ in qualifying those same activities as trafficking. For instance in Iran, where adulthood is attained at the age of 9-years for girls and 15-years for boys, children of these ages could be given into marriage,

⁸ Ibid no 1

⁹ Ibid no 1

¹⁰ (Manzo, 2005)

¹¹ Goldson (1997)

¹² Ibid no 10

¹³ Makisaka (2009)

¹⁴ Ibid no 4

and it would be legal.¹⁵ In Ghana, this same act, considered in the light of the Human Trafficking Act of Ghana, constitutes trafficking, because it considers people below the age of 18-years as children and child marriage as an offence.

In short, the difficulty in identifying victims of trafficking is caused by the lack of clarity in defining human trafficking.¹⁶ Given this lack of certainty, human trafficking is perceived as a hidden crime¹⁷ be it at the international level or the national level. It is in this light that we set out to explore whether or not there is a consensus between anti -trafficking agencies within Ghana on what constitute child trafficking.

Methodology

The study was carried out in the Accra Metropolis of the Greater Accra region and the Krachi district of the Volta Region of Ghana. The Accra Metropolis was selected because it is the seat of governmental anti-trafficking agencies collaborating with International Non-Governmental Organizations (INGOs) and Local Non-Governmental Organizations (NGOs) to rescue and return trafficked children. The Volta Region, on the other hand, is one of the areas serving as both an origin and a destination for many of the children trafficked for labour on Lake Volta and has NGOs that collaborates with the stakeholders from the Greater Accra metropolis.

The selection of participating organizations was based primarily on access. First, all Governmental anti-trafficking agencies were identified and approached to participate using existing contacts. All the agencies approached agreed and participated. Although there are a number of INGOs involved in anti-trafficking activities in Ghana, one of them is most widely known and its activities as representing what most INGOs involved in fighting human trafficking do. This organization's agreement to be part of the study influenced the researchers' choice in selecting partner local NGOs situated in the Volta region, from where most trafficked children are rescued within Ghana. A number of fishermen were also conveniently selected for the study.

A total of 14 adults were interviewed. For the agencies, the individuals identified by their various heads to represent their organizations form the working base of each of the selected organization. Thus, these individuals are the experts who go to the field to rescue, educate and likely to prosecute possible offenders.

¹⁵ (Shapouri, 2007)

¹⁶ (Tyldum and Brunovskis, 2005)

¹⁷ Ibid no 16

They are thus seen as constituting a body that has in its custody the needed information for the study.

The study adopted a phenomenological approach based on the desire to grasp the individual meaning accorded child trafficking as stakeholders in the fight against it. Phenomenological approach is described as a qualitative enquiry 'interested in analytical and descriptive experiences of phenomena by individual in their everyday world'.¹⁸ Though not victims of trafficking, understanding how stakeholders encounter the definition of child trafficking as per the Human Trafficking Act is as important as how effective they work with victims. The study thus made use of in-depth interviewing because of the questions it sought to explore.¹⁹ The following questions were thus raised: a) how do the various anti-trafficking agencies define child trafficking within Ghana? And b) do their definitions agree with the Human Trafficking Act (2005)? This method was chosen in order to generate rich data that fits the Ghanaian context.²⁰

The interviews were conducted in English at the selected organizations. Most of the people interviewed apart from the unit heads of the institutions shared office space. To ensure the interviews were conducted in a conducive atmosphere, participants arranged for personal spaces upon prior notice of the interviewing date for the interview to take place. This enhanced privacy and quality of the audio recording which was permitted by participants. Each interview lasted between forty to sixty minutes. The fishermen were however interviewed ashore Lake Volta in Ewe (the local language of the people of the Volta region of Ghana) which was later translated into English by the authors who are fluent in both languages. The fishermen were identified through the help of the chosen local NGO that is negotiating the release of some children working in bondage under the fishermen.

¹⁸(Eddles-Hirsch, 2015, p.251)

¹⁹ (Silverman, 2006, p.7)

²⁰ (Patton, 1990)

Participants Summary

Stakeholders	Participant's Position	Number of Participants
International Non-Governmental Organization	Field Manager – Anti-trafficking Unit	1
	Unit Administrator	1
	Central Region Field Coordinator	1
	Volta Region Field Coordinator	1
Security Agency	Anti-trafficking Field Officer	1
	Supervisory Officer	1
Governmental Ministry	Staff (child protection division)	1
Local NGO – rescues, shelter and reintegrate trafficked children	Manager	1
	Field officer	1
	Shelter managers	2
Fishermen		3
		Total 14

Ethical Consideration

Ethical approval was secured from Queen's University, Belfast for the study as part of a dissertation, and care was taken to adhere to high ethical standards throughout the study. Respondents were provided with accessible information and informed consent was obtained from all interviewees. Data were stored securely and confidentiality was guaranteed. Therefore, in this paper, the names of the individuals interviewed are replaced with their various organizations who have agreed to be identified in the study.

Results

The outcome of the study throws light on the interpretation of the Human Trafficking Act (2005) by individual anti-trafficking agencies within Ghana. The various interpretations point to considerable disagreement on what constitute child trafficking for labour purposes and child trafficking within Ghana. These disagreements, the study found comes from the lack of explicit definition of child trafficking by the Human Trafficking Act (2005).

Legally, the Human Trafficking Act (2005) is the criminal code that defines Trafficking in Persons and provides guidelines for its prevention and provision for trafficked victims. Although Chapter Two of the Human Trafficking Act (2005) provides the definition of human trafficking, further provisions refer to children who are regarded as 'persons below the age of 18 years.'²¹

Deductively, child trafficking according to the Human Trafficking Act (2005) is trafficking of persons below the age of 18 years. For an intervention strategy, the Human Trafficking Act (2005) stipulates that reported or alleged human traffickers (not only child traffickers) must be arrested by the police or private persons without an arrest warrant (Article 11-13), taken through legal proceedings, and, if found guilty, 'imprisoned for not less than five years' (Article 2). For victim protection, the Act mandates '*the ministry*' to provide temporal care which includes material support, counseling and other rehabilitation needs of the victims (Article 15-16). Meanwhile, the Human Trafficking Act is silent on which government ministry, of the many in Ghana, has the mandate to do so. In the long term, the Human Trafficking Act recommends the reintegration of trafficked victims with their families depending on the victims' agreement (Article 17). The Human Trafficking Act (2005) however, does not provide alternative intervention for victims who may not want to return to their families. As noted by one of the agencies involved in the study, enough is yet to be done by the government to eradicate child trafficking within Ghana.

Countering child trafficking in Ghana is the duty of the government. Government enacted the Human Trafficking Act since 2005, but it is not playing any active role in educating people about it. Government's actions are only on paper, and not in practice. As for the Act, it is not working.... The Act is only on paper; in theory, for people to know Ghana has a law on Human Trafficking. The issue of countering child trafficking seems a long way from now... (Local NGO).

²¹ Ibid no 2

As stated earlier, it is a near impossibility for any social problem to be tackled when its definition is blur. According to the Local NGO, the Human Trafficking Act 'is not working', meaning, it has no effect on eradicating the problem. It is this concept of the Act not 'working' that the current paper is exploring with a single question which is - what is child trafficking within Ghana?

Child trafficking definition based on age and movement

In considering the views of anti-trafficking agencies on what counts as child trafficking within Ghana, opinions varied, with most failing to recognize child victims as a distinct group of people deserving individual attention by the Human Trafficking Act (2005) as is evident in the following:

As far as the Human Trafficking Act (2005) is concerned, we do not have 'child trafficking'. What we have is human trafficking. Whether the person is a child or an adult, the person is a human being. Although children are the most vulnerable, they are humans so we combine all as human trafficking - (Security Agency)

According to the security agency, although children are most at risk of being trafficked, there is no separate definition for their trafficking, because they (children) like adults are humans. This suggestion contradicts the Human Trafficking Act (2005) which though silent on child trafficking definition used age differences as the distinguishing factor between adults and children. In agreement with the Human Trafficking Act, the International Non-Governmental Organization (INGO) acknowledged age as the distinguishing factor between child trafficking and the trafficking of adults.

Trafficking within Ghana and outside Ghana are the same. The difference is that, there is a difference between child trafficking and adult trafficking. They are two different categories, and the age of the person is the differential point (INGO).

The two interview extracts above indicate how anti-trafficking agencies within Ghana contradicts each other over what child trafficking is. While the INGO identifies the need to pay particular attention to children as a separate category of people, the security agency, does not see the need for such categorization.

Child trafficking definition based on endangerment

A third agency, a governmental institution referred to here as '*The Ministry*' perceives child trafficking in terms of geographical movement, and suggests exploitation as the purpose of trafficking but not in all cases.

Trafficking has to do with movement ... of a person from one place to another. But the fact that a person has been engaged in hazardous labour or exploitative labour does not mean the person has been trafficked.... The distinction between children engaging in exploitative labour and trafficking has to do with the movement. ... parents could also use their children for hazardous or exploitative labour and that will not amount to trafficking...(The Ministry).

The Ministry does not consider the sole engagement of children in exploitative activities as child trafficking, because, in their view, the child could be engaged in such activities by his/her parents. The relationship between the exploiter and the exploited is thus important to the Ministry.

Child engagement, not exploitation

Depending on the circumstance; anything that has the potential of endangering the life of the victim, the growth of the victim and the education of the victim is exploitation. As far as Africa is concerned, in our various communities, we are all brought up to be handy with some craft practiced in one's community. For example in my community, we are farmers so those days, weekends; we go to the farm to weed. If that has no potential of endangering my life, has no negative impact on my growth and education, I do not think that can be considered as exploitative - Security Agency.

The above assertion does not exclude parents from the list of possible traffickers as the Ministry would like to. The inclusion of parents as possible traffickers, as evidence suggests, is another point of disagreement or inconsistency in the definitions of child trafficking used by governmental anti-trafficking agencies. Having said that, the INGO is indifferent with regards to the conditions that constitute child trafficking. Generally, it considers 'giving a child out to go and work in exchange for money or some gain' as trafficking, irrespective of *who* gave the child out. The Ministry's position is different.

...parents do not sell their children... A lot of parents give out their children, but not selling them. To sell means you are outrightly giving your child out for money or for other economic benefits. But it is just like a contractual arrangement between the traffickers and the parents that - my child will come and stay with you, you will take the child to work, and at the end of the day, you will impart some skill to the child and you give me some remittances. It's just like someone traveling to the United Kingdom or the United States of America and remitting some money to the parents. So it's rather parents contracting their children and not selling - the Ministry.

The Traffickers

In minimizing child trafficking within Ghana, the identification of traffickers is just as important as the identification of victims. When it comes to child trafficking on Lake Volta, as might be predicted from the evidence above, there is disagreement on whether or not parents who give out their children for rewards could be classified as traffickers. That notwithstanding, the security agency is of the view that the fishermen who use the children on Lake Volta cannot escape the tag of a trafficker.

On Lake Volta, where children are used in fishing, we consider the fishermen mostly as the traffickers. Human trafficking is an organized crime. One person does not carry out human trafficking. They partner with other people. There are those who serve as intermediaries; who recruit the victims and provide them to the traffickers - Security Agency.

If the Security Agency sees child trafficking as an organized crime, carried out in groups, who do the stakeholders perceive as the other possible traffickers? As indicated below, the Security Agency, does not rule out the possibility of parents being traffickers. In a more nuanced approach, they see the role played by a parent in the trafficking of his/her child as determining of whether or not such parent is a trafficker.

The Human Trafficking Act does not exempt parents if they play a role in the recruitment leading to the exploitation of the victim - Security Agency.

To some extent, the INGO shares this view, but has some reservation on parents being legally identified as such. This is because they recognise that, for some parents, this may reflect a socio-economic necessity. They also recognise

that, having entered into an arrangement which some parents might prefer to have avoided, many parents do not receive the agreed 'rewards' from fishermen to whom they handover their children, and only depend on promises to keep their children in bondage.

Parents could be seen as traffickers, but even if we consider them as such, the structures are not in place for us to implement the law as we should, so the issue now is, are you prosecuting them because you think or know that they are traffickers? By definition they are, but we do not look at them with that criminal eye because you empathize with their situation. If you look at the background of the children, majority of parents who give out their children are really in need and it is like the only choice they had was to give out their children for some economic benefit. For some parents, it is not even the money, as some even do not get anything at all. They just rely on promises from fishermen that never come - (INGO).

This illustrates the ambivalence in the position of the INGO on parents' involvement in child trafficking on Lake Volta. The INGO attributes the lack of clarity to the unavailability of rescue shelters to implement the Human Trafficking Act (2005). The construction of child trafficking therefore depends on the stakeholder's role and its associated conflicts of interest. While the INGO that works directly with child victims, is sure children are given out for gain, the Ministry; a governmental institution, which advances the course of women and children, will not classify parents as traffickers. From a law enforcement perspective, the security agency includes parents in the list of possible traffickers.

The position of parents in the trafficking of their children is further stressed by some of the fishermen to whom the children are supplied. According to Fisherman 1 ...

...before someone becomes 'gbovi' (lit. child servant), it means the parents have difficulties with life; and they are not able to provide for the family. Therefore if someone in need of a work hand approaches them for the labour of their child, they willingly give that child out. An agreement is signed and the duration of 'aboyomenɔɔ' (lit. servitude), say 3, 4, or 5 years is decided within the agreement and the amount of money to be paid to the parents for the child's labour. Sometimes parents ask for part payment of the money in advance. After the fulfillment of these conditions, the child is taken by the fisherman from his parents to where he is supposed to work (Fisherman 1).

Although that quote from the fisherman does not suggest a lifelong custody of the child by the one who uses the trafficked child, the study found the orientation to child victims on Lake Volta to be similar to how goods are, once purchased and used. In other words, their humanity is reduced to that of commodities.

...we use children because they are a source of cheap labour. I started fishing with 6 children using them as fishing hands. I realized the work was progressing more than working with adults. When you work with adults because they get drunk before going to work, they lazy about and do not do much (Fisherman 2).

When the work is not going on as fast as it has to, the 'afeto' (lit. master) beats the 'gbovi' (lit. child servant) to hurry up. It is common to use the paddle. In the process some also get drowned and die. They usually get drowned from diving to remove trapped nets. Uncommonly, some get drowned through severe beatings. When children die, the fisherman is fined a huge sum of money by the parents of the children. It gets rough when the fisherman is unable to pay.... Usually, the case is settled at home, the police never come in, but in a severe case, the police are involved and the fisherman is arrested. If the fisherman is able to make his way out with the police, the case can become that of a natural death (Fisherman 3).

Defined as a source of cheap labour, fishermen admit they do not have patience for their child servants. Whatever needs to be done by a fisherman to get a child servant to work is done, and this sometimes leads to their death. Money is exchanged for the lost life and without this money the police are brought in with the hope of seeking justice. Even at death there are cases of the police covering up for the fishermen as suggested above. Given the brutalities involved in the condition of service for these child fishers, some scholars like Manzo²² may refer to them as slaves, but in Ghana, the term trafficked victim is commonly used.

Discussions

The findings signal important differences between anti-trafficking agencies as to what constitutes intra-country trafficking. While the spokespersons of some anti-trafficking agencies perceived child trafficking as a problem affecting a distinct category of individuals (children) in Ghana, others were of the view that,

²² Manzo (2005)

though children are most vulnerable to trafficking, there is no need for a distinction between their trafficking and that of adults. This assertion should not be, as children are found entangled in many social and cultural practices that are synonymous in nature. In a society where children are engaged in labour as a way of socialization, without a clear definition of child trafficking, children engaged in labour could be perceived as trafficked leading to the diversion of resources meant for trafficked victims' rehabilitation as well as the non identification of victims. As indicated²³ the lack of timely identification of victims of trafficking among other factors is due to 'the lack of a precise, consistent, unambiguous and standard operating definitions as to what constitutes the act of trafficking, trafficker, trafficked person and child'.

Geographically, some anti-trafficking agencies see no difference between cross border trafficking and within border trafficking of children. Although both cross border and within border trafficking have the exploitation of the victim and the means of obtaining the victims sometimes in common, cross border trafficking involves the movement through more than one territorial area.²⁴ The practice implication in this situation would be the possibility of rescue missions disregarding the effect of moving to an unfamiliar geographical location on the victim and this could have emotional implications towards recovery. This is in agreement with Rafferty²⁵ who observed that, 'when children are trafficked away from their families, friends and communities, their development and survival is seriously threatened'.

Also, by definition, cross border trafficking involves at least two countries. For the victims, this means that not just one state, but two or more states (source, destination and transit) each with their own legal infrastructures, are implicated, with all the inherent challenges regarding clarification of roles and intervention protocols (ILO & CPCR, 2006). The distinction between cross border and within border trafficking is thus important to ensure the children are provided with adequate intervention. The lack of distinction, thus suggests a limited understanding of child trafficking within Ghana by the anti-trafficking agencies.

Further, anti-trafficking agencies made reference to the Human Trafficking Act (2005) when constructing their individual definitions of child trafficking. The inconsistencies found in these individual definitions can be traced to the Human Trafficking Act (2005) which, as previously pointed out, does not explicitly define child trafficking, though there are subordinate clauses that made reference to it.²⁶

²³ Rafferty (2015, p.159)

²⁴ (IOM, 2004)

²⁵ Ibid no 23

²⁶ Ibid no 2

The problem of the variation in what constitutes child trafficking can only be resolved when the legal instrument is clear on it, without which the assertion of Gibbs, Walters, Lutnick, Miller and Kluckman²⁷ stands. In their study on child sex trafficking, Gibbs et al²⁸ noted that though the existence of child trafficking has well been established, its understanding is still vague.

The issue of parents exchanging their children for gain was a central focus in the definitions of child trafficking within Ghana used by anti-trafficking agencies. While some expressed the view that parents exchange their children for gain without hesitation, others vehemently defended parents as not sellers of their children for gain, but as 'contracting' them for remittances. In his study on child trafficking in India, Fernandes²⁹ identified parents who played an active role in giving their children out to traffickers as traffickers themselves. He also described the giving of children by parents into trafficking as 'child sale'. It is therefore not out of place to classify parents who exchange their children for gains as traffickers. The current situation of stakeholders having diverse opinion on the role of parents is not healthy to the needed collaboration in tackling the problem. As noted ³⁰ the best approach in handling child trafficking is collaboration between agencies. Collaboration can only thrive when there is a consensus on what the collaboration is about.

Arriving at a definite conclusion on the identification of parents and other blood relatives of children who participate in their recruitment into trafficking is important to the definition of child trafficking within Ghana and its prevention. Without clearly ruling out family ties between child victims of trafficking and their exploiters, the culture of kin fostering by the members of the extended family will always be a hindrance in prosecuting relatives who traffick children within their families.

The extended family in Ghana is a source of social support to many family members in times of need. According to Kumado and Gockel³¹, a Ghanaian extended family is like a social security net that serves as a buffer to the unemployed, the physically challenged, the aged, the economically deprived and children in need of care. In recent times however, the role of the extended family has dwindled, due partly to a shift in Ghanaian social institutions, from being community oriented to being more individualistic and market-led. This

²⁷ Gibbs, Walters, Lutnick, Miller and Kluckman (2015)

²⁸ Ibid no 27

²⁹ Fernandes (2005)

³⁰ **Coppola and Cantwell (2016)**

³¹ Kumado and Gockel (2003)

contemporary life style leads many Ghanaians to depend on 'semi-formally institutionalised social security systems'.³² These semi-formalised institutions are however the preserve of the economically fit.³³ There are no long term child care alternatives for the economically poor in Ghana. In addition, there are no child care benefits or state support to families with children. The care and education of children are therefore the sole responsibility of parents. In the absence of these social support schemes, kin fostering - which is still an integral part of the Ghanaian contemporary society - offers parents, especially the economically poor, child placement options with relatives and non-relatives.

In the views of some scholars³⁴ kin fostering is a transfer of care responsibilities for a child by biological parents to blood relatives. However, fostering a child is not limited to blood relatives. Children are also placed in the care of non-blood relatives.³⁵ Traditionally, placing a child in the care of kin or a wealthy non-relative does not involve any legal procedure.³⁶ The security of the child is based on the goodwill of the practice and the trust parents have in the person to whom they are transferring custody. According to scholars³⁷ although some children do not get the best of care in fostering, many get access to education and the provision of their basic needs.

A further study carried out in West Africa by Sossou and Yogtiba³⁸, suggests that the extended family system, which encourage the culture of kin fostering by blood relatives, serves as an avenue for child trafficking. According to them³⁹ kin fostering, based on good will, has 'lost its dignity' due to the exploitation of fostered children by relatives. They⁴⁰ asserted that, not only are children in Ghana and other West African countries exploited in forced labour on cocoa plantations, mines and quarries, some are also used as beggars, street hawkers, head porters and as means of restitution under a cultural practice called *trokosi*, in Ghana.⁴¹

³² Ibid no 31: 2

³³ Ibid no 31

³⁴ Kuyini et al. (2009)

³⁵ Ibid no 34

³⁶ Ibid no 34

³⁷ Ibid no 34

³⁸ Sossou and Yogtiba (2009)

³⁹ Ibid no 38

⁴⁰ Ibid no 38

⁴¹ Ibid no 38

Based on the findings of the current study of fishermen asserting that parents exchange their children for financial gain and the argument raised by Sossou and Yotiba⁴² on the exploitation by family members, it stands to benefit both child victims of trafficking and anti-trafficking agencies if the Human Trafficking Act is amended for the second time. The amendment is needed to indicate child trafficking to constitute exploitation of children by others irrespective of their relationship. When the issue of relationship is ruled out, identification of traffickers will be easier and prosecution of offenders will be speedily done.

Further, the suggestion by the Ministry that child trafficking could be compared to travelling abroad (United States of America or United Kingdom) trivialises the issue of child trafficking. No matter how much money parents make out of trafficking children, child trafficking is an infringement upon the child's right to live and develop under parental guidance. Taken away from his or her familiar environment, trafficked children are also denied their right of association. It is a setback in the attempt to understand child trafficking for such a view to be held.

Conclusion

From the findings of the study, the absence of a specific definition of child trafficking by the Human Trafficking Act (2005) in Ghana has fueled contradictory views among anti-trafficking agencies on what constitutes child trafficking. The study found disagreements between anti-trafficking agencies over whether trafficked children need to be considered as a separate category of victims, and about the most appropriate ways of intervening. To this effect, the security agency was of the view that Ghana does not have any definition for child trafficking. The INGO on the other hand identifies child victims of trafficking as a distinct group of people, but sees no difference between child trafficking within and across the borders of Ghana.

In contrast to the security agency's views, whilst the Ministry agreed that parents do 'traffic' their children, it was not prepared to legally identify them as 'traffickers'. As said by the Local NGO, the Human Trafficking Act is not 'working'. Lessons from the study of Skilbrei and Tveit⁴³ in Norway should inform us that, without clear definitions, scarce resources meant for the rehabilitation of rescued trafficked victims could be used on other category of needy children at the neglect of the victims. Having a precise definition of child trafficking will thus

⁴² Ibid no 38

⁴³ Ibid no 4

enhance the identification of the victims and guide the development of the needed intervention strategy.

Recommendation

Given the discrepancies the study noted in the definition of child trafficking within Ghana by the selected anti-trafficking agencies, it is a matter of urgency to ascertain the effect of these contradictions on trafficking interventions within Ghana.

The study highly recommends a further amendment of the Human Trafficking Act (2005) to include an explicit definition of child trafficking, without recognition of the relationship between the victim and the exploiter.

It is further recommended that the government set up a coordinating body to supervise the activities of the various agencies involved in anti-trafficking activities both at the governmental and the private sector. The coordinating council should also be tasked to develop a working model in identifying, rescuing, rehabilitating, returning and reintegrating child victims of trafficking within Ghana.

Study Limitations

The study had some limitations worthy of mentioning. It is important to note that not all anti-trafficking agencies as far as countering child trafficking in Ghana is concerned were involved in the study. Though the study endeavored to include the most recognized international non-governmental organization, there are other international non-governmental organizations that were not consulted. Though their exclusion may not have a significant impact on the study results, given time and resources, their voice would have also been included.

Further, there are other local non-governmental organizations who are not partnering with any international organizations in the fight against child trafficking in Ghana. The views of those included in the study might therefore not be representative of all local non-governmental organizations.

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Appendix

Interview Guide for Stakeholders

1. What does child trafficking mean to you?
2. Is your agency aware of child fishing on Lake Volta?
3. Does your agency regard all forms of child fishing as child trafficking?
4. How has the Human Trafficking Act been able to handle child fishing on Lake Volta?
5. Do you share in the opinion that children are sold by parents into fishing on Lake Volta?
6. Did the above opinion influence the enactment of the Human Trafficking Act?
7. If yes how has the Human Trafficking Act addressed child fishing on Lake Volta?
8. Is the Human Trafficking Act as its wording stands contextually specific to the occurrence of child trafficking of all forms in Ghana?
9. If yes, how do you perceive parents who give out their children to fishermen?
10. As an individual or a cooperate body, how did you contribute to the enactment of the Human Trafficking Act?
11. Were your views considered in the formulation of the Human Trafficking Act?