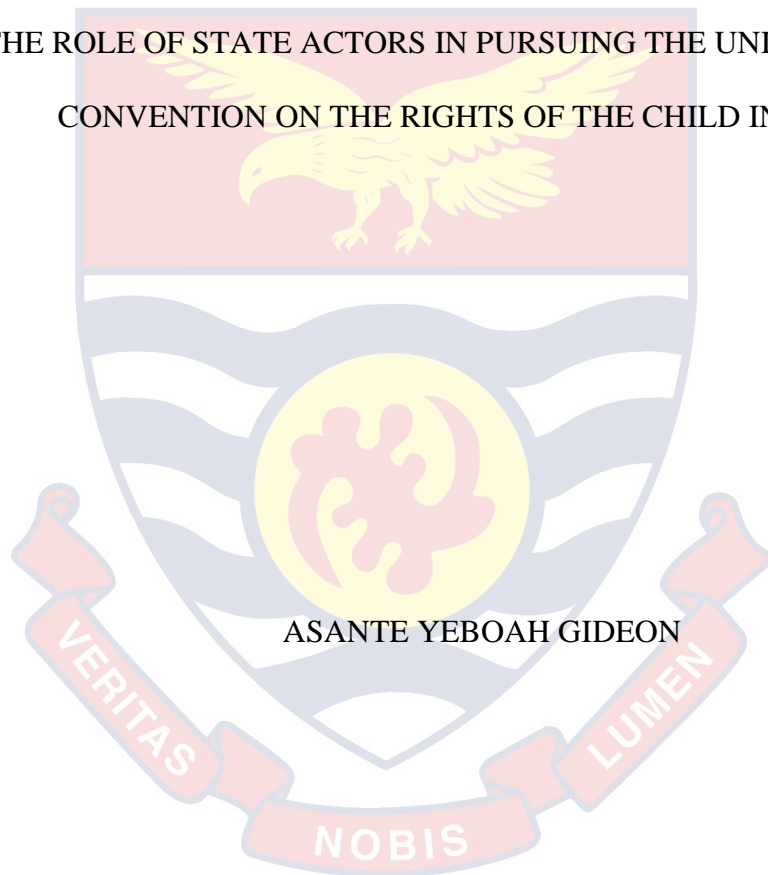


UNIVERSITY OF CAPE COAST

THE ROLE OF STATE ACTORS IN PURSUING THE UNITED NATIONS  
CONVENTION ON THE RIGHTS OF THE CHILD IN GHANA

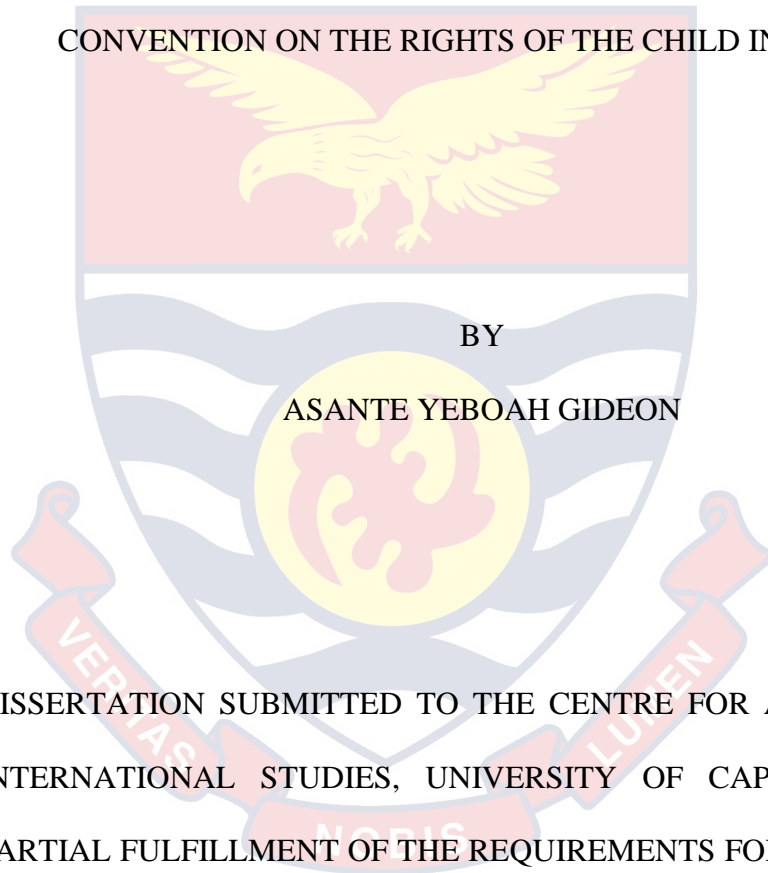


ASANTE YEBOAH GIDEON

2020

UNIVERSITY OF CAPE COAST

THE ROLE OF STATE ACTORS IN PURSUING THE UNITED NATIONS  
CONVENTION ON THE RIGHTS OF THE CHILD IN GHANA



BY

ASANTE YEBOAH GIDEON

DISSERTATION SUBMITTED TO THE CENTRE FOR AFRICAN AND  
INTERNATIONAL STUDIES, UNIVERSITY OF CAPE COAST, IN  
PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE AWARD  
OF MASTER OF ARTS DEGREE IN INTERNATIONAL STUDIES

NOVEMBER 2020

## DECLARATION

### Candidate's Declaration

I hereby declare that this thesis is the result of my own original research and that no part of it has been presented for another degree in this university or elsewhere.

Candidate's Signature ..... Date .....

Name: Gideon Asante Yeboah

### Supervisor's Declaration

We hereby declare that the preparation and presentation of the thesis were supervised in accordance with the guidelines on supervision of thesis laid down by the University of Cape Coast.

Supervisor's Signature ..... Date.....

Name: Dr. Tony Talburt

## ABSTRACT

Ghana was the first country to ratify the United Nation's Convention on the Rights of the Child (UNCRC). It is mandated on countries to establish effective institutions to pursue the objectives within the UNCRC. This dissertation explores the pursuance of the substantive rights by the Department of Social Welfare and Community in the Cape Coast Metropolis. It examines cases, programmes and challenges relating to children's rights in the Cape Coast Metropolis. Studies conducted on children's rights in Cape Coast were not contextualised within the UNCRC. Therefore, there is dearth of literature on the relationship between an institution and international convention in the Cape Coast Metropolis. I employed the qualitative research approach, sampled documents and adopted purposive sampling for the interviews conducted. The study finds that, the DSWCD deals with cases in the area of child maintenance, child custody, probation service, family reconciliation, paternity and supervision of Day Care Centre. In addition, the DSWCD has a number of programmes such as the Livelihood Empowerment Against Poverty (LEAP), the Child Protection programmes, the Case and Court work and the Foster Care Programmes. The DSWCD also has challenges such as; inadequate financial and logistical support, inadequate capacity development and lack of collaboration among state institutions. The study proposes that the DSWCD should be resourced, and there should be greater provision of human rights training and collaboration among child welfare institutions. The study, therefore, recommends that more research to be conducted in the future which focus on other articles within the UNCRC since this current study only focused on the substantive rights. Lastly, further studies need to be conducted on Ghana's implementation of the UNCRC across regions.

## KEYWORDS

Children's Rights

Human Rights

Interest theory

International Conventions

National legislations

State Actors

United Nations Convention on the Rights of the Child



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## DEDICATION

To my parents, Mr. and Mrs. Asante and Mr. Asare Yeboah



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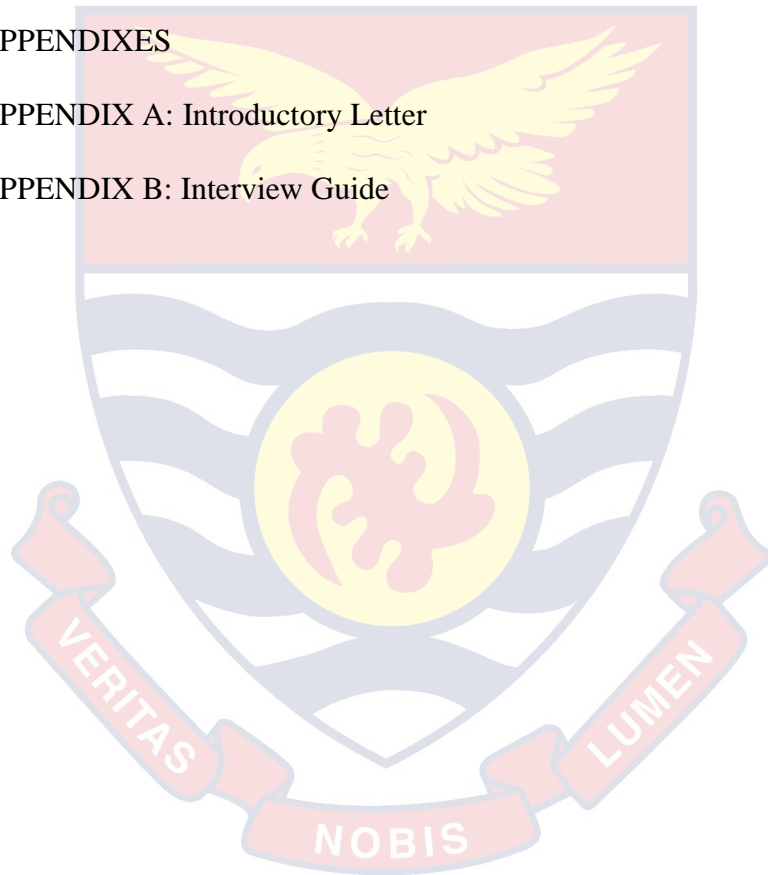
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## ABBREVIATIONS

ACRWC	African Charter on the Rights and Welfare of the Child
CERF	Central Emergency Response Fund
CEDAW	Convention on the Elimination of all forms of Discrimination against Women
CHRAJ	Commission on Human Rights and Administrative Justice
CSOs	Civil Society Organizations
DSWCD	Department of Social Welfare and Community Development
DOVVSU	Domestic Violence and Victims Support Unit
EU	European Union
GHR	Ghana Human Rights
GNCRC	Ghana NGOs Coalition on the Rights of the Child
GSS	Ghana Statistical Service
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILOC	International Labour Organization Conventions
ILO	International Labour Organization
LEAP	Livelihood Empowerment Against Poverty
MDA	Ministries, Departments and Agencies
MENA	Middle East and North Africa
MESW	Ministry of Employment and Social Welfare
MOGCSP	Ministry for Gender, Children and Social Protection
MOWAC	Ministry of Women and Children's Affairs

OHCHR	Office of the United Nations High Commissioner for Human Rights
UNCRC	United Nations Convention on the Rights of the Child
UNICEF	United Nations Children Fund
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHR	Universal Declaration of Human Rights



## CHAPTER ONE

### INTRODUCTION

In Africa, Ghana became the first country to give formal consent to the United Nations Convention on the Rights of the Child (UNCRC) (Hutchison, 2013; Manful and Manful, 2014). Ghana signed the Convention on 29 January 1990 and on 5 February 1990; it became the first country in the world to ratify the treaty. Most of the legislations for the protection of Children's Rights in Ghana are adopted from the UNCRC (Mensah-Bonsu & Dowuona-Hammond, 1994, Ame, 2011, Hutchison, 2013). In Ghana, state institutions such as the Department of Social Welfare and Community Development, (DSWCD) the Commission on Human Rights and Administrative Justice (CHRAJ) and the Domestic Violence and Victims Support Unit (DOVVSU) have been established to exercise responsibility over children's rights. In recent times, abuse of children's rights in Ghana has been on the increase. This dissertation explores the operations of the Department of Social Welfare and Community Development in terms of its objective of pursuing the substantive rights in the UNCRC in the Cape Coast Metropolis. This chapter focuses on the background to the study, statement of the problem, purpose, objectives and research questions guiding the study. Also, the chapter discusses the significance and organisation of the dissertation.

#### **Background of the Study**

The abuse of children's rights is a major global issue. Each day, children across the globe suffer from abuses such as exploitation, child trafficking, mal-treatment, commercial exploitation etc. For example, an account by the European Union (EU) (2017:15) shows that across the globe;

about 16,000 children suffer each day. The EU report adds that in recent times, about 124 million children are not able to get access to quality education, proper health care and social care. In another development, the United Nations Children Fund (UNICEF, 2016) point out that children forms part of the poor, accounting for almost half of all people living in abject poverty. They are subjected to racism, exclusion and institutionalisation in sensitive circumstances (UNICEF, 2016).

Charlotte Bilo and Anna Carolina Machado (2018:11-12), in a policy framework, argue that the Middle East and North Africa (MENA) region has made concerted efforts in improving the living conditions of children. Bilo and Machado adds that countries such as Iraq, Libya, Syria and Yemen, countries designated as conflicts zones, are making provisions for improving the well-being of the child. Bilo and Machado provide statistics in which in 11 Arab countries, one in four children suffer from acute multi-dimensional poverty.

The abuse of children's rights is a challenge facing Africa. According to Badoe (2017), data on child protection issues are becoming dominant in counties like Malawi, Kenya, South Africa and Ghana. A report by *Better Care Network* (2017) claims children in countries such as Burundi, Ethiopia, Kenya, Rwanda, Uganda, and Zambia are being exposed to violence. This indicates that child maltreatment is assuming worrying heights in these countries. It suggests the need to protect children's rights in order to empower them for the future.

UNICEF (2012) defines child protection as programmes that aim to maximise development outcomes and minimise potential unintended side effects on them. Casey (2011) argues that a child protection system includes a

range of necessary social policies, rules, and programmes such as education, social protection, justice and safety aimed at catering for the welfare of the child. Carolyne (2006) adds that social protection refers to actions that are carried out by organisations, people and communities to ensure the proper education of children. This is to help the child develop good attitudes, knowledge and skills, to live meaningful lives. Using the Balkan countries as a case study, Gassman and Timar (2018:4) posit that Georgia, Ukraine, Bosnia and Herzegovina spend about 2% of their GDP on non-constitutional transfers to social welfare while countries such Tajikistan and Azerbaijan spend about 1% of GDP on social welfare.

Globally, constitutional provisions on human rights are derived from the common law and international conventions ratified by a country. The UNCRC is the prominent international legislation that focuses on children's rights. Ghana is a party to the UNCRC. Within the UNCRC, four articles in the Convention are considered special. The articles are also known as "General Principles". The four articles are non-discrimination (article 2), the best interest of the child (article 3), right to life survival and development (article 6) and Right to be heard (article 12). In the Convention, article 19 (protection from violence, neglect and abuse) stipulates that countries should ensure that the rights of children are protected from all forms of abuse, neglect, violence and mal-treatment by their parents and guardians.

The other legislations for the protection of Children's Rights in Ghana include; the African Charter on the Rights of the Child, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice. The International Labour Organisation Conventions (ILO) (138 and 182), the

International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Elimination of all forms of Discrimination against Women (CEDAW). The Parliament of Ghana has also signed the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in Armed Conflict and the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child labour.

In Ghana, especially in rural areas, nurturing of the child is considered as a duty of the community. A report by UNICEF (2009) stipulates that although family structures are still active, the community plays a crucial role in the socialization process of the child. The 1992 Constitution of Ghana makes provisions for the protection of the rights of children. Articles 27 and 28 (chapter 5) of the Constitution has made provisions for the protection of children's rights. There are other legislations such as the Children's Act, 1998 (Act 560), Criminal Offences Amendment Act, 1998 (Act 554) which protects the child from sexual offences, abandonment and abduction. The Domestic Violence Act, 2007 (Act 732) protects children from violence in domestic settings. The Human Trafficking Act, 2005 (Act 694) protects the personal liberty of children, Juvenile Justice Act, 2003 (Act 653) protects the Rights of the Child who has breached the law and the Criminal Offences Act, 1960 (Act 29).

Ghana has also established state institutions since independence, to champion protection of children's rights. The Department of Social Welfare and Community Development (DSWCD), the Commission on Human Rights and Administrative Justice (CHRAJ) and the Domestic Violence and Victims Support Unit (DOVVSU) of the Ghana Police Service exercise responsibility



over the protection of Children's rights. Despite all these legal frameworks and the establishment of state institutions to protect the interest of children, issues of children's rights abuses are on the increase in the nation. The UNESCO Institute for Statistics report (2019) indicates that children in Ghana engage in the worst forms of child labour, including in fishing and cocoa harvesting, sometimes as a result of human trafficking. The report adds that the majority of children are subject to human trafficking are transported within Ghana for labour in cocoa, domestic work, commercial sexual exploitation, gold mining, and fishing. In December 2018, 42 children between the ages of 5 and 16 who had been transported from Central and Greater Accra were rescued from labour exploitation on Lake Volta (UNESCO, 2019:2).

### **Statement of the Problem**

In Ghana, children experience forms of violations of their rights. Most reports on abuse of children's rights in Ghana centres on physical, emotional, psychological, political and other forms (GHR, 2018, Manful & Manful, 2014 MoGCSP & UNICEF, 2015: ILO, 2006, Mull and Kirkhorn, 2005). The United Nations Convention on the Rights of the Child, for instance, enjoins states to adequately offer protection to children on issues regarding child labour, violence, neglect, trafficking and sexual exploitation both at home and abroad. A report by the *World Health Organisation* (2014) indicates an estimated 95 million children are abused annually worldwide with the highest rates recorded in the African region. Many studies have been conducted on issues regarding children's rights in Ghana. Amoabea-Aboagye (2013) delves into the types of child sexual abuse, the causes and the effect of child sexual abuse. The results obtained show that many children do not disclose and for

the few who do, such disclosure is mainly delayed. Kuyini and Mahama (2014) examine the application of Ghana's law on children's rights (Children's Act 560) in four districts. The results show that the administrative and institutional frameworks formed do not provide the form and standard of the services for which they were founded. Gyaban Mensah (2015) explores child neglect and its impact on the psychological well-being of adolescents in the Tema Metropolitan Assembly of the Greater Accra Region. Findings from the study indicate that the understandings of child neglect among the studied sample are similar to other documented studies.

Few studies exist on children's rights in the Cape Coast Metropolis. Agordzo (2011) posits that some parents in the Cape Coast Metropolis allow their children to engage in economic activities resulting in child labour. In this regard, it infringes on the rights of the child. Sika-Bright and Nnorom (2013) study indicates that some parents do not pay much people to children who are being maltreated in the Cape Coast Metropolis. The findings from these studies indicate that the rights of children in the Cape Coast Metropolis are being abused. As a consequence, this helps to justify the need to investigate the activities of the state actor in charge of children's rights in the selected area. In addition, the reviewed works above indicate that studies on children's rights in the Cape Coast Metropolis have not been given much attention by researchers and scholars. Finally, studies conducted on children's rights in the Cape Coast Metropolis have not established a relationship between state actor and an international convention. This study is contextualised within the framework of the UNCRC, thereby linking the study to international human

rights in the field of international relations. The study contributes to research on human rights, social work, social justice and international relations.

### **Purpose of the Study**

The basic aim of this research is to explore the Department of Social Welfare in the Cape Coast Metropolis in pursuing the substantive rights in the UNCRC in the Cape Coast Metropolis. It examines cases, programmes and challenges relating to children's rights in the Cape Coast Metropolis.

### **Objectives of the Study**

The following are the objectives guiding the study:

- a. To explore issues relating to children's rights being pursued by the state institution in the Cape Coast Metropolis.
- b. To examine programmes implemented by the state institution to promote children's rights in the Cape Coast Metropolis.
- c. To examine challenges facing the Department of Social Welfare and Community Development in the Cape Coast Metropolis

### **Research Questions**

The following research questions will guide the study:

- a. What issues are being investigated by Social Welfare Department and Community Development relating to children's rights in the Cape Coast Metropolis?
- b. What are the programmes implemented of the Social Welfare Department and Community Development in pursuing the substantive rights in the Cape Coast Metropolis?

- c. What are the challenges facing the Social Welfare Department and Community Development in pursuing the substantive rights in the Cape Coast Metropolis?

### **Significance of the Study**

The purpose for the study is that the 5th February 2020, marked thirty years since Ghana signed the UNCRC. The UNCRC largely influenced the government of Ghana to establish institutions and implement legislations to protect children's rights. Since then, Ghana has made in-roads regarding the protection of children's rights. There are studies on children's rights in Ghana, CHRAJ (2010), Frimpong-Manso (2014), Ahmed and Mahama (2014), GNCRC (2015) UNICEF (2016), Asiedu (2017), Harriet Oklu (2018) and Wiandong Domelagr (2018). The UNCRC provides framework for understanding issues of child rights and in planning policies in the various signatory countries.

Firstly, the contextualisation of the study within the framework of the UNCRC helps to establish relationship between the efficacy of the institution, DSWCD and its application of international human rights convention. Also, the study helps to establish the realisation of children's rights through the DSWCD as a social protection institution. Furthermore, the results of the research will provide important information to agencies and institutions in charge of children's rights such as the Ministry of Gender, Children and Social Protection, the Ministry of Social Welfare and UNICEF. Also, studies conducted on children's rights in the Cape Coast Metropolis did not establish a relationship between state actors and an international convention. This study, therefore, contributes to research on human rights, social work, social justice

and international relations. Additionally, this work contributes to the current body of knowledge and literature on the rights of children in Ghana. The findings from this study will also act as a reference point for other researchers in the area of children's rights.

### **Organisation of the Study**

The study is divided into five chapters. Chapter One focuses on the background of the study, the problem statement, research objectives, questions, study significance, research methodology and study organization. Chapter Two discusses the main literature review with its focus on the theoretical framework, international and national laws for the protection of children's rights in Ghana and the review of empirical studies related to current research. Chapter Three examines the state institutions responsible for protecting children's rights in Ghana. The Chapter, in addition, discusses some of the issues of abuse of children's rights. Chapter Four examines the results and discussions from the data. This will be based on the interview guide to be used for the study. Chapter Five provides a summary, conclusion and recommendations.

## CHAPTER TWO

### LITERATURE REVIEW

#### Introduction

The chapter examines the origin and the nature of children's rights and also discusses the relevant literature on human rights from global perspectives, Africa and Ghana. The chapter also provides a theoretical framework and review of empirical studies. The chapter uses Jeremy Bentham's Interest theory (1789), the concept of human right, the concept of child rights, international and national legal regimes and institutions responsible for the protection of children's rights in Ghana, as the bases of this study.

#### Theoretical Framework

##### The Interest Theory of Rights

This study is analysed within the theoretical framework of the Interest Theory of Rights. Jeremy Bentham propounded the Interest Theory in 1789. Jeremy Bentham was born on 15 February 1748–6 June 1832. He was an English philosopher, jurist, and social reformer regarded as the founder of modern utilitarianism (William, n.d). He became a leading theorist in Anglo-American philosophy of law, and a political radical whose ideas influenced the development of welfarism (Burns & Hart, 1977). He advocated individual and economic freedoms, the separation of church and state, freedom of expression, equal rights for women, the right to divorce, and (in an unpublished essay) the decriminalising of homosexual acts. He called for the abolition of slavery, capital punishment and physical punishment, including that of children (Bedau, 1983). With regard to Bentham's moral and ethical inclination, it is of no doubt he propounded the Interest Theory to safeguard the rights of human

beings. Fundamentally, this current study identifies two key features of the Interest Theory. These are recognising individuals as right holders and protecting citizens' rights.

### **Recognises Individuals as Right Holders**

The interest theory of rights as propounded by Bentham in his book, *Anarchical Fallacies*, (1987) argues that a person has a distinctive human right when others have duties which protect one of that person's interests. Thus, viewed from the perspective of the interest theory of rights, "human rights take their role to be to protect a person's basic interests" (Pogge, 2007, p.186). It constitutes the fundamental interpretation of human rights within the liberal democratic framework alluded to in the introduction of this study, falling within the theoretical parameters of what Meckled-Garcia and Cali (2005:10) refer to as the 'normative rights model' (NRM). This "identifies features or aspects of our humanity which contribute to our well-being and which are vulnerable to the actions of others." From the perspective of this study, and in keeping with the Interest theory, is the idea of primary function of rights, to promote the important interest of the right-holder.

The theory posits that the generalisability of human rights is predicated upon conditions suitable for individuals or groups to enjoy a good life. In addition, the theory argues that human right is anchored in what is considered as basic, indispensable attributes of human well-being deemed important for all, including children. Therefore, to Bentham, rights are supposed to protect the basic human interest. The theory claims that each human right-holder has a fundamental duty to respect the rights of each other and needs the defence of one's own fundamental interest, whereas others are willing to recognise and

respect these interests, which in turn requires mutual recognition and respect for other people's vital interests. Thus, children's rights are justifiable because they secure the necessary conditions for the well-being of all children.

### **Protecting Citizens Rights**

In addition, the interest theory of rights seeks to safeguard these features or aspects of our humanity by protecting a citizen's rights against wrongdoing from another citizen within the same social, political and judicial framework. That it is to say, if, for instance, it is in one's interests to not to be physically assaulted then, as far as the interest theory is concerned, it is the responsibility of both the individual and the state to ensure that this does not happen lest the basic interests of another individual be impinged upon. Moreover, there is, as Meckled-Garcia and Cali (2005:11) declare, "no principled difference is made between individual and collective." This is in direct contrast to international human rights law (IHRL) where only the state can impinge upon the basic human rights of individuals or groups of individuals living within that sovereign state. Some scholars have commented on the basic tenets of the Interest Theory.

The relationship between the Interest Theory and children has been expressed by Federle (1994) in his study, *looking for Rights in All the Wrong Places: Resolving Custody Disputes in Divorce Proceedings*. Federle (1994) asserts that the interest theory of rights defines the rights of children because of their incapacities. She argues that children have rights because they are vulnerable and therefore need protection. According to Wall (2008), the interest theory is more open to the rights of children because it is easier to see children as having basic human needs. The Interest theory views rights as a



means to the development of the interest of the rights-holder (Wall, 2008). Furthermore, Wall (2008) claims that rights are what it takes to grow up to become a healthy and useful adult. The theory provides helpful explanations as to what rights can be attributed to for example, the rights to life, survival and development, rights to protection and the rights to participation. These rights are to protect the fundamental interests of children.

According to Appiah (2018) the Interest theory of rights relates well with the United Nations Convention on the Rights of the Child (UNCRC). This current research posits that the Interest Theory is applicable because the study seeks to examine the role of the Department of Social Welfare in protecting children's rights in order to develop their full potential in the Cape Coast Metropolis. One weakness of the Interest theory, according to Appiah (2018), is that it lacks universality in relation to the conditions needed for minimally good life that makes it impractical for children everywhere to claim the same rights due to cultural and societal differences.

### **The Concept of Human Right**

The term 'right' is often used to describe any advantages conferred on a person by a rule of law. The emergence of human rights is generally regarded as a recent development. The classic definition of a human right is a universal right enjoyed by all individuals. John Locke, in his *Second Constitution Treatise* (1690), described a "state of nature" prior to the establishment of a society in which individuals fought for their own interests (Donnelly and Whelan, 2007). According to Fukuyama (2001) the current definition of rights can be traced back to the Enlightenment's period of political philosophy and the movement to create restricted forms of

representative government, mainly in England, France and the United States, which would protect individual citizens' freedom.

In this state, each person possessed a set of natural rights, including the rights to life, liberty and property. According to Locke, the main purpose of their union was to secure these rights more effectively when individuals came together in social groups. Consequently, they ceded to the governments they established, "only the right to enforce these natural rights and not the rights themselves" Cranston (1973:36).

A human right, by definition, is a universal moral right, something which all humans everywhere, at all times ought to have, something of which no one may be deprived without a grave affront to justice, something which is owing to every human being simply because they are human.

According to the United Nations (1996) human rights are fundamental rights of all human beings, regardless of nationality, place of residence, sex, national or ethnic origin, language, or any other class. Feldman (2006:8) states that human rights are "rights and freedoms that are entitled to by all people." He further claims that the supporters of the term generally say that everyone has such rights simply because they are human. Human rights can be interpreted as the complete conditions needed to ensure a secure and healthy atmosphere for human beings in order to realise their implicit potential.

According to the United Nations Office of the High Commissioner (2016), human rights are rights that every human being has by virtue of his or her human dignity. In addition, human rights are the sum of the individual and collective rights set out in the constitutions of the state and in international

law. Wasserstrom (1979:50) is of the view that human right is aimed at four requirements. First, all human beings must possess it, and possess it equally. In addition, it is necessary to exclude as possible candidates, any of those rights that one might have as a result of having a particular status or relationship, such as that of a parent, a president or a promise and lastly, if there are any human rights, they have the additional characteristic of being assertable, in a manner of speaking, against the whole world. In short, human rights link the relationship between power structures, in most cases the state and individuals. The 1993 Vienna Declaration and Programme of Action calls on all UN agencies to agree to the concept, promotion and implementation of human rights. On 14 July 1997, Mr. Kofi Annan, the then Secretary-General of the United Nations launched a reform plan that considered human rights to be given priority in the UN structure projects and activities. The core human rights objectives of the programme for reform:

Human rights are integral to the promotion of peace and security, economic prosperity, and social equity. For its entire life as a world organisation, the United Nations has been actively promoting and protecting human rights, devising instruments to monitor compliance with international agreements, while at the same time remaining cognizant of national and cultural diversities. Accordingly, the issue of human rights has been designated as cutting across each of the four substantive fields of the Secretariat's work programme (peace and security; economic and social affairs; development cooperation; and humanitarian affairs (Secretary-General's Programme for Reform UN Doc. A/51/950 14 July 1997).

Human rights delimit state control and, simultaneously, expect states to take constructive measures guaranteeing a situation that empowers all individuals to make the most of their human rights. History has been formed by the battle over the past 250 years to create such a domain. Beginning with the upheavals in France and America in the late 18th century, the possibility of human rights has led to numerous progressive developments for strengthening and for command over the wielders of intensity, especially governments. The United Nations Convention on the Rights of the Child is adopted by countries to protect the welfare of children across the globe. Ghana is a state, which has implemented several policies and programmes to champion the interest of children.

### **The Concept of Child's Rights**

The importance of children's rights is acknowledged by both state and non-state actors worldwide. Children's rights are particularly important as a category that is inherently based on their vulnerability. In the last fifty years, the consensus on the meaning of the rights of children has become clearer. Children have been at risk of exploitation throughout history, especially when living in poor environments. According to Mensah-Bonsu and Dowuona-Hammond (1995) the word 'child', is mostly used in two ways. One meaning is in relation to chronological age, and the other meaning relates to status. Article 1 of the UNCRC defines a child as persons under the age of 18. Article 2 of the African Charter on the Rights and Welfare of the Child also defines a child as every human being below the age of 18. The 1992 Constitution of the Fourth Republic of Ghana (Article 28) and the 1998 Children's Act (Act 560)

(Section 1) defines a child as being still largely dependent on an adult for life's necessities.

Children in developing countries remain at risk, sometimes having to work to generate income to support their families and support them when they lose their family networks, perhaps through disease or war. The rights of children include the right to associate with both parents, the right to ensure human identity as well as basic physical security needs, shelter, compulsory state-paid schooling, health care, and criminal laws relevant to children's age and development, equal protection of children's civil rights and freedom from discrimination on the basis of race, gender, sexual orientation, gender identity, national origin, religion, disability, colour, ethnicity, or other characteristics. Children's rights are set out in the UNCRC and other international and regional human rights instruments including the Universal Declaration on Human Rights (UDHR), the UN Covenant on Civil and Political Rights, European Convention for the Protection of Fundamental Rights and Freedoms, and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

### **International and National Legislations for the Protection of Children's Rights in Ghana**

This section discusses international and national legislations for regulating children's rights in Ghana. It includes; the United Nations Convention on the Rights of the Child, The African Charter on the Rights and Welfare of the Child (ACRWC), The 1992 Fourth Republican Constitution, Human Trafficking Act, 2005 (Act 694), Ghana Domestic Violence Act, 2007, (ACT 732) and The Juvenile Justice Act 2003 (Act 653). In addition, the

section discusses state actors responsible for issues relating to children's rights in Ghana.

### **The United Nations Convention on the Rights of the Child (UNCRC)**

The United Nations Convention on the Rights of the Child (UNCRC), was adopted and opened for ratification by the United Nations General Assembly on 20th November 1989 and entered into force on 2nd September, 1990 (Howe & Covell, 2010; Hutchison, 2013; UNICEF, 2014). The UNCRC is the most authoritative document on children's human rights, and is adopted nearly unanimously by states parties, with the notable exception of the United States of America. South Sudan was the latest country to ratify the convention in May 2015. The UNCRC guarantees equal legal, political, educational, economic and social rights for all children, including the right to access information and the right to education, and explicitly stresses that certain rights are generally regarded in relation to adults (for example, participation and assembly) also apply to children.

The UNCRC acknowledges the unique needs, capacities and limitations of children in addition to those rights. It states, that children have the right to grow and play; it defines in detail, their rights to defence against all forms of violence, abuse and exploitation, and it emphasizes their right to be brought up in a protective and caring family environment. The Convention consists of 54 articles. There are also three optional protocols, the most relevant one being the sale of children, child prostitution and child pornography. Livingstone, Carr and Byrne (2015) opine that Part 1 of the UNCRC (Articles 1–41) concerns substantive rights, while Part 2 (Articles 42–54) concerns their implementation. While they should be understood as part of

a holistic framework, the substantive rights which this research is based on are commonly divided into three “Ps”: rights to provision concern the resources necessary for children’s survival and their development to their full potential, rights to protection concern the wide array of threats to children’s dignity, survival and development and the rights to participation enable children to engage with processes that affect their development and enable them to play an active part in society. Children in Ghana largely do not receive the provision and protection needed or deemed fit as stipulated by the clauses within the UNCRC. Therefore, this study attempts to investigate the state institution’s implementation of the substantive rights.

The rights of children are universal and apply equally in all social, economic and cultural contexts to all children. They are also indivisible, inter-related, with a focus on the child. There is indeed, in theory, no hierarchy of human rights, and decisions on the right of any one must be taken in the light of all the other rights found in the Convention. Although children were historically treated as passive objects of charity, they are recognised as autonomous holders of rights by the Convention. States are no longer allowed to pursue policies and practices that favour children, but are expected to adopt them as a legal obligation” (UNICEF, 2014:40).

The UNCRC conceives the child as a holder of individual rights and as a member of a family and community with parents or guardians (Article 18) primarily responsible for their education. The extent of parental guidance, however, will depend on the "evolving potential" of the child (Article 5). The Convention acknowledges that children in different environments and societies with different life experiences will acquire skills at different ages and

their learning of skills can vary depending on the circumstances. It also makes the possibility that the ability of children may vary depending on the nature of the rights to be exercised. Therefore, children require different levels of protection, involvement and opportunities for autonomous decision-making in different contexts and in different decision-making areas (Lansdown, 2005).

States are to ensure that adequate legislative and administrative measures are in place so the rights of the child can be realised. Therefore, if children lack adequate discipline or treatment, the UNCRC allows states to provide special assistance and child protection. Ratification of human rights treaties like the UNCRC makes states legally bound by these treaties. Article 42 of the UNCRC allows states parties to provide their citizens with information and education, including children who are the bearers of the UNCRC on the principles and rights enshrined in the convention. It instructs “states parties to make the Convention's principles and provisions widely known to adults and children by appropriate and active means” (UNCRC, Article 42). Nevertheless, to ensure compliance with such a comprehensive convention as the UNCRC, it is important to review and amend national laws and ensure their implementation, which is a complicated and lengthy process. The UN Committee on the Rights of the Child, made up of independent experts, makes recommendations to states parties on the application of the UNCRC based on the review of national reports and dialogues with States.

With Ghana becoming the first country to ratify the UNCRC in Africa, it has since revised its children's rights legislations. This draws the conclusion that close examination of Ghana's legal regimes for the protection of children's rights have some articles and clauses sourced from the UNCRC. In



supporting this perspective, Frimpong-Manso (2014) posits that the 1992 Constitution requires Parliament to introduce child-related legislation. This was based on the principles of international human rights instruments such as the UNCRC. Hence, a five-year national plan of action (1993-1997) dubbed “The Child Cannot Wait” was implemented to reflect the provisions in the UNCRC to the actual circumstances of children in Ghana. Though the UNCRC has been effective, some scholars have critiqued it. According to Ruppel (2001), for example, it is questionable whether the UNCRC provides for the option of bringing individual complaints before its the Committee on the Rights of the Child.

Concerning the participation rights, Wall (2008) argues that they are a further species of negative rights; thus, they do not provide aid or protect from harm but enable public agency. Lenzer (n.d) argues that it is more difficult incorporating the Convention into the legal and administrative structures of each nation, and applying newly adapted laws and procedures in the everyday affairs of governments and society. James and James (2008:13) contend that the Article 3 (which contains the best interest principle) “weakens its potential impact by allowing concern for the ‘best interests of the child’ to be set alongside other possibly competing considerations.” Their argument is premised on the fact that issues in relation to public safety and social or crime-control within the context of Article 3 of the UNCRC, may be taken as determining decisions concerning children, over and above their best interests, when considering offending by young people.

### **The African Charter on the Rights and Welfare of the Child (ACRWC)**

The UNCRC's unconditional recognition could not discourage African governments from implementing the continent's unique document on the rights of children. Many African countries feel that the UNCRC has not adequately addressed the African child's concerns (Adu-Gyamfi & Keating, 2013). Among the concerns raised were the disadvantages facing the African female, the African conception of a community's responsibilities and duties, the situation of African children under apartheid (Kaime, 2009), and the under-representation of the African continent in the drafting of the UNCRC (Adu-Gyamfi & Keating, 2013). Thus, the Organisation of African Unity (OAU), now the African Union (AU), adopted the African Charter on the Rights and Welfare of the Child (ACRWC) in July 1990 and came into force in November 1999 to protect the specific realities of the African child (Adu-Gyamfi & Keating, 2013; Hutchison, 2013).

The African Union (AU) adopted the African Charter on the Rights and Welfare of the Child in its 26th Ordinary Session of the Assembly of Heads of State and Government in Ethiopia in July 1990. According to Lloyd (2002), the AU took into account the ideals of African cultural heritage, historical background and values prior to the adoption of the Charter. The AU Charter stipulates that a child is less than eighteen (18) years of age. The AU Charter acknowledges the need to integrate African cultural values and practice in addressing issues relevant to children's rights in Africa.

The ACRWC is divided into two main parts. Part one which has thirty-one (31) articles, deals with the rights, freedoms, and duties of the child, whilst part two spells out the obligations of States to adopt laws to enforce the

provisions in the ACRWC. Unlike the UNCRC, which is silent about the duties and responsibilities of the child, the ACRWC clearly outlines the duties and responsibilities of the African child. Ghana ratified the ACRWC in 2005. Children in Africa have a duty to their communities and societies, to honour their parents, superiors and elders, and to maintain and reinforce the traditions of Africa (Article 31). The ACRWC has been described by Bueren (1998), as the most progressive treaty on children's rights and a powerful tool for the enhancement of the lives of African children.

The ACRWC has been criticised for being restrictive with regard to children's freedom of association. Dejo Olowu (2002) argues that the Charter acknowledges the right of the child to live and that none of them allows for the protection of the unborn child. This silence is anomalous, despite the undisputed insecurity of the unborn child and the threats that modern society presents to unborn children. He adds that, with the clear concern shown at the Charter's drafting stages over the question of armed conflict, the Charter would have been expected to include provisions similar to those in Article 39 of the Convention relating to the psychological rehabilitation and social integration of children impacted by armed conflict, but there are no such provisions in the Charter.

## **National Legislations for the Protection of Children's Rights in Ghana**

### **The 1992 Fourth Republican Constitution**

The Fourth Republican Constitution of 1992 of Ghana recognises the rights of the child and provides the basis for the implementation of effective legislation to protect children's rights. Thus, chapter five of the constitution outlines the right of children. The following are the clauses within the

constitution. (a). Every child has the right to the same measure of special care, assistance and maintenance as is necessary for its development from its natural parents, except where those parents have effectively surrendered their rights and responsibilities in respect of the child in accordance with law; (b). Every child, whether or not born in wedlock, shall be entitled to reasonable provision out of the estate of its parents; parents undertake their natural right and obligation of care, maintenance and upbringing of their children in co-operation with such institutions as Parliament may by law, prescribe in such manner that in all cases the interests of the children are paramount; (c). Children and young person's receive special protection against exposure to physical and moral hazards; and the protection and advancement of the family as the unit of society are safeguarded in promotion of the interest of children. (d). Every child has the right to be protected from engaging in work that constitutes a threat to their health, education or development. A child shall not be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Any other person of medical treatment, education or any other social or economic benefit shall deprive no child by reason only of religious or other beliefs.

In contrast to the provisions in the constitution, most children in Ghana do not have access to basic needs such as shelter, education, medical care etc. Some children have become homeless. They are entirely on their own, dealing with other street children or adult homeless people. Children on the street earn their living or beg for money on the street and go home in the evening. The case of street children thus applies to children living on the streets who have rendered it their regular places of residence. According to Inter-NGO (1985)

a street child or youth is “any girl or boy who has not reached adulthood, for whom the street (in the broadest sense of the word, including unoccupied dwellings, wasteland, etc.) has become her or his habitual abode and/or sources of livelihood, and who is inadequately protected, supervised or directed by responsible adults.

In Ghana, it is normal to see children aged 10-15 patrolling the streets and taking unskilled jobs for their survival. A study by Atseku (2014:21) reports that the Cape Coast Department of Social Welfare estimates that there are about 1,500 street children in the Metropolis of Cape Coast. The issue of street children in Ghana has become controversial because of the various causal factors. These include rural urban wealth inequality, rapid urbanisation, widespread family breakdown, broken homes, and physical and sexual abuse. The question of street children in Ghana reflects the government and policy-makers inability to understand the complexity of the situation, as well as the inadequate financial resources to effectively tackle this issue etc.

Also, some children are engaged in jobs that do not match their age level. This is considered as child labour. The term “child labour” is also described as work that negatively affects children of their youth, potential and integrity and is detrimental to physical and mental growth. According to UNICEF (2000) taking advantage of child labour means hiring a person under the age of 15 and providing him or her less than the basic minimum salary. One of the fundamental principles of the International Convention on the Rights of the Child is that every child must be shielded from all forms of exploitation, care that is inappropriate or humiliating, including

child labour, kidnapping and sale (UNICEF, 2000). In Ghana, in the informal sector and in rural areas, child labour is prevalent since it is a sector which needs more labour. A 2010 GSS survey showed that an unprecedented 46.1 per cent of Ghanaians live below a dollar a day, an example of abject poverty (GSS, 2014). The level of poverty also imposes tremendous burden on families and children. It makes the child an economic burden, forcing parents to include their children in all sorts of industries and occupations (Oteng-Ababio, 2011). Research commissioned by ILO/IPEC reveals that the two regions with the highest proportion of child domestic workers are Ashanti and Greater-Accra regions with work period ranging from two to ten years. A study conducted by Agordzo (2011) on child labour in the Cape Coast Metropolis, reveals that parents do not show any sign of stopping or preventing their children from engaging in economic activities since they benefit from the children's earnings. She adds further, that majority of parents find it difficult to draw the line between what constitutes "child work or service" to the home and what is "child labour". They could not tell where child training stops and where child exploitation sets in.

#### **Human Trafficking Act, 2005 (Act 694)**

The Human Trafficking Act 2005 (Act 694) was passed on 5th December, 2005 with the aim of addressing human trafficking activities within, to, from and through Ghana. The Human Trafficking Act was guided by the UN Protocol to prevent, suppress and punish trafficking in persons, especially, women and children (Palermo Protocol) (Sertich & Heemskerk, 2011). The Act has three main components, which are Prevention of Human

Trafficking, Protection of Trafficked Persons and Prosecution of those who engage in Human Trafficking activities. According to Sertich & Heemskerck (2011), the Human Trafficking Act has been successful in the implementation of its prevention strategies but slow in prosecution of both domestic and international human trafficking cases. However, the Act has not been able to achieve its purpose of providing adequate protective measures for trafficking survivors. To ensure effective implementation of the law, the Human Trafficking Management Board has been established to combat trafficking in Ghana. The Board's functions are to execute a national plan of action, to advise the Minister on policy matters, to assist with the investigation and prosecution of trafficking cases. It also promotes the rehabilitation and reintegration of trafficked persons, prepare guidelines for disbursements from fund, and to conduct research on international and regional developments.

Despite the existence of the Human Trafficking Act, cases of child trafficking in Ghana have been on the increase in recent times. According to the Global Positioning System (GPS) in 2018, nine child labor trafficking cases were prosecuted. As a result of these prosecutions, 14 defendants were convicted of violating the Children's Act of 1998 by engaging a child in exploitative and hazardous work. Convicted individuals were required to pay a fine of approximately \$309 and sign a statement committing to good behaviour. In addition, the GPS has is that girls as young as 13 years of age from rural northern regions of Ghana travel to urban centers to work as *kayayei* carrying heavy loads on their heads in markets, and are particularly vulnerable to sexual abuse and exploitation. U.S. Department of State report (2005:2) says that most children from the north and other poverty-stricken

regions are frequently trafficked to metropolitan areas to work as domestic servants. Estimated thousands of children between the ages of three and seventeen have been, and are being trafficked to the Volta Region to work in the fishing industry. This research posits that there is inadequate awareness about child trafficking and to reduce child trafficking cases cannot be achieved if there is less awareness on the implementation of the law. In addition, it is difficult to investigate and prosecute human trafficking because law enforcement cannot consistently identify cases. Finally, this study concurs with Sertich & Heemskerk, (2011) that it is imperative to distinguish human trafficking from other crimes because laws criminalising those acts contain weaker penalties, lack victim protections, and focus on the perpetrator rather than the person who has had his or her rights violated.

Human trafficking and, more specifically, child trafficking, have been a primary concern on the international landscape for over a decade. The trafficking of children is a serious human rights violation. A child has been trafficked for the purpose of exploiting the child if he or she has been moved within a country or across borders, whether by force or not. Child acquisition methods include: abduction, outright sale, bonded placement, parental or guardian deceit and coercion.

Children are no longer being nurtured as a gesture of family goodwill to relatives. They have become a commercial enterprise in which children are exchanged as commodities for money by mediators to distant locations unknown to both parents and children. For example, in Ghana, children are trafficked from the northern and upper regions of the country to the major cities of Accra, Tema and Kumasi to work as domestic servants in middle and



upper class homes, or sent as labourers to cocoa plantations and fishing villages (*State Department*, 2006; Laird, 2002).

In Ghana, the fishing communities are well known for engaging in trafficking children. One of the media reports reported the arrest of 13 traffickers who held about forty-three children between the ages of four and seventeen as victims in various fishing communities, including Kpando Torkor, Abotoase and Kwamekrom, all along Volta Lake (*Daily Graphic*, 2016). Other viable areas where child victims were subjected to manual labour were Central and Western Regions. In these areas, children are made to engage in fishing. The UN Convention on the Rights of the Child, 1989—Articles 32, 34, 35 of the CRC relate specifically to the child's right to be protected from economic exploitation and from hazardous work, to be protected from exploitation in accordance with regulations by the ILO adopted a Global Action Plan on eliminating the worst forms of child labour.

#### **Ghana Domestic Violence Act, 2007, (ACT 732)**

Domestic violence means engaging in the following, within the context of a previous or existing domestic relationship. An act under the Criminal Code 1960 (Act 29) which constitutes a threat or harm to a person under that Act; Specific acts, threats to commit, or acts likely to result in; (i) physical abuse, namely physical assault or use of physical force against another person including the forcible confinement or detention of another person and the deprivation of another person of access to adequate food, water, clothing, shelter, rest, or subjecting another person to torture or other cruel, inhuman or degrading treatment or punishment; (ii) sexual abuse, namely the forceful engagement of another person in a sexual contact which includes sexual

conduct that abuses, humiliates or degrades the other person or otherwise violates another person's sexual integrity or a sexual contact by a person aware of being infected with human immunodeficiency virus (HIV) or any other sexually transmitted disease with another person without that other person being given prior information of the infection; (iii) economic abuse, namely the deprivation or threatened deprivation of economic or financial resources which a person is entitled to by law, the disposition or threatened disposition of moveable or immovable property in which another person has a material interest and hiding or hindering the use of property or damaging or destroying property in which another person has a material interest; and (iv) emotional, verbal or psychological abuse namely any conduct that makes another person feel constantly unhappy, miserable, humiliated, ridiculed, afraid, nervous or depressed or to feel inadequate or worthless.

There are legislations for regulating domestic violence, its application has not been much effective by institutions charged with the responsibility of safeguarding children's rights in the country. Child sexual abuse has been one of the frequent domestic violence in Ghana. Child sexual abuse, also called molestation, is one person's coercive sexual behaviour against another. It is often done by coercion or by profiting from another. The expression sexual assault is used when coercion is instant, short-lived, or rare. The *American Psychological Association* (2001) defines child sexual abuse as intercourse between a minor and an adult. The word 'abuse' implies a level of violence or injury often associated with specific sexual acts, such as genital intercourse and sodomy. Sexual abuse of a child is defined by *World Report on Violence and Health* (2009) as "the presence of a child in sexual activity, which he or

she does not fully understand”. The child is not capable of giving informed consent or in violation of the laws or social abuses of society. According to Andrea Perry and Dilillo (2007) cited in *National Center on Child Abuse and Neglect* (NCCAN, 2005, p.148)

Child sexual abuse refers to the use of persuasion, inducement, enticement, or coercion of any child to engage in, or assist any other person to engage in, any sexually explicit conduct or simulation of such conduct for the purpose of producing a visual depiction of such conduct; or the rape, and in cases of caretaker or interfamilial relationships, statutory rape, molestation, prostitution, or other form of sexual exploitation of children, or incest with children.”

Child sexual abuse is not new in this country. Reliable statistics on the prevalence of sexual abuse of children are hard to find due to lack of empirical research and data on the topic. Today, the situation in Ghana is very troubling, as police records indicate a steady increase in the crime. For example, 384 children were sexually abused in 1991, 409 in 1992, 464 in 1993, 586 in 1994, 728 in 1995 and 2,043 children were abused between 1996 and 2000 (Ghana Police Service, 2000). In a related report by *Ghana News Agency* (2004) from 1999 to 2004, 1,756 children were sexually defiled and these children were aged between two and fifteen years old. In a document entitled *Ghana Human Rights Report* (2018:18-19), there continued to be reports of male teachers sexually assaulting and harassing both female and male students. The DOVVSU’s Central Regional Office reported a 28 percent increase in cases of sexual abuse of girls younger than 16 years of age. According to the Ghana Police Service reports (2017) the

number of adults participating in sexual relations with minors increased by almost 26 percent in 2017, with the highest number of cases reported in Greater Accra and Ashanti Regions.

A study conducted by Sika-Bright and Nnorom (2013) in Cape Coast indicates that 66% of people believe that children who are abused are not taken seriously by their parents or guardians while 34% believe that children who are abused sexually are taken seriously by guardians. Child sexual abuse breaches Article 19 and Article 34 (which describes the child's right to protection from abuse) of UNCRC. Unfortunately with fear, shame, guilt and the ensuing stigma being characteristic features of sexual abuse for boys and girls, however, the issues of gender stereotypes results in differences in how abuse is regarded by the Ghanaian community and the abused children themselves, and the successive accessibility and effectiveness of social support.

### **The Juvenile Justice Act 2003 (Act 653)**

The Juvenile Justice Act 2003 (Act 653) received presidential assent on October 28, 2003. The main purpose of the Act was to provide a juvenile justice system that protects the rights of children who come into conflict with the law. It seeks to protect the rights of juveniles, to ensure an appropriate and individual response to juvenile offenders, provide for young offenders and for connected purposes. The Act consists of three parts. Part one deals with definitions and meanings of juvenile and detailed procedure for dealing with a child who is in conflict with the law and treatment for juvenile offenders (Sampong, n.d). Part one, section one, of the Act defines a juvenile as any person below eighteen years old who is in conflict with the law. The Act also

highlights that the best interest of a juvenile shall be paramount in any matter that concerns the juvenile. Part two of the Act focuses on the court systems.

Cases involving juveniles are to be dealt with expeditiously. Also, the Act effects changes in punishment to reflect the new thinking that children do not have to be in an institution to learn a trade and that detention of children within corrective institutions should be the last resort (Sampong, n.d). Studies by Alemika and Chukwuma (2001), and Maganga, (2005) indicate that there is high incidence of poor hygiene, lack of meaningful education and vocational training, physical and verbal abuse, denial and violation of inmates' rights by officials in charge. These incidences are in contrast with the UNCRC. It states that the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth.

According to Golo (2018) this statement influences the philosophy of juvenile justice administration on the basis that children are vulnerable group and as such deserve special protection. Consequently, the provisions of Article 3 of the UNCRC require a commitment to determining issues in the best interests of the child. The UNCRC states that, in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

## **State Actors Responsible for Children's Rights in Ghana**

### **State Institutions**

State and non-state actors have the role of protecting children's rights. In Ghana, national institutions have been set up to protect children's rights.

There is the Ministry of Gender, Children and Social Protection established to protect children's rights. The primary state actors responsible for protecting the rights of children include the Department of Social Welfare, Domestic Violence and Victims Support Unit of the Ghana Police Unit and the Commission on Human Rights and Administrative Justice. These state institutions exist to protect and promote children's rights. This section provides a brief background of these institutions and their objectives.

### **The Ministry for Gender, Children and Social Protection**

In 2001, the government created the Ministry of Women and Children's Affairs (MOWAC) by means of an Executive Instrument (EI 8) to guarantee that women and children's rights are promoted for sustainable development. The Ministry of Gender, Children and Social Protection (MoGCSP) was established in 2013, by an Executive Instrument (EI1) (Kpekata, 2018). The MoGCSP is a merger between the MOWAC and the Ministry of Employment and Social Welfare (MESW) National Council on Persons with Disabilities and the Division of Social Protection. The Ministry of Gender, Children and Social Protection (MoGCSP) is mandated to promote the protection of the child's right, vulnerable groups, as well as promote gender equality (Mariwah & Esia-Donkoh, 2011).

The MoGCSP collaborates with other law enforcement agencies to help prevent human trafficking, especially with particular focus on children (Abebrese, n.d). The main functions of the Ministry of Gender, Children and Social Protection are to formulate policies on gender, child development and social protection. The MoGCSP organises programmes and activities related to gender, child and social protection at all levels of development. It also

facilitates the integration of gender, children and social protection policy issues into National Development Agenda. Furthermore, it provides guidelines and advocacy strategies for MDAs and other development partners. Lastly, in relation to children, gender and social protection, the MoGCSP conducts research into gender, children and social protection issues and evaluate programmes and projects on gender, children, the vulnerable and persons with disabilities.

### **The Department of Social Welfare and Community Development**

The Department of Social Welfare is the Government Statutory Agency which has the legitimacy to legislate the activities of children's homes in Ghana (Part VI of Sub- Part I, Section 105–114 of the Children's Act.). The Department of Social Welfare provides welfare programmes and services for persons with disabilities, social security for the aged and destitute through the network of residential care homes and non-institutional services. The Department of Social Welfare and Community Development (DSWCD) is required by law to create, implement and execute extensive social welfare programmes designed to uplift living conditions and empower disadvantaged children, young people, women, the elderly, people with disabilities, families in downturn.

At the district level, the Department of Social Welfare is accountable for the provision of social welfare services. The DSWCD is headed by a Director who is assisted by four (4) Deputy Directors in his/her administrative duties, all of whom are responsible for managing one of DSWCD four units. There are: Budget, Unit for Planning and Monitoring, Unit for Child Rights Promotion and Protection, Unit for Justice and Administration and Unit for

Community Care. The Director, Deputy Directors, Officers (Social Workers) and Secretariat staff make up the Headquarters team, Regional Director Heads each of the ten regions, while District officers and relevant support staff are responsible for the Districts.

The Department of Social Welfare and Community Development is responsible for supporting and engaging with traditional systems and community mechanisms at local level, identify community members for mentoring and providing assistance to children and families, creating links between social welfare programmes and social protection programmes. In addition, The DSWCD is intended to conduct an initial investigation into the child protection case, formulate an agreed action plan and guarantee the execution of the action plan, monitor the delivery of the prevention response services and analyze the data produced through the provision of services and discuss it at the regional level. In the specific case of children's homes, the DSWCD is required to control the activities of these facilities by applying the registration and service guidelines for these establishments. In connection with the above, the DSWCD is required to monitor the activities of children's homes on an ongoing basis in order to safeguard the children's interest and well-being.

### **The Commission on Human Rights and Administrative Justice (CHRAJ)**

Chapter 18 of Ghana's Fourth Republican Constitution, 1992, enshrines the Commission on Human Rights and Administrative Justice (CHRAJ). It was created by the 1993 Act 456 (The Commission on Human Rights and Administrative Justice Act), six months after the Constitution came into force (Quashigah, 2000). Its creation was recommended in the Committee



of Experts Report on Proposals for a Draft Constitution for Ghana (31 July 1991). It is not only the duty of the CHRAJ to test and resolve cases of maladministration but also to uphold human rights.

CHRAJ's composition includes a collective body that consists of three persons: a Commissioner, two Deputy Commissioners, and national support staff. This is intended to ensure that any of their two subordinates may efficiently perform their duties in the absence of the Commissioner (Quashigah, 2000). The objective of CHRAJ is defined as: to examine concerns concerning offences of fundamental human rights and freedoms, injustice and corruption; abuse of authority and unequal treatment of persons by public officials in the exercise of their duties, with the power to pursue remedy for such acts and to provide for other related purposes.

Specifically, the CHRAJ is required to perform the following functions:

To investigate allegations about the functioning of the Public Services Commission, the administrative bodies of the State, the officers of the Regional Coordinating Council and the District Assembly, the Armed Forces, the Police Service and the Prison Service in so far as complaints relate to the failure to achieve or equal access to a balanced structure of those services, or in respect of fair administration of those services (Nii-Odoi, n.d). In addition, it also serves to investigate complaints about practices and actions by individuals, private businesses and other institutions where those complaints alleged violations of fundamental human rights and freedoms under the Constitution.

Also, the CHRAJ is authorised to investigate charges that a public official has violated or failed to comply with Chapter Twenty-four of the

Constitution (the Code of Conduct of Public Officers). Furthermore, the CHRAJ is tasked with investigating all cases of alleged corruption and embezzlement of public money by authorities and for taking appropriate steps, such as reports to the Attorney-General and the Auditor General, resulting from such investigations and finally educating the public on human rights and freedoms by means decided by the Commissioner, including publications.

The CHRAJ provides the general public with human rights education through seminars and workshops. It also provides relevant manuals and the establishment of human rights clubs in schools among other means. Public institutions such as the police, nursing training schools and tutors also have programmes in all public teacher training colleges. Training in the field of human rights, involves study and advocacy.

In spite of its efforts, the International Council on Human Rights Policy, (ICHRP, 2004) has observed that there has been limited creation of public awareness about the CHRAJ and its mandate, and of constitutional rights and this accounted for a low level of complaints in its district offices. As recommended by the Paris Principles and the World Programme for Human Rights Education, NHRIs' educational activities should help publicise and mainstream human rights into both public and private establishments, empower citizens with individual and corporate sense of rights and responsibilities at all levels of interaction, and equip them with the knowledge of mechanisms for the realisation of their rights (United Nations, 2005). The CHRAJ has numerous functions. In line with this, this study concurs with Sondem (n.d) who argue that the mandate of the Commission is arguably too broad and this calls into question its capacity to effectively address human

rights abuses. It must be conceded that with such vast powers of investigation, the Commission is likely to be inundated with complaints that could overstretch its financial and human resources. In addition, the Commission is likely to be inundated with complaints that could overstretch its financial and human resources.

### **The Domestic Violence and Victims Support Unit (DOVVSU)**

The Domestic Violence and Victims Support Unit (DOVVSU) formerly known as the Women and Juvenile Unit (WAJU) was established in October 1998 under the Ghana Police Service in response to increased domestic violence and abuse of women and children. Its establishment was part of the government's compliance with international agreements, with the police administration also recognising the need for a specialist unit to deal with cases of abuse against women and children following inadequate treatment of such cases at the Traditional Police Station (Agyekumhene, 2012). The Unit was renamed the Domestic Violence and Victim Support Unit (DOVVSU) in 2005 with the ultimate aim of making it open and accessible to all victims of domestic violence irrespective of gender (Agyekumhene, 2012). The establishment of the unit was assisted by a multitude of international and local legal frameworks and policies aimed at creating an atmosphere that offers a judicious and fair response to victims of domestic violence (DOVVSU Report, 2011). The mandate of DOVVSU is to protect the rights and promote the welfare of children and women by avoiding and convicting crimes perpetrated against them in both the domestic and community setting. "This task is undertaken through sensitisation" (*Ghana Police Service Annual Report, 2010*).

The DOVVSU has a mandate to organise outreach and awareness programmes to educate the general public, especially children, women and the vulnerable in the communities, on their rights, and how to use public workshops to deter these crimes against women and children (*Ghana Police Service Annual Report, 2009*). The objectives of the DOVVSU includes: educating children, women and other vulnerable persons through sensitisation and outreach programmes on their rights in order to reduce the fear of reporting cases of abuse, and to enable children be heard on issues concerning their welfare (*Ghana Police Service Annual Report, 2010*); educate the public in general about the fact that all acts of violence are crimes and to bring perpetrators of these crimes to book.

One of the major functions of the DOVVSU is to promote and protect the rights of children and other vulnerable persons on their human right, and enable children to be heard on issues concerning their welfare (*Ghana Police Service Annual Report, 2010*). In order to carry out this function effectively and in conformity with the aspirations and standards as set out in some human rights instruments including the Universal Declaration of Human Rights (UDHR), United Nations Convention on the Rights of the Child (UNCRC), the African Charter on the Rights and Welfare of the Child (ACRWC), it is incumbent to fashion the necessary objectives which will direct the inputs within the Unit. The functions of DOVVSU include among other things, investigating all offences related to vulnerable groups; handling cases involving gender-based violence including domestic violence and child abuse; handling juvenile offences and child delinquency; and prosecuting all offences related to the above where necessary (*DOVVSU Annual Report, 2013*). The

DOVVSU also offers services to the public, including free service to members of the public, guidance and prevention of crime in schools, churches, markets and referral of victims for medical services and therapy and other community support services (*DOVVSU Annual Report, 2013*).

In summary, the United Nations Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child (ACRWC), Chapter 5 of the Constitution of Ghana provides for the protection of the rights of children. Other national legislations for the protection of children's rights include: The Children's Act, 1998 (Act 560), Criminal Offences Amendment Act, 1998 (Act 554), Domestic Violence Act, 2007 (Act 732), Human Trafficking Act, 2005 (Act 694), Juvenile Justice Act, 2003 (Act 653) which protects the Rights of the Child and the Criminal offences Act, 1960 (Act 29). Ghana did not adequately criminalise domestic violence, which resulted in the passing of the Domestic Violence Act, 2007. (Act 732). The law provides protection for victims of domestic violence and work orders. The Domestic Violence Support Unit (DOVVSU) to give effect to the Act. DOVVSU works closely with the Department of Social Welfare, FIDA (International Women Lawyers Federation, Ghana), the African Women Lawyers Association (AWLA), the Legal Aid Board and several other human rights Organisations in the fight against domestic violence.

### **Review of empirical Studies on the implementation of the UNCRC from Global, Africa and Ghanaian perspectives**

In a Legislative Reform Initiative paper series entitled *Global Perspectives on Consolidated Children's Rights Statutes* (2008) by UNICEF; examines the degree to which revised laws contained attempts by states parties

to the United Nations Convention on the Rights of the Child (UNCRC) to amend the law. The study found that 35.7% of consolidated children's statutes have been enacted, while another 31 countries, representing 16% of states parties, still have to enact such laws based on the Committee's express recommendation. Laura et al. (2017) examine the implementation of children's education rights from a global perspective. Laura et.al (2017) argue that the UNCRC deals with education for other groups of people (disabled children, child workers and children in detention) and on certain issues (health education and the use of illicit drugs). They add that children should enjoy their civil rights to freedom of conscience and privacy as well as to protect themselves against abuse, neglect and cruel, inhuman and degrading treatment, including corporal punishment. In fact, all this must be done beyond prejudice, and the best interests of the child should be a priority. This study seeks to critique their position of admonishing children to enjoy their right. This study posits that children can enjoy their right if state actors make the conscious effort to implement the articles within the UNCRC in their countries. One of such means is to ensure that there is a relationship between human rights institutions and international conventions. In sum, children can enjoy their rights to education and other social needs if state institutions responsible for children's rights are well-resourced.

Ruppel (2001) examines the implementation of international law in Namibia. The author argues that Namibia has been a state party since and filed its original State Party Report to the UNCRC in 1993. As part of its obligations to the CRCM, Namibia has promoted wider public consciousness of children's rights to protect these rights. These initiatives included the

programme for the protection and development of early childhood and the development of youth councils. However, the Committee also expressed its concern on a number of issues. Ruppel, argues that Namibia has not become a party to all the most international human rights instruments and that a great deal of national legislation needs to be reformed to comply with the UNCRC provisions. Ruppel acknowledges that Namibia has made a strong commitment to protecting the rights of children by integrating a wide range of international instruments into the national structure. Ruppel's study is also broadly in line with the main arguments of this study which asserts that there is wider public consciousness to promote and protect the articles of the UNCRC in Namibia. In this vein, this study seeks to ascertain the consciousness of state institutions in pursuing the substantive rights in the Cape Coast Metropolis.

A current study by Ogunniyi Daniel (2018) discusses the main obstacles to effective domestication of children's rights treaties in Nigeria. In his submission, Ogunniyi argues that lawful pluralism is unavoidable in the country as a result of Nigeria's ethnic diversity. He adds that Nigeria's constitution is divided into three groups or areas of legislative competence. Under the Constitution, child related matters lie outside the exclusive competence of the National Assembly. He concludes that these federal and state legislatures should exercise joint legislative powers in compliance with the constitutional provision and that state legislation must be consistent with the federal law. Ogunniyi's study is a source for the current research as it will assist this study to reflect on the relationship between the articles in Ghana's constitution and the UNCRC.

Wiedong Luke Domelagr (2018) assesses the Department of Social Welfare service delivery in child rights protection and the complementary role played by state institutions for the protection of children rights in the Upper West Region. Mercy Appiah (2018) explores the knowledge that students in Aburi and Pokrom have about their rights. Students described the rights of children as privileges, freedoms, or rights bestowed on children, and cited examples such as the right to education, the right to life, and the right to medical care. Additionally, the study found that even though the students had knowledge of their rights, they had insufficient information of legal instruments that protect the rights of children, such as UNCRC and Ghana's Children's Act. Among other issues, the study recommends that the Ghana Education Service (GES) should broaden the curriculum to include the teaching of legal instruments that safeguard children's rights, such as the UNCRC.

Ahmed Kuyini and Fati Mahama (2014) examined the implementation of Ghana's Children's Rights Act (Children's Act 560) in four districts with regard to the establishment of prescribed administrative and institutional structures, service delivery procedures and challenges. The data from the four districts were analyzed by thematic grouping of responses. The results showed that the administrative and institutional structures established did not provide the type and quality of services they were established for. The study contends that disputes remain formidable challenges between legislative requirements, traditional values and practices, service delivery resources, stakeholder collaboration, and community knowledge of the law. I seek to argue that, the



challenges making it impossible for the realisation of children's rights are as result of lack of critical awareness.

Harriet Oklu (2018) explores the policy, legal and institutional structures put in place to guarantee the realisation of the UNCRC in Ghana. Harriet's argument is that found that among the factors that exacerbate child trafficking in Ghana are cultural abuse, lack of awareness and strong institutions to promote children's rights in Ghana. In her view, these children are trafficked into labour in key sectors of the economy such as mining and agriculture, and sometimes for sex. Despite the progress made in building partnerships, major challenges persist in other areas of the fight against trafficking such as prosecution of offenders and the protection of victims. From this study, it therefore behooves Ghana, as the main stakeholder, to put in place appropriate measures that will fulfill the stipulations of Article 35. One of such initiative is to ensure the existence of strong institutions to curb or reduce the rate of child trafficking in the country. The Human-Trafficking Secretariat faces an acute insufficiency as far as staffing is concerned. Instead of a 24-member secretariat, there are currently only two people engaged at the unit. Since this Secretariat is responsible for coordinating all activities in Ghana concerning human trafficking, it is necessary that it is appropriately staffed in order to enable them adequately discharge their duties as spelt out in the National Plan of Action.

The review of literature shows that there are studies on children's rights in Ghana. Agordzo (2011) argues that children in Cape Coast are allowed to engage in economic activities that result into child labour. Sika-Bright and Nnorom (2013) examined abuse of children's rights in the Cape

Coast Metropolis. Kuyini and Mahama (2014) analyses the introduction of Children's Rights Act in four districts. Frimpong-Manso (2014) explores history of child welfare from colonial period to modern Ghana. Domelagr (2018) explores complementary role played by state institutions in protecting children's rights in the Upper West region. Appiah (2018) examines students' knowledge about their rights. Afenyo (2019) investigates knowledge of child rights and implementation of Article 42 of the Convention in Ghana. Despite these studies, there remains a gap between state institutions pursuance of the substantive rights in the UNCRC in Ghana. Considering the above-mentioned studies on children's rights in Ghana, there is lack of studies on state institution's pursuance of the substantive rights in Ghana. Finally, studies conducted on children's rights in the Cape Coast Metropolis did not establish a relationship between state actor and an international convention. The study contributes to research on human rights, social work, social justice and international relations.

### **Conclusion**

This chapter has discussed theoretical framework underpinning the study. The study adopted Jeremy Bentham's Interest Theory which argues that every individual is a rights-holder. In this regard, the child is considered as a principal right holder. In effect, it is mandatory for state to protect the welfare of children. In addition, the chapter discussed legislations for protecting children's rights from the perspectives of the United Nations Convention on the Rights of the Child and narrowed the discussion to institutions responsible for the protection of children's rights in Ghana. Finally, the chapter reviewed empirical studies related to the current research. I conclude that scholars and

researchers have examined issues regarding the abuse of children's rights from global perspectives and at the national level. This study investigates the pursuance of the substantive rights by the Department of Social Welfare and Community Development. The institution is the leading actor in matters relating to the rights of children. The next chapter presents the research methods used in conducting the study.



## CHAPTER THREE

### RESEARCH METHODS

#### Introduction

This chapter discusses the research method used in collecting data for the study. The chapter discusses the research design, sources of data, data collection methods, data analysis and presentation and ethical consideration.

#### Research Approach

The study employed qualitative research method. Denzin and Lincoln (2000) posit that a qualitative research focuses on interpretation of phenomena in their natural settings to make sense in terms of the meanings people bring to these settings. The qualitative research method involves data collection of personal experiences, interviews, observations, interactions and visual texts which are significant to people's life (Peshkin, 1993). Qualitative research is concerned with aspects of reality that cannot be quantified, focusing on the understanding and explanation of the dynamics of social relations. Maxwell (2013) argues that qualitative research method focuses on the meanings, motives, aspirations, beliefs, values and attitudes, which correspond to a deeper space of relationships, processes and phenomena that cannot be reduced to the operationalization of variables.

According to Bryman (2012) qualitative research method emphasises words rather than numbers. The qualitative research design offers an accurate picture of events and to explain the interpretation and actions of individuals based on the data collected at a time. Mwinkom (2013) posits that qualitative research methodology is a type of research generating findings that have not been obtained through statistical procedures or other means of quantification.

He noted that some of the data could be quantified while the final analysis was carried out qualitatively.

The use of the qualitative study enables the researcher to interact with the target population for their opinions, views and feelings on the problem under study. Boakye-Boateng (2006) posits that qualitative research explores, describes, and interprets social situations and how participants are involved in a social setting perceives the world around them. This research adopted qualitative because it enabled the researcher to collect data and sought for clarification and detailed analysis. In addition, the study adopted qualitative method because qualitative research is not concerned with numerical representation, but with the deepening of understanding of a given problem. In qualitative research, the researcher is both the subject and the object of the research.

### **Research Design**

Research design is intended to provide an appropriate framework for a study. This study employed the descriptive research design. Descriptive research design studies focuses on discovering the nature of the specific events under study. According to Lambert and Lambert (2012) descriptive research involves minimal to moderate, structured, open-ended, individual or focus group interviews. They contend that descriptive research may include observations, and examination of records, reports, photographs, and documents. Qualitative descriptive research is purely data-derived in that codes are generated from the data in the course of the study. I adopted the descriptive research design for numerous reasons. First, the descriptive research design involves a straight forward descriptive summary of the

informational contents of the data that is organized in a logical manner. In addition, it afforded the researcher, the opportunity to arrange the data collected into themes and in a chronological order. In as much as descriptive research design suited the study; it was characterized with some weakness. My participants did not provide responses that were considered desirable or in line with their data protection ethics norms.

### **Sources of Data**

The researcher collected data from both primary and secondary sources. Bryman and Bell (2012) argue that primary and secondary data are the two main empirical sources of data in research. Primary data through the use of interviews were collected for a specific study and were gathered to corroborate the documentary sources. Primary data can be used to complement secondary data in a study as noted by Bryman and Bell (2012). Primarily, this research was also based on documentary analysis. Documentary analysis is a qualitative research method used to address specific research questions using a systematic process. According to Wach (2013), documentary analysis is a method of research that analyzes the contents of written documents carefully and consistently. Frey (2018) posits that documentary analysis requires review, examination, and interpretation of the data in order to gain meaning and empirical knowledge of the construct being studied. To Triad (2016) the analysis of documents is an effective and efficient method of data collection.

This study examined documents such as annual reports, policy manuals, strategic plans, articles, journals, and newspapers. Some of the sources include Ghana Police Service Annual Report, Ghana Statistical Service, International Labour Organization report, Ministry of Gender,

Children and Social Protection report, Social Welfare and Community Development Training Manual, UNESCO report, UNICEF report, newspapers among other scholarly articles and journal.

Also, the study made use of interviews to support the documentary evidence. According to Kumar (1999) interview focuses on person-to-person interaction between two or more individuals with a specific purpose in mind. Regarding the granting of interviews, this research focused on the respondents with expert knowledge and experience on the rights of children. The study specifically used purposive sampling technique to select officials of the Cape Coast Metropolis Department of Social Welfare and Community Development through the use of semi-structured interview guide. Lewis and Sheppard (2006) argue that it is a nonrandom technique that does not need underlying theories or a set number of informants.

Simply put, the researcher decides what needs to be known and sets out to find people who can and are willing to provide the information by virtue of knowledge or experience. Tongco (2007) argues that purposive sampling technique, also called judgment sampling, is the deliberate choice of an informant due to the qualities the informant possesses. A semi-structured interview guide deals with a meeting in which the interviewer does not strictly follow a formalized list of questions. Instead, it enables the researcher to ask more open-ended questions. It also allows for a discussion with the interviewee rather than a straightforward question and answer format. In response to the semi-structured interview guide used for the study, the Unit Head and Staff of the Department of Social Welfare in charge of protecting children's rights were deliberately chosen. The interviews enabled the

researcher to collect and detailed information from the Child Rights Promotion and Protection Unit of the Department of Social Welfare and Community Development in the Cape Coast Metropolis. The researcher selected 5 respondents from the Child Rights Promotion and Protection Unit of the Department of Social Welfare and Community Development. The homogenous nature of the study area does not require a very large sample size. This can lead to repetition of answers and gathering of volumes of data with similar responses which can lead to the introduction of errors in the data collected from the respondents in the field.

### **Data Collection**

Data collection is the process of gathering and measuring information. Sajjad (2016) asserts that data collection establishes systematic fashion that enables one to answer stated research questions, test hypotheses, and evaluate outcomes. Sajjad adds that the goal for all data collection is to capture quality evidence that then translates to rich data analysis and allows the building of a convincing and credible answer to questions that have been posed. For this study, I began collecting the data from 10 August to 21st November, 2019. The month of August, September and October were used to collect the online journals, articles, newspapers, policy documents and reports. The month of November was basically used for the face-face interaction. Some of the data collection also took place on whatsapp. The date were as follows; the 13th November, 2019 Whatsapp Voice Mail (6:26pm) 14th November, 2019 Whatsapp Voice Mail (11:26am) and 21st November, 2019 Whatsapp Voice Mail (7:12pm). Some of the documents were also sent via email by an official at the DSWCD. In the course of collecting the data, I encountered several



problems. First, I was sent to the regional office while the chosen area was the district office. In addition, I could not meet the Head of Affairs at the DSCWD for which I have to go to the office on several occasions. Also, my respondents were feeling quiet timid during the interview for the fear that I may use the interview for different purposes. Lastly, since I granted the interview at the office of the DSWCD, there were hindrances such as noise from people and electronic gadgets and cases were being deliberated on at the premises.

### **Data Analysis and Presentation**

Data analysis is the method of ordering, structuring and making meaning to the volume of data collected. In the field of research, data analysis denotes a plan or means of disaggregating the collected data. The research made use of content analysis on the qualitative data retrieved from key documents as well as interviews from few key officials. According to (Patton, 2002) qualitative content analysis is any qualitative data reduction and sense-making effort that takes a volume of qualitative material and attempts to identify core consistencies and meaning. According to Haggarty (2009) content analysis is a research approach that enables the systematic analysis of the qualitative data obtained in the study and reliably in order to generalize them in relation to the researcher's categories of interest. For the purposes of ethics and confidentiality, the researcher used numbers and the alphabet (R). Thus, (R1), (R2), (R3), (R4) and (R5) to represent the respondents. I recorded the interviews on my electronic device and transcribed for analysis. Transcribed data were carefully read and important aspects of the data were

then analysed along developed themes in support of the purpose of the study. Themes were identified in line with the objectives of the study.

### **Ethical Consideration**

Ethical consideration is an essential part in research works. According to Resnik (2010) ethics in research are standards that researchers must abide by to make them accountable to the public while upholding moral and societal values. In view of this, I sought the consent from the officials at the Department of Social Welfare. I wrote a notification letter to the Centre for African and International Studies stating the objectives of the research for an introductory letter. The introductory letter was attached with the interview guide. It was vetted, approved and signed by my supervisor. I then sent the introductory letter to the Department of Social Welfare and Community Development and for which a date was scheduled for the interview. The respondents were notified concerning the objectives and the significance of the study.

The potential participants were approached individually and given an explanation of the purpose of the study and data collection process. The anonymity and confidentiality of the participants was preserved by not revealing their names and identity in the data collection, analysis and reporting of the study findings. Ethical considerations on moral standards and courtesies such as respect for protocol, dignity, culture, integrity and human rights were adhered to. The researcher assured respondents of the non-disclosure of information for any other purposes rather than academics. The researcher is mindful that academic dishonesty or plagiarism is a grave offense in academia and as such, all cited works have been duly acknowledged.

## CHAPTER FOUR

### THE ROLE OF STATE ACTOR IN PURSUING THE SUBSTANTIVE RIGHTS IN THE CAPE COAST METROPOLIS

#### Introduction

This chapter presents the analysis of the data collected. I collected data from officials of the Department of Social Welfare and Community Development in the Cape Coast Metropolis. For the purposes of confidentiality, names of persons interviewed were not revealed. I used the alphabet; (R) to represent the officials interviewed for the study. The head of operations at the DSWCD appointed the respondents. The issues presented and analyzed include roles, achievements and challenges of the DSWCD in pursuing the substantive rights in the in the Cape Coast Metropolis.

#### The Cape Coast Department of Social Welfare and Community

#### Development

The Department of Social Welfare and Community Development is located at the Cape Coast Metropolitan Assembly (CCMA) at the ground floor of the three-storey building operating in two offices. Currently, the Cape Coast DSWCD has 29 members of staff out of which 9 are permanent staff, the remaining staff include; casual staff, national service personnel's, nation Builder's corps trainee and interns. Under the Child Rights Promotion and Protection Unit, there are functions such as child care, child custody, parenting, adoption, home maintenance and monitoring of day care centres. The respondent (R1, 2019) points out that section 18 of the Children's Act specifies the circumstances under which a child may be considered requiring care and protection. This is to ensure that, the rights and freedom of the

children in the Cape Coast Metropolis are well protected. The respondent (R1, 2019) posits that the Department of Social Welfare and Community Development is charged with the responsibility of protecting children's rights. According to the respondent (R1, 2019), the District Assembly protects the welfare and promotes children's rights within its area of jurisdiction and ensures that, within the district, government agencies coordinate with each other on children's issues. Also, the Department of Social Welfare and Community Development has the responsibility to investigate cases of abuse of children's rights in the locality. The Department works in partnership with the people in the Cape Coast Metropolis to improve upon the well-being of children through fostering sustainable growth for the poor, the marginalised and the socially excluded. The Department's vision is to take the lead in incorporating poor, vulnerable children into society, and the less privilege.

### **Knowledge of the DSWCD on the United Nations Convention on the Rights of the Child**

In an interview with the respondent (R1, 2019), it was pointed out that the Department of the Social Welfare and Community Development is aware of the United Nations Convention on the Rights of the Child. The respondent (R1, 2019) posits that the United Nations Convention on the Rights of the Child deals with the child-specific needs and rights. This requires that international treaties binding the nations that ratify this Convention must act in the child's best interests. The respondent (R1, 2019) adds that adopting the Convention, in all jurisdictions requires states to conform to the protection, promotion and participation of the child as every child has fundamental rights. These include; the right to life, to their own name and identity, to be raised by

their parents within a family or cultural grouping, and to have a relationship with both parents, even if they are separated (R1, 2019). Respondent (R1, 2019) posits that Ghana, one of the nations that ratified the Conventions, has made it possible for state institutions responsible for the protection, promotion and participation of children's rights to incorporate the expectations of the United Nations Convention on the Rights of the Child within its activities. As such, the Department of Social Welfare and Community Development in the pursuit of its activities on issues regarding children's rights ensure that the well-being of the child is paramount (R1, 2019).

The respondent (R1, 2019) points out that the substantive rights include; rights to provision, protection and participation. Concerning the substantive rights, thus, the three "Ps" rights to provision, participation and protection forming the basis for the study, the respondent (R1, 2019) explains briefly with regard to the rights to provision that the provisions made by the Department of Social Welfare and Community Development are to provide children justice through mediation, negotiation and on the basis of the traditional system of conflict resolution. As part of ensuring access to legal assistance for children, the Department collaborates with the Commission on Human Rights and Administrative Justice in the Cape Coast Metropolis as a referral point on children's' rights. In addition, the Department of Social Welfare and Community Development has a national system of policies and programmes that aim at preventing, reducing and eliminating inequality and maintaining poverty; such a scheme is generally composed of social transfers, social insurance, and initiatives that facilitate children's access to social services. Child protection seeks to guarantee every child's right to a life free

from violence, harassment, exploitation and neglect. According to respondent (R2, 2019) it is the responsibility of the Department of Social Welfare and Community Development to prevent and respond to cases of abuse of children's rights in the Cape Coast Metropolis. Respondent (R2, 2019) argues that children are regarded as participants by the Department of Social Welfare and Community Development. The right to participation requires children to have the ability to express thoughts and to have a say in decisions that affect their financial, economic, religious, cultural and political lives. This supports a report by the MoGSCP (2019) in a policy document that child rights promotion involves outreach activities such as community sensitisation through durbars, seminars and the development implementation of advocacy and communication strategies to ensure child rights promotion, protection and development. Respondents (R1 and R2, 2019) concluded that the Department of Social Welfare and Community Development is helping to bring about the realisation of all children's rights in order to prepare them for an active role in the Cape Coast Metropolis.

**Research Objective One: To explore issues relating to children's rights being pursued by the state actor in the Cape Coast Metropolis**

Research objective one explores issues related to children's rights being pursued by the Department of Social Welfare and Community Development. During the interviews, the respondents were of the view that the Cape Coast DSWCD under the Child Rights Protection and Promotion Unit has dealt with cases to enhance the protection of children's rights in the area of maintenance of children, child custody, paternity, family reconciliation, child probation and registration and supervision of day care centres.

## Maintenance of children

To start with, child maintenance is one of the issues being pursued by the Department of Social Welfare and Community Development in Cape Coast. According to the respondent (R2, 2019), child maintenance is one of the areas in which the DSWCD has paid much attention to ensure children's rights promotion, participation and protection in the Cape Coast Metropolis. The Department of Social Welfare and Community Development sees child maintenance as one crucial feature of the substantive rights in the UNCRC. With the growing prevalence of broken homes in the Cape Coast Metropolis, child maintenance schemes have become more relevant. The closest available definition of child maintenance is spelt out in Section 47 of the Children's Act 1998 (Act 560). The Act charges parents to look after their children and provide them with safety, life, basic education and their shelter needs. Penalties complement the obligation to maintain a child that one brings into this world. Parents may be sued for failing to keep their kids safe. Respondent (R2, 2019) quoted an article from the Children's Act to support the Department's operations of dealing with issues of child maintenance in the Cape Coast Metropolitan:

The District Assemblies have also been granted constitutional powers to promote and protect the welfare of children. They are also to enact appropriate bye-laws to this effect. The Children's Act requires District Assemblies to set up child panels to enforce maintenance orders and also give Family Tribunals powers to grant maintenance orders against parents or guardians who neglect to maintain their children.

The respondent (R2, 2019) adds that some parents are unable maintain their children in the Cape Coast Metropolis. This corroborates studies by Frimpong-Manso (2014) and Casey (2011:8) that it is the responsibility of DSWCD for implementing child welfare services and social workers to deliver services especially on child maintenance in the communities, districts, regions and across the country. This is due to the level of poverty caused by low-incomes. The DSWCD has evidence that with the large number of maintenance cases, this demonstrates that it is increasingly difficult for some parents to provide their children with the appropriate care. In the Cape Coast Metropolis, average household expenditure exceeds average household income which therefore affects the capacity of parents to support their children. Respondent (R2, 2019) claims that women mostly report cases of child maintenance in the Cape Coast Metropolis. In solving cases of child maintenance, the DSWCD invites both parents to the office. The DSWCD deliberates with both parties on the needs of the child. The DSWCD agree on a suitable amount of money to be given to the best parents who may have best guardianship of the child. The selected parent uses the money given to cater for the needs of the child. Other needs of the child are shared among the parents. The two parties could be directed to provide for the other needs of the child depending on their capabilities.

### **Child Custody**

In addition, child custody is one of the children's rights issues pursued by the DSWCD in the Cape Coast Metropolis. Child custody refers to a situation where parents or two parties contest over who should have control



over the child. According to the *Social Welfare and Community Development Training Manual* (2014:42)

Child custody is a legal term which used to describe the legal and practical relationship between a parent and his or her child, such as the right of the parent to make decisions for the child, and the parent's duty to care for the child.

According to the respondent (R3, 2019) contact issues typically arise in proceedings involving divorce, annulment and other legal proceedings where children may be involved. In most jurisdictions the issues of which parent want the child to reside with is determined in accordance with the best interests of the child. In that situation, one party reports to the Department of Social Welfare and Community Development that he or she wants the child to be in his/her sole custody. According to respondent (R3, 2019), in most cases, men tend to seek for the custody of the child from their mothers or relatives. The DSWCD invites the parties by sending letters to them. The respondent (R3, 2019) adds that the DSWCD appoint a staff in-charge of child custody operations to engage in a dialogue with the two parties. The dialogue is to find out the reason for one party seeking for child custody. In some instances, the child is given the opportunity to share his/her view. This indicates the participation of children in matters involving their welfare. In consonance with the Article 12 of the UNCRC strongly recognises children's right to participate in decision-making (OHCHR, 1989). In this particular context, participation refers to a process in which someone influences decisions about his or her life which ultimately leads to change (Treseder, 1997). The underlying intention of Article 12 is for the interests of children in final decisions concerning their

well-being to be given adequate consideration. The parties will be interrogated to determine the one with the necessary or the required capacity to take care of the child. After the submission, an officer of the DSWCD is tasked to carry out an inquiry into the situation. The officer is required to carry a social enquiry report and through the report, the DSWCD decides or recommends the best party to have custody of the child. The DSWCD also make provisions available from the other party to support the child. According to (R1, 2019), the DSWCD from (2013-2019) has successfully resolved about 100 cases of child custody in the Cape Coast Metropolis. The respondent added that the issue of child custody is one of the frequent issues brought to the DSWCD. The reason was that some parents or parties do not want the other party to have maintenance of their children.

### **Paternity Cases**

Also, the DSWCD has chalked some remarkable successes in the area of child paternity. The respondent (R1, 2019) posits that paternity deals with the situation in which one party refuses the claim that he/she is the parent of the child. The DSWCD, after hearing the submission, refers the situation to a competent medical doctor. A staff from the DSWCD, together with the parties and their witnesses, visit the medical officer on a pre-arranged date. At the medical facility, a sample of the man's blood is taken and a test is conducted. The result of the test is sent to the office of the DSWCD in a sealed envelope and the parties are invited to come for their report. The officer of the DSWCD presents the report to the parties. The report is read to the parties to determine the bearer of the child. The respondent (R1, 2019) pointed out that the DSWCD, for about three years, have successfully resolved five paternity cases

thereby seeking protection for some of the children in the Cape Coast Metropolis.

### **Family reconciliation**

Furthermore, the DSWCD deals with child reconciliation issues. According to respondent (R3, 2019), this occurs when two parties or families having a child together seek for reconciliation on matters affecting the child. As part of its operations, the officials of the DSWCD invite both parties. They engage in a dialogue to find out the cause of the situation and ways of resolving the issue. According to respondent (R3, 2019), this is done in order to protect the well-being of the child. The DSWCD makes possible recommendations to the parties. The DSWCD charges parents to translate the recommendations into action and submit a report after implementation. In demonstrating the Department of Social Welfare and Community Development commitment towards family reconciliation, the respondent (R3, 2019) said that from (2016-2019) the DSWCD has successfully undertaken about 75 cases of family reconciliation in the Cape Coast Metropolis.

### **Probation Service**

In furtherance, the DSWCD deals with issues relating to probation services. The DSWCD is part of the family Tribunal Sitting in the Cape Coast Metropolitan Court. Respondent (R4, 2019) stated that any child who is found in contravention of the law is brought to the attention of the DSWCD. The child is sent to a correction facilitator for reformation or to be put on probation. The DSWCD allows the child to sign a bond of exhibiting good behaviour and that child is placed under supervision. The respondent (R4, 2019) posits that within the past two years, the DSWCD has committed about

five (5) cases related to the probation services in the Cape Coast Metropolis (DSWCD Report, 2019). The respondent (R4, 2019) adds that when the child's offence is of high gravity, the DSWCD sends the child to the Juvenile Committee. The reason for this is due to the poor setting of their families and inability to cater for the child. Respondent (R4, 2019) adds that some juveniles are placed on probation service because their family setting is not strong enough to provide the required support and guidance. The DSWCD ensures that the welfare of the child is been catered for. According to respondent (R4, 2019) with regard to provisions in the substantive rights, some juveniles are made to sign a bond of good behaviour when the child commits a minor offence. In some cases, some of the juveniles are placed on voluntary supervision to ensure that the child do not fall short of the laws. Respondent (R4, 2019) claims that the DSWCD, from (2014-2019), has placed about 45 children under voluntary supervision in the Cape Coast Metropolis (DSWCD Report, 2019).

### **Supervision of Day Care Centres**

Finally, the DSWCD supervises the Day Care Centres in the Metropolis. The Section 105 (1-5) of the Children's Act gives approval for the establishment of Residential Homes for the care of children. Section 106 gives the authority to the Department of social welfare in a District Assembly to monitor the homes within its district (*Social Welfare and Community Development Training Manual*, 2014:52). According to respondent (R5, 2019) this is done to ensure that children in the Cape Coast Metropolis are not abused. The Department inspects the premises, books, accounts and other records of a Daycare Centre at least once in every month and submits a report

of the inspection to the Social Services Sub-Committee of a District Assembly (*Social Welfare and Community Development Training Manual*, 2014:54). This is done to ensure that the child gets access to education and other needs stated in the Children's Acts. As part of its achievement, the Department of Social Welfare and Community Development has seen to the registering of about 100 Day Care Centres in the Cape Coast Metropolis. The Department of Social Welfare and Community Development has seen to the registering of over 80 Non-Governmental Organisations of which some are aimed at assisting in the area of child protection, provision and participation. The Department of Social Welfare and Community Development has also registered over 500 children with disabilities to ensure that they receive the 3% of the Common Fund (DSWCD Report, 2019). The Department of Social Welfare Community Development ensures that these children are not marginalised from the community. In addition, over 700 Livelihood Empowerment Against Poverty (LEAP) beneficiaries were paid by the Department of Social Welfare and Community Development to provide for the well-being of their children in Cape Coast Metropolis (DSWCD Report, 2019). Respondent (R5, 2019) adds that in recent times, the Department of Social Welfare and Community Development has seen to the successful disbursement of funds to the remaining beneficiaries to cater for the needs of their children.

**Research Objective Two: To examine programmes implemented by the state institution to promote children's rights in the Cape Coast Metropolis Livelihood Empowerment Against Poverty**

Firstly, the DSWCD has initiated the Livelihood Empowerment Against Poverty (LEAP) initiative is Ghana's flagship social protection policy initiated in 2008. Its main objective is to reduce poverty among Ghana's extreme poor and vulnerable households. The LEAP initiative, according to respondent (R2, 2019) seeks to boost home maintenance consumption and nutrition among children under the age of 2 and as well as those with severe disabilities. In addition, the respondent adds that the LEAP programme seeks to increase access to healthcare facilities for children under the age of 5 and people with severe disabilities, improve basic education enrolment, attendance, retention of beneficiary children between the ages of 5 and 15, and facilitation of exposure to complementary services among beneficiary families. Thus, the LEAP programme is geared towards alleviating the plights of the poor and vulnerable, of which children are included. The programmes target orphans and vulnerable children. Respondent (R2, 2019) argues that stipends are paid to care-givers of orphaned and vulnerable children. The household head receives a stipulated amount every month for the upkeep of the registered child or children. The respondent was of the view that the LEAP programme has provided families with income to reduce the rate of poverty in the community. Therefore, this LEAP initiative is aimed to providing social programs to support the less-privileged parents in the Cape Coast Metropolis to take care of their children.

### Child protection awareness

Also, the DSWCD has initiated the child awareness programme. The child protection awareness aims to keep children safe where there is serious risk of harm. According to respondent (R1, 2019) they concur with findings from other documentary studies examined in the previous chapter, that child abuse is quite frequent in the Cape Coast Metropolis. Some of the issues of child abuse in the Cape Coast Metropolis include; shaking, hitting, beating, burning, or biting a child. Respondent (R1, 2019) adds that it can also come from extreme discipline such as using a belt on a child, or physical punishment that is inappropriate to the child's age or physical condition. Some of these, in most cases, cause physical harm or injury to the child. According to respondent (R1, 2019), some parents abused their children verbally and physically which result in mental and emotion abuses of the children. Some of these parents do so without knowing their actions would have a negative effect on the children depending on the severity of the incident. Respondent (R2, 2019) points out that the child protection programme undertaken by the Department of Social Welfare and Community Development engages the entire community on an agreed date to speak to the gathering on such sensitive issues. Some of the issues include; drug abuse, teenage pregnancy, school absenteeism, rights and responsibilities of children and more. They have organised several child protection seminars at the Cape Coast Town Hall and Centre for National Culture. In addition to protecting the rights of children, the DSWCD has solved issues regarding the naming of children. According to respondent (R1, 2019), naming of a child is a right of every child under the Children's Act, as such; the DSWCD has seen to it that over fifty (50) families

within the period of three years have named their children (DSWCD Report, 2019). These issues of failure to name a child or children were raised during casework where the Department was arbitrating between families. Furthermore, as part of its protection programmes, the DSWCD has ensured that the children were duly registered on the National Health Insurance Scheme and taken to the medical facilities as and when the need arises. This indicates that the DSWCD has made provisions available for children, a feature of the substantive rights in the United Nations Convention on the Rights of the Child. The provision of medical care by the DSWCD, as respondent (R1, 2019) put it, is due to the failure of some parents to seek the required medical attention for their children in the Cape Coast Metropolis. In addition, respondent (R1, 2019) is of the view that, from time to time, the Department of Social Welfare and Community Development receives trafficked children and has to ensure that they are sent back to their parents. Sometimes child prostitutes are caught up by the police and put in the custody of Department of Social Welfare and Community Development.

#### **Case and court work**

In addition, the DSWCD has the case and court work to seek for redress on issues regarding children's rights in the Cape Coast Metropolis.

The DSWCD take cases regarding the maintenance, and custody where it adjudicates for the well-being of the child as enshrined by the section 2 of the Children's Act, Act 560. In doing so, the Department ensures that parents are aware of the roles they are to play in the life of a child as stated by the Children's Act. The Department also ensures that children have access to both their parents except when an issue of abuse is raised and proved or other



relevant matters are considered (Cited in Abraham and Morgan 2011). On issues of custody, the Department ensures that a child or children are placed in the custody of the most suitable parent who will provide the best care and protection. Respondent (R3, 2019) adds that the Department has successfully settled issues of custody, maintenance, access and family reconciliation to ensure the well-being of children are protected.

### **Media publicity**

To add up, the DSWCD embarks on media publicity on issues relating to children's rights. The Department has engaged the media on various occasions to speak on social issues that affect the poor and vulnerable within the metropolis. Issues such as how to select a daycare centre for children have been discussed. Some of the radio stations such as Cape FM, Benya FM, Okokoroko FM, Darling FM, have given them the opportunity to educate the people in the Cape Coast Metropolis on several issues of abuse of children's rights. According to respondent (R3, 2019), the DSWCD has made concerted efforts for parents and the community to understand the difference between child labour and domestic chores through media interactions. The DSWCD has been able to sensitise the community on issues such as child labour, that refers to any activity that have may implications on the mental, social, political, physical and educational needs of the child. In view of this, the DSWCD has made it possible for some members of the community to desist from allowing their children to engage in such activities. Respondent (R3, 2019) adds that some of the radio stations report to the DSWCD on several issues relating to child abuse in the Cape Coast Metropolis. One thing, which respondent (R3, 2019) was very proud of, was the fact that when it comes to

discussions on issues of child abuse, the radio stations do not charge them for their services.

### **Foster care programmes**

Lastly, the DSWCD has instituted foster care programmes. This programme ensures that children receive family based care. Respondent (R3, 2019), said that this programme seeks to reduce the number of children who end up being orphans by placing them with families who will care for their needs as though they are their own biological children. The Department has been supervising and monitoring the activities of Day Care Centres within the Cape Coast Metropolis to ensure that the children placed under the care of the institutions are safe and receive their educational needs. The Department has successfully set up twenty (20) community protection committee to sit and adjudicate on issues regarding children. The Department has ensured that children have been placed in educational or skill development centres. These children were left out of school either due to the misplaced priorities of their parents and other factors. Respondent (R3, 2019) adds that the DSWCD in collaboration with the Cape Coast Metro Guards, rescued some children from around Pedu junction. After inquiry by the Officials of the Department of Social Welfare and Community Development, it was revealed that the children were not from Cape Coast but from Moree. The DSWCD officials arranged for the children to be taken to Moree. The DSWCD has, within the period of three years, successfully located the families and relations of over seventy (70) missing or trafficked children and oversaw the reunification with their families (DSWCD Report, 2019).

**Research Objective Three: To examine challenges facing the Department of Social Welfare and Community Development in the Cape Coast Metropolis**

Concerning the challenges, respondent (R4, 2019) points out that the Department of Social Welfare and Community Development has several issues that adversely affect the pursuance of the substantive rights. Some of the challenges outlined by the respondent include; inadequate finance and logistical support, capacity development of staff, misplaced priorities of parents, lack of commitment from the locals and lack of effective collaboration between the Department of Social Welfare and Community Development, Domestic Violence and Victims Support Unit (DOVVSU) and Commission on Human Rights and Administrative Justice (CHRAJ). These challenges are in line with Wiedong Luke Domelagr (2018) studies which find that state institutions charged with responsibility of ensuring better care of children in Ghana has limited capacity in implementing child welfare policies, arising from the low level of collaboration between state institutions, and inadequate resources in terms of trained personnel and finances. Respondent (R4, 2019) goes further and provides details to support the above deficiencies at the DSWCD. The other respondents (R1, R2, R3, and R5) agree with respondent (R4) with regard to the points stated above.

**Financial and logistical constraints**

To start with, the DSWCD is faced with financial and logistical constraints. Respondent (R4, 2019) points out that the DSWCD has limited financial support. The respondent remarks that government finances most of the operations of the DSWCD. They explain that the money that comes from

the central government is not sufficient to support their operations. When asked if the DSWCD has other sources of finance in undertaking its operations, they said that United Nations Children Fund and an aid by Britain known as “UK Aid” are other sources for which the DSWCD is able to generate some funds. The respondent adds that the provision of UNICEF and the UK Aid is dependent on the programme to be organised in the Cape Coast Metropolis. The only programme which the United Nations have been providing the funds for deals with programmes on child protection. Casey (2011) notes that financial resources for state institutions that are involved in the protection of children’s rights are hugely inadequate to fulfill their primary functions. Delap (2013) observes that, child protection is one of the least funded sectors in humanitarian action. For instance, projects that are funded through the Central Emergency Response Fund (CERF) indicate that child protection allocation is only a fraction of the allocations to other sectors of the economy. In terms of logistics, respondent (R4, 2019) explains that the DSWCD do not have vehicles to undertake their operations. The DSWCD depends on commercial vehicles in cases of emergency. In most cases, among the DSWCD workers, some willingly use their own vehicles. The respondent (R4, 2019) cites a situation where the DSWCD cannot reach a particular location rapidly in which some children are being trafficked. They were in the end, only able to get to the location because one of their colleagues used his vehicle, which enabled them to rescue the children.

#### **Inadequate number of capacity building of staff**

Additionally, there is the inadequate number of staff members. Respondent (R4, 2019) points out that the DSWCD is faced with inadequate

training and capacity development of its staff. Even in terms of the numerical strength, the DSWCD is handicapped. The few workers at the DSWCD have to undertake several activities, making it difficult to fully pursue its operations in the Cape Coast Metropolis. In cases of emergency in other districts where there are no Department of Social Welfare and Community Development, some of the workers at the Cape Coast Metropolis have to travel to these places. Laird (2008) acknowledges the inadequacy of social works institutions in Ghana and that the few existing ones such as the DSWCD, are in a poor state in terms of trained professionals. This is in line with Casey's (2011) who notes that there are no formal legal social welfare systems at community level, and that social welfare officers are currently limited in their districts in terms of their outreach work. Respondent (R4 and R5, 2019) remark that lack of adequate training and capacity development of staff are serious issues that deserve immediate consideration and those opportunities should be created to enhance their operational skills in handling with issues of child abuse. Respondents (R4 and R5, 2019) are of the view that, if these issues could be addressed, this would enable the workers to make a progressive achievement in dealing with issues of child protection and promotion in the Cape Coast Metropolis.

### **Inadequate Collaboration between DSWCD and other Institutions**

Furthermore, there is ineffective collaboration between the DSWCD and other institutions. Respondents (R4, 2019) reveal that there is collaboration between the Department of Social Welfare and Community Development, Commission on Human Rights and Administrative Justice as well as the Domestic Violence and Victims Support Unit to handle home

based violence that are meted out especially to children. They pointed out that the DOVVSU collaborates more with the DSWCD as compared with the CHRAJ in the Cape Coast Metropolis. Respondents (R4, 2019) remarks that the CHRAJ appears to have the capacity to deal with most issues unlike the DOVVSU that have referred several cases on child custody, and child maintenance, among others, to the DSWCD. The Commission on Human Rights has the mandate to protect fundamental human rights and freedoms, including civil and political rights, social, cultural and economic rights, in particular those recognized under the 1992 Constitution of Ghana. Respondent (R5, 2019) cite an incidence where the CHRAJ took an initiative on an issue which should have been handled by the DSWCD. According to the respondent, the CHRAJ resolved an issue on child maintenance and recount that a father refused to take care of his child. When the issue was taken to the CHRAJ, at the resolution, the CHRAJ directed the father to pay fifty Ghana cedis (GHC 50.00) monthly to the child. The respondent showed his remorse by saying that the amount of money that the CHRAJ asked the father to pay was not enough to cater for the child. Thus, GHC 50.00 is insufficient for maintain the welfare of the child monthly.

In other developments, respondent (R5, 2019) claims that the CHRAJ has taken interests in dealing with cases of child protection in the Cape Coast Metropolis single-handedly without consulting the Department of Social Welfare Department. The lack of effective collaboration between these agencies is in line with Wiedong's (2018) study that revealed there is low level of collaboration between the DSWCD and the other child protection institutions, the Domestic Violence and Victims Support Unit of the Ghana

Police Service, Department of Children. This is attributed to lack of comprehensive plan, coordination and cooperation coupled with the unwillingness to promote teamwork and spirit leading to unhealthy competition and duplication of state resources. Respondent (R5, 2019) appealed to the Cape Coast Department of Social Welfare for more collaboration with the state and non-state institutions to facilitate their activities in protecting children's rights in the Cape Coast Metropolis.

### **Inappropriate priorities of some of the people**

Respondent (R2, 2019) articulates that the DSWCD is heavily faced with issues regarding misplaced priorities of parents in the Cape Coast Metropolis. The DSWCD has had some parents in the Cape Coast Metropolis using the DSWCD as a source for seeking financial assistance. Though the DSWCD operations goes beyond dealing with cases of child abuse and protecting of children's right, most parents in the Cape Coast Metropolis tend to use the DSWCD as a place to seek financial assistance. In addition, instead of parents saving towards the welfare of their children, they tend to save or use the money given for purposes such as festivals, funerals, buying clothes and other things. The DSWCD has had several cases where parents, especially those with young children, consider their jobs as the topmost priority. This corroborates with a study conducted by Agordzo (2011) on child labour in the Cape Coast Metropolis that found that parents do not show any sign of stopping or preventing their children from engaging in economic activities since they benefit from the children's earnings. In those instances, the children are left in the care of other relatives who may not give the necessary care to them. Respondent (R2, 2019) concludes that there are times where parents or

people in the community have informed the DSWCD to provide guardianship for their children or take them to the Foster Care Centres.

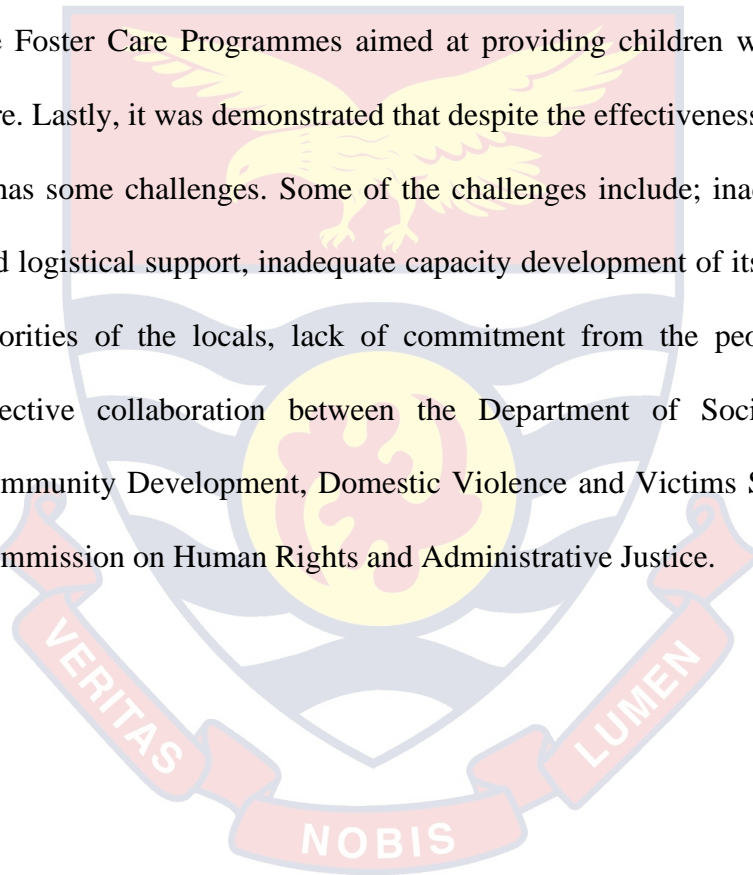
### **Conclusion**

This chapter has examined the main objectives of the study. The objectives of the research were to explore the knowledge of the DSWCD on the United Nations Convention on the Rights of the Child and the substantive rights in the Convention, the second objective of the research was to examine the issues relating to children's rights, the third objective was to examine the programmes initiated by the DSWCD whereas the fourth objective was to explore the challenges facing the DSWCD in its activities in the protection, participation and promotion of children's rights. The chapter focused on the relationship between the Department of Social Welfare and Community Development and the United Nations Convention on the Rights of the Child particularly, the substantive rights. From the data collection, it was found that the Department of Social Welfare and Community Development is charged with the responsibility of protecting children's rights. The Child Rights Promotion and Protection Unit of the DSWCD has the responsibility of undertaking activities such as maintenance of children, child custody, paternity, supervision of children's homes and day care centres. As regards objective two of the research, achievements of the DSWCD, it was found out that the DSWCD has made remarkable successes in the area of child maintenance, child custody, probation service, family reconciliation, paternity and supervision of Day Care Centres.

In addition, the study found that the DSWCD has initiated a series of programmes aimed at ensuring the participation, protection and provisions for



children in the Cape Coast Metropolis. Some of the programmes include; the Livelihood Empowerment Against Poverty (LEAP) for the vulnerable children, the Child Protection programs aimed at educating and sensitizing the community on issues regarding abuse of children's rights. The DSWCD has programmes such as the Case and Court work programme aimed at seeking justice for children in the Metropolis. The DSWCD has various programmes that are carried out by the media houses in the community. The DSWCD has the Foster Care Programmes aimed at providing children with better family care. Lastly, it was demonstrated that despite the effectiveness of the DSWCD, it has some challenges. Some of the challenges include; inadequate financial and logistical support, inadequate capacity development of its staff, misplaced priorities of the locals, lack of commitment from the people and lack of effective collaboration between the Department of Social Welfare and Community Development, Domestic Violence and Victims Support Unit and Commission on Human Rights and Administrative Justice.



## CHAPTER FIVE

### SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

#### Introduction

This dissertation set to out to explore the extent to which state actors are pursuing the substantive rights in the United Nations Convention on the Rights of the Child in Ghana. The research selected the Department of Social Welfare and Community Development in the Cape Coast Metropolis for particular consideration. This chapter provides the summary of the study, key findings and conclusions. In addition, it provides recommendations for further research in academia and human rights institutions in Ghana for the successful protection of children's rights in the country.

#### Summary

To achieve its basic purpose, the research was guided by three main objectives. The first was to explore issues relating to children's rights being pursued by the state institution in the Cape Coast Metropolis. Secondly, to examine programmes implemented by the state institution to promote children's rights in the Cape Coast Metropolis. The third question was to examine challenges facing the Department of Social Welfare and Community Development in the Cape Coast Metropolis. In carrying out the research, the study explored significant literature on children's rights from global perspectives. Secondary sources for the study included scholarly articles, journals and reports. Some of them include Ghana Police Service Annual Report, Ghana Statistical Service, International Labour Organisation report, Ministry of Gender, Children and Social Protection report, Social Welfare and Community Development Training Manual, UNESCO report, UNICEF etc.

Also, the study analyzed the views of respondents using a semi-structured interview guide. This aspect of the study was based on selected officials from the DSWCD using the purposive sampling technique. Due to the homogenous nature of the institution, the study selected five (5) respondents.

### **Main Findings of the Study**

The key findings of the study are as follow;

1. The study found that the DSWCD has knowledge of the United Nations Convention on the Rights of Child and the substantive rights enshrined in the Convention. For the purposes of achieving the substantive rights; rights to provision, protection and participation, the DSWCD has as part of its structure, the Child Rights Promotion and Protection Unit. It has the responsibility for activities such as parenting, child custody, and marriage, adoption, running children's homes and supervising day care centres.
2. The study found that the DSWCD has achieved remarkable successes since its establishment. The DSWCD has registered successes concerning issues with child maintenance, child custody, paternity cases and family reconciliation cases to improve the welfare of the child.
3. Furthermore, the study revealed that the DSWCD has implemented programmes to enhance the pursuance of the substantive rights in the Cape Coast Metropolis. Some of the programmes include; child protection programmes, case and court work, media publicity and establishment of foster care programmes.

4. The research found that the DSWCD has several challenges. These include: inadequate finance, logistical support, inadequate staffing and professional training for its workers, ineffective cooperation from the people and other state institutions in the Cape Coast Metropolis.

### **Conclusion**

The main conclusion of the study is that Ghana not only has a mandate to protect children's rights in the 21st century, but plays a major role in the rectification of international legislations on children's rights. State institutions in Ghana are doing their best in enhancing children's welfare. With regard to the content of Jeremy Bentham's Interest Theory, it is necessary for the state to protect children's right as they are recognised as right holders and as such the need to protect their right. Within the domain of international relations, the welfare of children is fully realised in various international human rights convention.

More specifically, from the research, it can be concluded that the DSWCD has been effective in pursuing the substantive rights in the Cape Coast Metropolis. On the other hand, however, the DSWCD is facing challenges that hinder its operations in pursuing the substantive rights. In spite of the government of Ghana's efforts in to ensure the protection, promotion and participation of children's rights both at national and local level, the study found that the DSWCD in the Cape Coast Metropolis has limited resources in pursuing the substantive rights enriched in the UNCRC. It can be deduced that this does not promote a good international image for Ghana especially as it is the first country to ratify the UNCRC. The Government as well as non-state actors, parents and individuals should assist in every way possible in the

protection of children's rights in Ghana. This is important to enhance the development of the children across the country.

### **Recommendations**

This research offers (3) key recommendations to help improve the operations of the Department of Social Welfare and Community Development in pursuing the substantive rights the Cape Coast Metropolis.

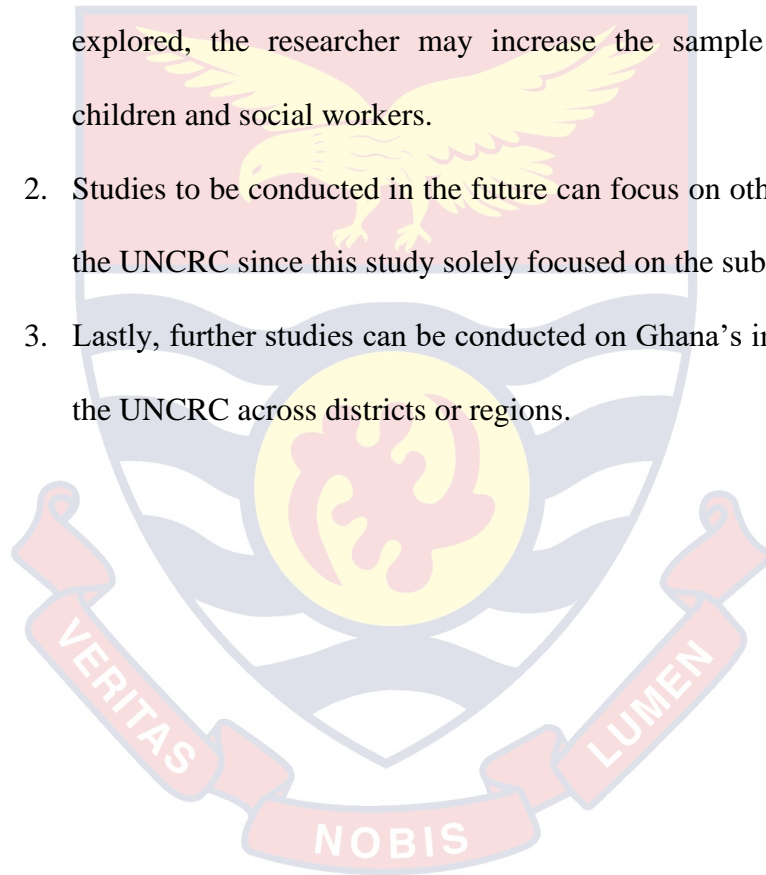
1. The DSWCD should be adequately financed and with the needed logistical support to facilitate its activities. The Government of Ghana should provide more funding to support the activities of the DSWCD in the area of child promotion and protection in the Cape Coast Metropolis. Other donors such as UNICEF and UK Aid should increase their logistical and financial support to the Department of Social Welfare and Community Development. The government could also partner with other private non state actors to help provide such services as well.
2. The study recommends that there should be effective cooperation between state actors charged with the responsibility of championing the interest of children in the Cape Coast Metropolis. State actors in the Metropolis should cooperate with one another. Once, there is effective cooperation, it would help to champion the interest of children better in the Cape Coast Metropolis.
3. The Department of Social Welfare and Community Development should have qualified personnel in the area of children's rights. The staff of the DSWCD should be given in-service training. When the DSWCD has more qualified staff, it will facilitate the activities of the

Department in making more inroads concerning the articles in the United Nations Convention on the Rights of the Child, the African Charter on the Rights and Welfare of the Child, the 1992 Republican Constitution, the Children's Act among other legislations.

### **Further Research**

The study proposes three recommendations for further research;

1. In future, when similar studies on children's rights in Ghana are explored, the researcher may increase the sample size to include children and social workers.
2. Studies to be conducted in the future can focus on other articles within the UNCRC since this study solely focused on the substantive rights.
3. Lastly, further studies can be conducted on Ghana's implementation of the UNCRC across districts or regions.



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## Interviews

Otchere Darko (2019). Head of Child Promotion and Protection Unit,  
Department of Social Welfare and Community Development.

10<sup>th</sup> November, 2019 Face-face Interview

13<sup>th</sup> November, 2019 Whatsapp Voice Mail (6:26pm)

14<sup>th</sup> November, 2019 Whatsapp Voice Mail (11:26am)

21<sup>st</sup> November, 2019 Whatsapp Voice Mail (7:12pm)

Hamid Abubakar (2019). Staff of the Child Promotion and Protection Unit,  
Department of Social Welfare and Community Development. Face-  
face interview

Matilda Boison (2019). Staff of the Department of Social Welfare and  
Community Development, Cape Coast.

George Mends-Afful (2019). Staff of the Child Promotion and Protection Unit,  
Department of Social Welfare and Community Development-Cape  
Coast. Face-face Interview

Alexander Ofosu Yeboah (2019). Staff of the Department of Social and  
Welfare and Community Development. Face-face interview



## APPENDIXES

### APPENDIX A: INTRODUCTORY LETTER

UNIVERSITY OF CAPE COAST

CENTRE FOR AFRICAN AND INTERNATIONAL STUDIES

#### Introduction

I am Gideon Asante Yeboah, an MA student at the Centre for African and International Studies. I am undertaking a research titled: *The Role of State Actors in Pursuing the United Nations Convention on the Rights of the Child in Ghana*. The study uses the Department of Social Welfare as a state actor in protecting children's rights.

The purpose of the study is to assess the effectiveness of the Department of Social Welfare in protecting children's rights in the Cape Coast Metropolis as it is a core element in the United Nations Convention on the Rights of the Child. As part of the study, methodology involves the use of interview with officials from the Department of Social Welfare. Based on the findings of the study, appropriate recommendations will be made to help provide vital information to the institution, stakeholders and policymakers in protecting children's rights in the Metropolis. The information you provide will be kept with confidentiality and only for purpose of this study.

## Appendix B: Interview Guide

### INTERVIEW GUIDE FOR THE OFFICIALS OF THE DEPARTMENT OF SOCIAL WELFARE

#### Section A: Demographic Information

1. Gender A. Male [ ] B. Female [ ]
2. Age [ ]
3. Marital Status A. Married [ ] B. Single [ ] C. Divorced  
[ ]
4. Educational Background A. JHS [ ] B. SHS [ ] C. Tertiary [ ]
5. Number of years worked [ ]

#### Section B: Questions

1. What is the core mandate of the Department of Social Welfare?
2. In which year was the DSWCD in Cape Coast established?
3. Does the DSWCD operate within the framework of the United Nations Convention on the Rights of the Child?
4. What are some of the issues of abuse of children's rights in the Metropolis?
5. What major issue accounts for the abuse of children's rights in the Metropolis?
6. What is the response of the Metropolis to your programmes on the protection of Children's Rights?
7. What are some of the achievements of the DSWCD in protecting child rights?
8. Enumerate some of the measures/programs that have been implemented to protect Children's rights in the Metropolis

9. What major resource is needed by the DSWCD to achieve the UNCRC?
10. What is the staff situation at DSW?
11. Do your staff have the needed expertise in the area of Children's Rights protection
12. Which other state institutions do the DSWCD collaborate with protection of Children's rights?
13. What are some of the advantages of collaborating with other state institutions in protecting Children's Rights?
14. What are some of the challenges that the DSWCD encounter in Child Rights protection in the Metropolis?
15. What are some recommendations you will make to the DSWCD in pursuing the UNCRC?

Supervisor's signature

Candidate's signature

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