



Action on Children's Harmful
Work in African Agriculture

Working Paper 8

Policies and politics around children's work in Ghana

**Sam Okyere,
Emmanuel Frimpong Boamah,
Felix Ankomah Asante and
Thomas Yeboah**

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About ACHA:

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- the forms, drivers, and experiences of children's harmful work in African agriculture; and
- interventions that are effective in preventing harm that arises in the course of children's work.

It is currently assumed that the majority of children's work in Africa is within the agricultural sector. However, the evidence base is very poor in regard to: the prevalence of children's harmful work in African agriculture; the distribution of children's harmful work across different agricultural value chains, farming systems and agro-ecologies; the effects of different types of value chains and models of value chain coordination on the prevalence of harmful children's work; and the efficacy of different

interventions to address harmful children's work. These are the areas that ACHA will address.

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- University of Ghana, Legon
- University of Development Studies, Tamale
- African Rights Initiative International (ARII)
- University of Sussex
- University of Bath
- University of Bristol
- Fairtrade Foundation
- ISEAL Alliance
- Rainforest Alliance
- Food Systems Planning and Healthy Communities Lab, University at Buffalo
- International Cocoa Initiative (ICI)
- Sustainable Trade Initiative (IDH).

ACHA is directed by **Professor Rachel Sabates-Wheeler** (r.sabates-wheeler@ids.ac.uk) and **Dr James Sumberg**.

About this report:

This paper explores policy and legislation aimed at preventing, regulating, and abolishing harmful children's work in Ghana, and the political debates and controversies surrounding these mechanisms. The paper critically interrogates the successes and challenges of previous and current policies and interventions. It concludes that legislation and interventions aimed at preventing hazardous or harmful work should incorporate both the formal legislative rights discourse and the informal, traditional rights discourse to successfully navigate the political terrain, thereby accelerating attainment of common objectives.

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Author notes

Sam Okyere is a socio-anthropologist with training in Social Policy and Administration. He leads the Politics and Policy briefing team on the Department for International Development (DFID)-funded programme Action on Children's Harmful Work in African Agriculture (ACHA). He currently works as a Senior Lecturer at the University of Bristol and is primarily interested in the interplay between human and child rights, power, class, ethnicity, (un)freedom, inequality, and the legacies of slave trade and colonisation under conditions of globalisation, mainly but not exclusively in African contexts. Over the past decade, he has explored these issues through field research on child and youth labour (primarily in agriculture, mining, fishing and other precarious sectors) migration, artisanal mining, sex work, forced labour, trafficking, and other phenomena popularly labelled as 'modern slavery'. Sam has addressed these issues as an expert advisor, consultant and informant in meetings with the United Nations Office on Drugs and Crime (UNODC), the International Organization for Migration (IOM), the International Labour Organization (ILO), the United Nations Children's Fund (UNICEF), governmental agencies, non-governmental organisations (NGOs) and other audiences in Africa, Europe, and North America and South America. He has also published and spoken extensively on these issues in academic journal articles, book chapters, on television (TV), radio, and in blogs, cartoon abstracts and other media.

Emmanuel Frimpong Boamah is trained in urban and regional planning and institutional economics. He currently holds a joint faculty appointment with the Department of Urban and Regional Planning and the Community

for Global Health Equity at the State University of New York, Buffalo. As an interdisciplinary scholar, he deploys multiple theoretical and methodological lenses to unpack the impacts of institutional arrangements on the governance of social-ecological systems (SES) in sub-Saharan Africa and the United States. His empirical analyses are situated within mixed-methods research and social network analysis.

Felix Ankomah Asante is the Principal Investigator of the University of Ghana team on the DFID-funded programme ACHA. He is an agricultural economist and Professor in the Institute of Statistical, Social and Economic Research (ISSER), University of Ghana. He was the Director of ISSER from August 2013 to July 2019. His research interests focus on a broad range of themes in development economics relating to institutions, household food security, decentralisation and provision of public goods and services, health issues, and climate change.

Thomas Yeboah currently serves as a Research Fellow with the Bureau of Integrated Rural Development, College of Agriculture and Natural Resources, Kwame Nkrumah University of Science and Technology, Kumasi Ghana. He holds a PhD in Development Studies from the University of Cambridge in the United Kingdom (UK), and has seven years' experience working on youth and children's mobilities including migration journeys, decision-making, working lives and lived experiences in the realm of spatial and social mobilities. His research also focuses on issues around young people's imagined futures, and the challenges of youth and employment in Africa, particularly on how young people engage with the rural economy and its potential to provide decent and sustainable jobs. His work also covers forced displacement, refugees, and access to renewable energy in the developing world.

Acronyms

DFID Department for International Development

FAO Food and Agriculture Organization of the United Nations

FCUBE Free Compulsory Universal Basic Education

GLSS Ghana Living Standards Survey

GNCC Ghana National Commission on Children

ICI International Cocoa Initiative

ILO International Labour Organization

LEAP Livelihood Empowerment Against Poverty

NGO Non-governmental organisation

NPA National Plan of Action

UN United Nations

UNCRC United Nations Convention on the Rights of the Child

UNESCO United Nations Educational, Scientific and Cultural Organization

1 Introduction

This paper explores policy and legislation aimed at preventing, regulating and abolishing harmful children's work in Ghana, and the political debates and controversies surrounding these mechanisms. Children's work in sectors such as agriculture, trading, fishing, and a host of others has emerged as an area of public concern over the past three decades. The Government of Ghana's view on harmful children's work in these and other sectors – as outlined in phases 1 (2009–2015) and 2 (2017–2021) of the National Plan of Action for the Elimination of the Worst Forms of Child Labour (hereafter NPA I and NPA II) – is that it constitutes a breach of the dignity, personhood, wellbeing, development and fundamental human rights of the Ghanaian child. This view is supported by United Nations (UN) agencies, domestic and foreign non-governmental organisations (NGOs) and other development partners, which have long called upon and supported the Ghanaian government to put in place preventive and abolitionist measures against such jobs. The ensuing campaigns, laws, policies, advocacy campaigns, direct interventions and the other human, financial and material resources targeted at these prohibited forms of work over the past three decades have seen success in areas such as school enrolment. They have also successfully ushered debates on 'child labour' into the centre of Ghanaian policymaking, civil society or NGO advocacy, academic research, and wider public discourse.

Yet, these efforts have also arguably been of limited effectiveness in terms of their central objective of disengaging children from the prohibited forms of work. Successes in awareness-raising and increased school enrolment have not succeeded in the primary goal of disengaging children from harmful forms of work, nor have they provided working children with good-quality education (Carter et al. 2020; Ghanney, Dughan and Bentil 2020; Hamenoo, Dwomoh and Dako-Gyeke 2018). The number of children involved in prohibited forms of work in Ghana and those combining such work with schooling has persistently risen rather than decreased (Aboa and Ross 2020; Understanding Children's Work (UCW) Programme 2016b; Darko 2014; Baah, Anchirinah and Badu-Yeboah 2009), leading to questions about the effectiveness of the extant child labour abolitionist legislation, campaigns and interventions, especially their suitability to the country's historical, sociocultural, economic and political realities (Imoh 2012; Okyere 2012). Fishing, farming, mining and other constituencies that have been the target of child labour abolitionist interventions have expressed misgivings about the 'tutelage' or 'civilising' approach adopted by some of these measures (Nti 2017). They challenge what they consider as efforts to impose particular forms of childhood and children's socialisation on them through campaigns and narratives that

delegitimise virtuous autochthonous cultures and child socialisation mechanisms and also overlook the socioeconomic drivers of children's work (Jonah and Abebe 2019; Okyere 2013).

This Working Paper elaborates on the foregoing and other contestations surrounding Ghanaian children's work by firstly providing an overview of the situation of children's work in Ghana. The discussion then outlines the major national legislation, policies and initiatives targeted at the elimination of work deemed harmful, hazardous or inimical to children's welfare and development. The third section of the paper provides an evaluative analysis of the successes and failures of these preventive interventions, highlighting the linked obstacles or limitations where their impact has been underwhelming. Here, the paper highlights the fact that approaches to children's work in Ghana are located within two rights discourses and practices that are sometimes complementary and sometimes in opposition to each other. There is, on the one hand, the formal legislative rights discourse and its related practices and norms on childhood, children's rights and children's work influenced mainly by international rights conventions, local and national NGO advocacy, and demands by (mainly) Western development partners such as the United States of America (USA) and the European Union (EU). On the other hand, there is the informal, traditional rights discourse and its related practices underpinned by autochthonous sociocultural Ghanaian norms on childhood, children's rights and children's work.

These two perspectives, the paper suggests, also sit at distinct levels of Ghanaian society and polity: the former mainly dominant at the level of government, NGO/civil society, urban, middle-class spheres, and the latter prevalent in working-class, socioeconomically marginalised communities and in rural areas. The paper concludes that legislation and interventions aimed at preventing children's hazardous or harmful jobs should draw on both perspectives if they are to successfully navigate the political terrain and thereby accelerate attainment of their common objective of advancing Ghanaian children's development, rights and best interests. Such compromise is urgently needed because while the formal position is backed by law, its implementation continues to be stymied by the asymmetries between it and the informal children's socialisation structures and lived experiences. Adopting a purely criminal justice approach in place of consensus-building will unduly penalise the already marginalised and disenfranchised communities where informal traditional child rights systems are still dominant. The outcome may be further antagonism towards NGOs and government workers in these communities and rejection of what may have been well-intentioned child rights interventions.

2 Children's work in Ghana: a brief introduction

Successive studies have shown that work of various forms is integral to the lives of Ghanaian children. A study by the ILO (2008) showed that 88 per cent of Ghanaian children aged 5–14 years have household chores and responsibilities. Depending on where the children live, their everyday work can range from domestic activities (such as cooking, cleaning, taking care of siblings, washing dishes, and running errands) to work outside the home (such as herding livestock, farming, petty trading, and other paid and unpaid activities). Work constitutes a central aspect of what many Ghanaians regard as part of a normal and desirable child upbringing (Yeboah 2020). As discussed in more detail later in this paper, this idea is reflected in some areas of the public education system where pupils are required to arrive well ahead of lessons to clean their classrooms, toilets and other facilities (Twum-Danso 2009). This suggests that while reflections on children's labour in Ghana tend to focus on poverty, the most important factor is probably that work of diverse forms is integral to childhood socialisation in the country. With this recognition in mind, the government has sought to avoid blanket bans on children's labour and instead identified for elimination or regulation labour sectors and job types that are deemed inimical to children's wellbeing, schooling, development and morals (see Table 1).

A number of concerns have been raised about such classifications. For example, scholars such as Berlan (2004), Okyere (2013; 2018) and Howard (2017) have questioned whether children's participation in cocoa farming, domestic work, fishing and other activities can be deemed outright exploitative or harmful at face value or without consideration of the specificities surrounding their involvement. The line between acceptable work and unacceptable work is not that easy to distinguish. Hence, while the Government of Ghana, ILO and other stakeholders identified fishing and all its related activities as 'categorical worst forms of child labour' following a study by the Food and Agriculture Organization of the United Nations (FAO) aimed at reducing child exploitation in Ghanaian agriculture (Zdunnek et al. 2008), Bernd Seiffert of the FAO equally observes that 'working on the farm or on the fishing boat or herding cattle can, if it doesn't get in the way of school and occurs under safe

circumstances, be very valuable. It's a means of acquiring skills, giving kids a sense of belonging and cultural identity' (FAO 2010).

Others posit that forced ritual servitude and trafficking, which appear in such lists, are not really 'work' per se and should therefore not be counted as instances of children's 'work' (Nimbona and Lieten 2007). A related area of contention is the attempt to measure and provide statistics on the number of children involved in the list of activities outlined in Table 1. The production of numbers or estimates for phenomena such as child labour and its worst forms is inherently political. Numbers (like other research data) are not 'neutral' as they do not exist independently of the people who produce them (Best 2008: 1). Researchers define the problem, choose the questions to ask, what to count, how to go about the counting, and which aspects of the data to emphasise or de-emphasise. These choices are shaped by particular values, preferences, agendas, interests, resource availability or the lack thereof, among other factors which suggest that the resultant figures should be treated with caution.

This disclaimer notwithstanding, all assessments carried out over the past two decades have shown a high prevalence of children's involvement in prohibited forms of work. In 2003, a survey by the Ghana Statistical Service showed that just over¹ 1 million children under 13 years were working despite being officially prohibited from economic activities. An estimated 242,074 children aged 13–17 years were engaged in exempted activities such as mining, fishing and stone quarrying. Hence, approximately² 1.3 million children (19 per cent of the then estimated 6.4 million children) in Ghana were engaged in activities prohibited by national and international policies. About a decade later, in 2012, data from the Ghana Living Standards Survey (GLSS) showed that the number of children aged 14 years or younger involved in prohibited work was almost 1.5 million (GLSS 2012). Methodological differences and other factors such as lack of information on the percentage rise or decrease in the national child population do not permit direct comparisons between the GLSS (2012) and GLSS (2003) data. However, analysis by the United Nations Children's Fund's (UNICEF)

1 Actual figure is 1,031,220.

2 Actual figure is 1,273,294.

Understanding Children's Work (UCW) programme³ (UCW 2016a), which compared an earlier (2005) version of the GLSS data with that of 2012, found

that the involvement of children aged 7–14 years in prohibited activities had more than doubled, from 13 per cent to 29 per cent.

Table 1. Children's work targeted for regulation or elimination in Ghana

Sector/industry	Activity
Agriculture	Producing cocoa*, including land clearing, using machetes and cutlasses for weeding, collecting cocoa pods with a harvesting hook, breaking cocoa pods, working in the vicinity of pesticide spraying, and carrying heavy loads* of water.
	Production of palm oil* and cotton, including weeding, harvesting, and acting as scarecrows.
	Herding livestock, including cattle, hunting*, and work in slaughterhouses.
	Fishing*, including for tilapia; preparing bait, nets and fishing gear; launching, paddling and draining canoes; diving for fish; casting and pulling fishing nets and untangling them underwater; sorting, picking, cleaning, smoking, transporting and selling fish; cleaning and repairing nets; and building and repairing boats.
Industry	Quarrying* and small-scale mining*, sometimes for gold, including using mercury, digging in deep pits, crushing rocks by hand, carrying heavy loads*, and operating machinery*.
	Manufacturing and working in sawmills*.
	Construction and bricklaying or carrying brick.
Service	Domestic work*.
	Transporting heavy loads as <i>kayayei</i> *.
	Work in transportation*, activities unknown.
	Electronic waste and garbage scavenging*, including sorting scavenged items* and transporting items for sale*.
	Street work*, including begging*, small-scale vending, and working at restaurants or bars*.
Categorical Worst Forms of Child Labour**	Commercial sexual exploitation, sometimes as a result of human trafficking.
	Forced labour in begging; agriculture, including herding; fishing, including for tilapia; artisanal gold mining; domestic work; and street work, including vending and carrying heavy loads, each sometimes as a result of human trafficking.
	Forced ritual servitude for girls known as <i>trokosi</i> , including domestic work for priests.

Sources: US Department of Labor 2019; Tulane University 2015; UN Human Rights Council 2014; ILO-IPEC 2013.

Notes: *Determined by national law or regulation as hazardous and, as such, relevant to Article 3(d) of ILO C. 182 (1999).

**Child labour understood as the worst forms of child labour per se under Article 3(a)–(c) of ILO C. 182 (1999).

³ Developed in collaboration with governmental agencies such as the Ghana Statistical Service, Ministry of Employment and Labour Relations, Ministry of Gender, Children and Social Protection, Ministry of Education, National Development Planning Commission and other members of the National Steering Committee on Child Labour as well as UCW partner agencies, the ILO, UNICEF, and the World Bank.

The UCW (2016a) analysis also showed that while the number of children aged 7–14 who were in prohibited work and not in school declined over the same period, there was a concomitant rise in the number of children combining schooling with work. The data thus show, firstly, that the number of working children has not reduced *per se*, and secondly that schooling is not serving to disengage children from work, as often suggested by those who promote schooling as the ‘silver bullet’ that will end child labour (see, for example, Annan 2012; Guarcello, Lyon and Rosati 2006). Working children in Ghana are instead increasingly combining schooling with work, as several studies (Maconachie and Hilson 2016; Okyere 2013; Ravallion and Wodon 2000) preceding UCW (2016a) analysis have also established. This may be seen as a better outcome or improvement over the situation where working children do not attend school at all. However, over the past two decades, successive studies (Carter *et al.* 2020; Hamenoo *et al.* 2018; Haile and Haile 2012; Khanam and Ross 2011; Feigben 2010; Imoro 2009; Heady 2003; Ray 2002) have shown that this situation can also result in poor-quality education for working children, among other adverse consequences. As Okyere (2013) notes, therefore, the schooling–child labour nexus in Ghana requires further scrutiny as access to schooling alone or in and of itself cannot address the myriad reasons underpinning children’s involvement in prohibited labour.

In terms of the distribution of children’s work across economic sectors, the GLSS (2012) data further show that 80.1 per cent of the estimated 1.5 million children in prohibited employment work in agriculture, 16 per cent within the service sector, 3 per cent within manufacturing and 0.6 per cent in other sectors. Also, children working within the agricultural sector mainly do so within the family

(82.2 per cent), while 14.8 per cent work outside the family context. In addition, 1.6 per cent work in self-employment within the sector, 0.4 per cent work as paid agricultural labourers and 1.1 per cent had statuses unknown (UCW 2016a: 27). Data limitations did not permit similar analysis of the involvement of those aged 15–17 years in prohibited work. However, the GLSS (2012) and the UCW (2016a) analysis concerning this group show that 24 per cent (or 412,000 children) are engaged in activities such as head portering, mining, quarrying, agriculture and other work forms that are considered dangerous to the health, safety or morals of a child (see ILO 1999: C182; and Section 91.2 of the Government of Ghana 1998 Children’s Act).

Altogether, an estimated 21.8 per cent (1,892,553) of Ghanaian children are presently involved in child labour, and 14.2 per cent (1,231,286) in hazardous work (Government of the Republic of Ghana 2017b: 22). With regard to specific sectors such as cocoa farming, which have been the focus of the most intense legislative, preventive and abolitionist efforts, the data suggest that from 2005 to 2012, the rise in the number of children working in cocoa-growing communities was greater than in non-cocoa communities (UCW 2016a: 31). Indeed, a report in April 2020 by the Reuters News Agency, citing a draft US government report, suggests there has been a 10 per cent rise in the total number of children working in the Ghanaian and Ivorian cocoa sectors in 2018/2019 compared to 2008/09. This happened even as governments of these countries, together with international cocoa companies, pledged to reduce the worst forms of child labour in their West African supply chains by 70 per cent by 2020, under the Framework of Action to Support Implementation of the Harkin-Engel Protocol (US Department of Labor 2017).

3 Existing regulatory and legislative frameworks on children's work in Ghana

Over the past three decades, the Government of Ghana has passed a plethora of laws and signed international agreements aimed at regulating, preventing or eliminating prohibited forms of children's work. Key among these is the Constitution of Ghana (1992), Article 28 of which prohibits children's involvement in activities considered injurious to their health, education or development, and provides a framework for enactment of legislation and policy to promote this ambition. Likewise, The Children's Act (1998) (Act 560) was enacted to reform and consolidate the law relating to children, to provide for the rights of the child, child maintenance and adoption, and to regulate child labour and apprenticeships. Section 1 of Act 560 defines a child as a person below the age of 18 years. Section 87 prohibits the involvement of children in exploitative labour (defined as work that deprives the child of health, education or development) and hazardous work (defined in Section 91 as labour which poses a danger to the health, safety or morals of a person). Furthermore, Section 88 prohibits children working at night (between 20.00 hours and 06.00), while Sections 89 and 90 respectively set 15 years as the minimum age for employment and 13 years as the minimum age for entry into light work. In addition to Act 560, other national legislation addressing prohibited children's work include the Child Rights Regulations instrument (LI 1705) (Government of the Republic of Ghana 2002), the Juvenile Justice Act (2003a), the Human Trafficking Act (Act 694) (2005), the Labour Act (Act 651) (2003b), Labour Regulations instrument (LI 1833) (2007), and the Education Act (Act 778) (2008).

It is critical to note that, except for the 1992 Constitution, few if any of Ghana's current legislative instruments on children's rights or children's labour have been shaped or driven by domestic socio-political agendas. In fact, some scholars argue that the Constitution itself was partly shaped by World Bank and International Monetary Fund (IMF) requirements for Ghana's integration into the global capitalist regime and neoliberalisation measures such as structural adjustment programmes (see, for example, Frimpong Boamah 2018; Oquaye 1995; Gyimah-Boadi 1994). However, if the pivotal role of foreign actors or influence in the origin of Ghana's 1992 Constitution may be disputed, there can be very

little dispute on their essential role and direction in the formulation of the bulk of Ghana's child labour and child rights regulations. New laws and debates on children's work and other child rights modalities have been largely shaped or directed by UN agencies, foreign donor governments and international non-governmental agencies who demand or expect that Ghana adheres to international standards represented by various UN Conventions (Lawrance 2010). As this paper goes on to discuss, there is a long-standing critique in the childhood studies and rights literature that these are not 'international standards' per se, but Western-derived norms promoted through Western power and hegemony.

Nonetheless, in light of such demands that Ghana conforms to international norms, The Children's Act, 1998 (Act 560), for instance, is a near carbon copy of the United Nations Convention on the Rights of the Child (UNCRC). Both stipulate that 18 years is the boundary between childhood and adulthood. Likewise, the Human Trafficking Act (Act 694) (Government of the Republic of Ghana 2005) is derived from the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (hereafter referred to as the Palermo Protocol). ILO Conventions No. 138 and No. 182 (such as definitions of hazardous work, ages of entry into employment, hazardous work, etc.) also feature very prominently in sections of The Children's Act on children's labour. Such is the influence of foreign actors in Ghana's national legislative efforts that the country included these provisions in its flagship children's rights legislation even before it had formally ratified ILO Convention No. 138,⁴ and before the adoption of ILO Convention No. 182 by the UN General Assembly in 2000. Additionally, phases 1 (2009–2015) and 2 (2017–2021) of the Government of Ghana's flagship programme for eliminating harmful children's work (NPA I and NPA II respectively) were both developed with technical direction and financial support from the ILO, UNICEF and the International Cocoa Initiative (ICI) (Government of the Republic of Ghana 2009; 2017b).

Most of the previous and current direct interventions aimed at eliminating children's work in sectors with a high international profile or

4 C138 was ratified by Ghana in 2011.

visibility (such as cocoa farming, fishing, mining and rice farming) have been funded by actors such as the US Department of Labor and USA State Department, the World Cocoa Foundation and the ICI, and with technical assistance from the International Labour Organization/International Programme on the Elimination of Child Labour (ILO-IPEC 2013). The following sections highlight the key social intervention programmes and other initiatives partly or wholly targeted at the elimination or regulation of prohibited children's work in Ghana over the past decade, and the extent to which these activities are dependent on funding and direction from external development partners.

- progressively introduce new technologies and labour market reforms to reduce dependence on child labour;
- provide adequate institutional, technical and organisational capacity to duty-bearing agencies at all levels;
- enhance the knowledge base.

The full cost of NPA I is not provided in the policy documents or other sources, but the document states that the National Plan of Action was made possible through financial and technical support from ILO/IPEC, UNICEF and the IOM. Indeed, it is instructive to note that this flagship programme did not originate from within the Government of Ghana, but by ILO/IPEC through the Ghana National Programme Manager at the time (Government of the Republic of Ghana 2009: 6). This is not to suggest that there was no interest within the country in this initiative, but to underscore the very many ways in which programmes to prevent or eliminate child labour are usually directed by (mostly foreign) organisations and actors rather than national or state institutions. This is a potential explanation for the programme's lack of success, as acknowledged in the summary of findings and conclusions on NPA I set out in the NPA II policy document (Government of the Republic of Ghana 2017b). Although NPA I is said to have helped elevate the need to address child labour to a priority action status for many sectors, and saw some actions undertaken on each of its objectives, its overall impact was graded 'below expectation' (*ibid.*: 22).

NPA I's underwhelming performance was identified at all levels, from implementation through to monitoring and evaluation. The Ministry of Employment and Social Welfare, through its Child Labour Unit (CLU) of the Labour Department, was given responsibility for the overall coordination and supervision of NPA I. However, the assessment report states that 'apart from donor-led interventions, which were monitored by the respective donors, little was done', due to failure by implementation agencies to provide reports and share information, staff capacity issues, and generally low collaborative efforts between the relevant parties (*ibid.*).

3.1 Key policies and social interventions aimed at preventing and eliminating child labour

a **National Plan of Action against Child Labour, Phase 1 (NPA I, 2009–2015):** This was Ghana's first systematic attempt to prevent and eliminate child labour and the worst forms of child labour (Government of the Republic of Ghana 2009). Among others, its main objectives were to:

- review, update and enforce the laws; ensure social mobilisation for the respect and protection of children's rights;
- ensure full implementation of the Free Compulsory Universal Basic Education (FCUBE) policy with priority attention to deprived communities; improve access to post-basic education for children above 15 years;
- make alternative education, including transitional education, available to out-of-school children in deprived areas and children withdrawn from the worst forms of child labour;
- put in place clear institutional arrangements to identify, withdraw, rehabilitate and reintegrate children unconditionally from the worst forms of child labour;
- put in place measures to prevent and eliminate hazardous child labour;
- empower deprived households and communities to overcome vulnerability to child exploitation;

b **National Plan of Action against Child Labour, Phase 2 (NPA II, 2017–2021):** This programme continues NPA I, with the intention of building on its successes, though as already noted, the government's own assessment was that NPA I had underperformed, and the incidence of child labour in Ghana actually went up rather than declined during the NPA I. In reality, then, NPA II seeks to attain what NPA I failed to do. Like its predecessor, NPA II has the overarching

objective to: 'reduce child labour to the barest minimum (at least 10%) by 2021 while laying strong social, policy and institutional foundations for the elimination and prevention of all forms of child labour in the longer term' (Government of the Republic of Ghana 2017b: 27). The main difference is that within NPA II, a figure of 'at least 10%' has been cited to represent the idea of 'barest minimum' within the mission statement. NPA II includes four strategic objectives:

- to reinforce public awareness and strengthen advocacy for improved policy programming and implementation of child development interventions;
- to improve capacity, collaboration, coordination and resource mobilisation for effective implementation of child labour interventions;
- to ensure effective provision and monitoring of social services and economic empowerment programmes by local government administrations;
- to promote community empowerment and sustainable action against child labour.

As with NPA I, the funding allocated to NPA II is unclear. While the policy document states that 'funding arrangements for the NPA2 would be given due attention' (Government of the Republic of Ghana 2017b: 13), no concrete figures have been made publicly available, even though this programme ends in 2021 (approximately six months from the time of writing this paper). As with NPA I, NPA II is not a sole venture by the government; it was initiated, funded and given direction by external development partners. Specifically, NPA II is being carried out with 'technical direction and financial support' from the ICI, UNICEF, the ILO and the Government of Canada (Government of the Republic of Ghana 2017b: 8).

c 2010 Declaration of Joint Action to Support the Implementation of the Harkin-Engel Protocol:

This scheme aims for a significant reduction in the worst forms of child labour in cocoa-producing areas of Côte d'Ivoire and Ghana. The Framework is intended to support the further implementation and realisation of the goals of the Harkin-Engel Protocol. As with the Protocol itself, the origins of this Framework were not from Ghana but the USA. Additionally, it is funded almost entirely by the US Department of Labor (\$10 million in 2010 and further amounts thereafter) and the ICI (approximately \$10 million in the inception phase and further amounts

over the past decade to further the goals of the Harkin-Engel Protocol and the Framework of Action).

d National Plan of Action for the Elimination of Human Trafficking in Ghana (2017–2021):

Over the next five years, this seeks to reduce the scale of child trafficking and other forms of trafficking and address the underlying social challenges that often comprise the push and pull factors that make children especially vulnerable to being trafficked (Government of the Republic of Ghana 2017a: iv). As with all the other major policies discussed thus far, this flagship national strategy is led and funded by external actors. As noted in the acknowledgements section of the policy document, the 'whole process' was guided and facilitated by UNICEF. The Canadian government also provided 'support', 'contributions' and 'commitments' to combat the issues of abuse, violence and exploitation of children in Ghana (Government of the Republic of Ghana 2017a). The Government of Ghana, 'with the assistance of the United Nations Children's Fund (UNICEF) engaged a national consultant to develop a coordinated and comprehensive National Plan of Action to effectively tackle human trafficking in Ghana' (*ibid.*: 3). The scheme is still ongoing, and no reviews are available as yet.

e National Social Protection Programmes:

NPA II states that accelerated advances in addressing child labour can be achieved when concerns for widening inequality in the population are addressed (Government of the Republic of Ghana 2017b: 12). To this end, it calls for strong advocacy and public policy to enhance education outcomes and improve access to social protection services, especially in child labour endemic areas where economic vulnerabilities are the main causes for exploitation of children. Several social protection and social welfare programmes have been instituted in the country over the past two decades. The most recent one, which has also been linked to Ghana's child labour preventive efforts, is the Livelihood Empowerment Against Poverty (LEAP) programme. Under this scheme, direct cash transfers are provided to poor families on condition that their children continue to attend school and that the family makes use of preventive health-care and nutrition services. In reality, child labour elimination was peripheral to the core objectives of the LEAP programme at its inception phase, though as it has been adopted by the government for this purpose, part of its significance is that it is one of its main tools for the elimination of child labour that is of indigenous Ghanaian extraction or origin. Yet even this government-initiated programme is reliant on support from foreign agents and development partners, to whom accountability

Table 2. Examples of funded initiatives on child labour and child rights in Ghana

Project title	Funder	Amount
Combating Forced Labour and Labour Trafficking of Adults and Children in Ghana (2017–2021)	US Department of Labor	\$2 million
Assessing Progress in Reducing Child Labour in Cocoa-Growing Areas of Côte d'Ivoire and Ghana (2015–2019)		\$3 million
Mobilizing Community Action and Promoting Opportunities for Youth in Ghana's Cocoa-Growing Communities (MOCA) (2015–2019)		\$4.5 million
CARING Gold Mining Project		\$5 million
Child Protection Compact Partnership (CPC) (2015–2020)	US government	\$5 million
Accelerating Care Reform (2016–2020)	USAID	\$8 million
LEAP 1000 (2014–2019)	USAID	\$12 million
Sustainable Fisheries Management Project (2014–2019)	USAID	\$24 million
Complementary Basic Education Programme	USAID and DFID	\$40 million
Learning Support Programme	USAID and UNICEF	\$37 million
Ghana Education Quality Improvement Project (EQUIP)	DFID	£25,199,997
Leave No-one Behind Programme in Ghana	DFID	£27,232,000
Source: US Department of Labor (2019)		

is therefore owed. As Handa et al. (2014) note, LEAP's annual budget of \$20 million comprises Government of Ghana funds (50 per cent), donations from the UK Department for International Development (DFID), and a loan from the World Bank. Over the past decade, financial assistance has also been provided by the EU, the United Nations Population Fund (UNFPA), UNICEF, the United States Agency for International Development (USAID) and the World Food Programme (WFP) (World Bank 2016). Other national social protection programmes of relevance to the country's child labour abolitionist and preventive efforts include the Ghana School Feeding Programme – yet another externally initiated scheme, this time by the Comprehensive Africa Agriculture Development Programme (CAADP) Pillar 3. There's also the Capitation Grant, which is aimed at removing financial obstacles to children's school enrolment and thus fulfilling the country's FCUBE policy. As part of the NPA II provisions, the Ghana Education Service (GES) is to seek to further enforce access to education through the FCUBE scheme, as an important aspect of the country's child labour preventive and abolitionist efforts.

Thus, most of the existing national policies aimed at tackling child labour and its harmful forms in the country are initiated and directed by external influencers. Undeniably, the Ghanaian government and public servants lead and participate in developing these policies, or provide the required human resources, leadership and skills to operationalise them. However, it is often the case that the funding, technical direction and blueprint for these policies originate from development partners such as the ILO/IPEC, the EU, governments of Canada, the UK and USA, UNICEF, the ICI, the World Bank and others. It is very difficult to overestimate the amount of financial, human and material resources that have been provided by these actors, the US government and its agencies, especially towards the elimination or prevention of children's work in sectors such as cocoa farming, fishing, mining and other prohibited sectors. The USA and UK governments alone have provided at least \$200 million for child labour and child rights-related initiatives in Ghana since 2014, as shown by the handful of examples listed in Table 2 (US Department of Labor 2017; 2019).

Ghana's high reliance on foreign aid, technical guidance and direction for virtually all child labour and child rights policies, campaigns and other

interventions undoubtedly has implications for the nature, scope and success of these initiatives. Development aid in its various forms is rarely awarded without conditions of use, which may or may not result in the judicious use of the funds vis-à-vis the realities on the ground.

As discussed earlier, while some of the ensuing programmes have successfully increased the entry of children into formal education, they have mixed results in terms of their core objective of decreasing children's involvement in prohibited work. This exemplifies the critique that countries which are largely reliant on foreign aid for their development strategies risk being saddled with weak institutions and a lack of clear policy direction, given that programmes are at the behest of different donors' intrusion, direction and mercy, ultimately achieving limited success with these programmes (Movik 2011; Whitfield 2008).

Another key related issue is whether Ghana's child rights and regulated children's work landscapes would look the same if the country had greater policy space. There is a palpable absence of reference to indigenous Ghanaian customary constructions and views on childhood, child rights, and children's work in The Children's Act (among other pieces of legislation), which can be attributed to one crucial factor: that foreign donors, international organisations and other external actors which fund or drive the creation, delivery and monitoring of policies and interventions in the area of children's work in Ghana tend to demand adherence to UN Conventions or their preferred norms instead of indigenous Ghanaian norms or practices. If countries such as Ghana had a completely free hand to develop and oversee implementation of such laws and policies without external direction, funding or supervision, these laws and policies may look very different from what currently exists. They may not completely ignore Ghanaian customary laws and traditions on childhood and child upbringing practices, with

the attendant implementation problems that have persisted since the passage of The Children's Act in 1998 until the present day.

As several studies have shown, social workers, teachers, law enforcement officers and other professionals tasked with implementing The Children's Act across Ghanaian communities have cited many challenges (Imoh 2012; Laird 2012; McCrystal and Manful 2011). A participant in McCrystal and Manful's study (2011: 162), which involved Ghanaian child rights policymakers, programme managers and practitioners, stated of the Act: '... it is intended to ensure children rights, it is just a document... a well-intended one but translating that into services have been very, very problematic'. Childhood and minimum age definitional concerns are key among these problems, as another participant highlighted in relation to the age of consent for marriage:

The law has a lot of problem areas, for example, conflict between the customary law and the principle of the Convention in areas such as marriage. In some areas of the country girls can marry at a younger age. The courts do not register marriages below 18 years but is recognised by the traditional ones. (McCrystal and Manful 2011)

The next section of the paper explores the indigenous Ghanaian constructions of childhood, child socialisation and children's work in more detail. It underscores areas where they are aligned with formal legal frameworks and also highlights areas of divergence, which explain the ongoing challenge to regulatory efforts on children's work premised exclusively on the formal legal approaches. An important argument presented here is that compliance with formal laws has been low in many Ghanaian communities because these laws are largely seen in abstract terms, while the customary frameworks continue to be viewed as more realistic and relevant – socioeconomically, culturally and spiritually.

4 Between a rock and a hard place: child rights and regulation of children's work

Social attitudes towards children's work in specific sectors, and children's work in general, are closely aligned with dominant sociocultural understandings of childhood and children's place in society. Human cultures and traditions are not static; they change with a society's evolving politics, economy, and other realities. Ghana has already undergone significant change in its attitudes, norms and standards since the re-introduction of parliamentary democracy in 1992, which ushered in child rights and children's work legislation. Indeed, this is partly exemplified by the speed and degree to which successive governments and many Ghanaians have adopted new cultural standards on children's upbringing and have committed themselves to promote the same across the country. With these in mind, the arguments herein are not to suggest that every aspect of traditional Ghanaian practices on childhood and children's work holds good today. This notwithstanding, the most profound logic of any social world can only be truly understood by situating oneself in the historical, cultural and empirical reality of its inhabitants, as Bourdieu (1998: 2), Mbembe (2001), Achebe (1993) and Appiah (1993) all assert.

In Ghana, none of the current legislative or policy frameworks, or campaigns targeted at the regulation of children's work, pre-date 1990. They are thus relatively new creations seeking to dismantle indigenous norms, values and ideals embedded in music, art, religion and other sociocultural practices and imaginaries over centuries. The challenge is further compounded by the fact that the new legislative frameworks not only impinge on local constructions of childhood and children's work, but they also threaten long-held logics and standards relating to other traditional institutions such as the family, community, intergenerational contracts, and the informal welfare system, which is still the primary source of socioeconomic welfare for most Ghanaians. Against this backdrop, one can begin to appreciate the need to understand how children's work is traditionally woven together with other social institutions. Only this will provide a basis from which new understandings and patterns can be brought to bear while maintaining people's dignity and cultural heritage. The next section traces aspects of traditional ideals on children's work and explores why they have proven challenging to dismantle despite the immense financial and material resources directed to this agenda over the past three decades.

4.1 Traditional sociocultural constructions of childhood and children's work in Ghana

In keeping with the ILO Conventions on child labour and the UNCRC definition of childhood, legislative approaches to regulating children's work in Ghana are firmly reliant on calendar age and minimum age standards. However, chronological age has traditionally been peripheral to the understanding of childhood and child development in Ghanaian communities as its validity as the sole basis for determining a person's maturity or capacity has been roundly debunked in the childhood studies literature (Akinola 2019; Clark-Kazak 2016; Laz 1998). The Talensi of northern Ghana, for example, had two distinct stages of child development: babyhood and childhood (Boakye-Boaten 2010: 108, citing Fortes, 1957). Babyhood – the period from birth till weaning (about 3–4 years) – was seen as a period of complete dependency during which there were no social or societal demands of the child. Childhood had three distinct stages: age 4–8 (approximately), when the child was mostly free from work and mostly at play; age 8–12 (approximately), when the child is progressively introduced to community activities, values, work, and adult responsibilities; and from age 12 onwards, when children were expected to start taking on basic economic and household tasks. The period from age 13–20 (approximately) represented adulthood or the gradual entry into adulthood, during which time children were given roles that signify their social status. Despite decades of social change, such ideas still hold in many areas of the country (rural and urban), as exemplified in local music, tales and child rights practices.

Meanwhile, in southern Ghana, the Akans (made up of subgroups such as the Asante, Fante, Kwawu, Akuapim, Akyem, Nzema and Bono) marked the transition from childhood to adulthood (or adolescence) through *bragoro*, which is translated as 'life dance', to convey the idea that adult life begins at this stage (Crentsil 2014; Sarpong 1977). *Bragoro* was performed for girls following their first menstruation and was thus also described with euphemistic expressions such as *Ɔayɛ bra* (she is of age) or *Ɔakum sono* (she's killed an elephant) to communicate that she had now attained womanhood and capacity to face life challenges (Agyekum 2002; Sarpong 1977). For boys, courage and bravery are seen as signs of masculinity and

thus counted as part of the transition and entry to manhood. Hence, expressions such as *ne bo ayɛ duru* or *ne koko ayɛ duru* or *w'ayɛ / ɔreyɛ barima* (he's brave or he's become brave or he's become/ is becoming a man) are used to refer to those who start to show adolescence or puberty markers, such as the growth of pubic hair and beard or breaking of voice, or those who commit acts of bravery or competence associated with adulthood (Fiaveh et al. 2015; Adinkrah 2012).

These traditional Ghanaian conceptualisations of childhood represent one of the primary areas of contention between indigenous Ghanaian ideologies on childhood and the formal child-centric legislation enacted by the national Parliament over the past three decades. It presents a monumental ongoing challenge to child rights modalities that are premised on the assumption that all communities in the country are aware of the formal laws and support the age-based definition stated by these laws. This dilemma is not unique to the Ghanaian situation, as many scholars in the field of childhood studies have identified similar problems with the operationalisation of local laws based on the Western normative definition of childhood used by the UNCRC (Vandenhole 2020; Imoh 2019; Abebe and Tefera 2014; Ansell 2014; Liebel 2012). It is criticised as reducing human maturation to the Gregorian calendar age when the reality is that the extent to which children are able to make effective choices (and the range of issues they can make choices about) is related to their experience and maturity (Huijsmans 2012: 1311) and not just their calendar age. It also 'infantilises adolescents' (Abramson 1996) and 'obscures children's differentiated levels of competence, needs, and maturity in various life stages of childhood' (Abebe 2019: 3).

These views and this paper's overarching point about the tensions between indigenous Ghanaian ideologies on childhood and the formal child-centric legislation enacted by the national Parliament over the past three decades are exemplified by a study on children's work in Ghanaian mining communities carried out by the NGO Free the Slaves (Bijou et al. 2014). Responses for a baseline study to explore the research communities' understanding of childhood shows that they overwhelmingly rejected the conventional international and Ghanaian legal definition. Only 18 per cent of the survey respondents agreed with the view that the age of 18 represents the boundary between childhood and adulthood (*ibid.*: 14). Upon sensitising the community with the illustrated booklets and re-administering the survey, only 39 per cent accepted the definition provided by the researchers (*ibid.*). It was evident that the community did not regard the category of young people who were involved in artisanal mining work as 'children' in the same way as those aged 10 and below. Instead of exploring this nuance further or questioning why their views on childhood deviated from those of

the community in which they had gone to carry out the study, the researchers simply concluded that parents were naïve or 'lacking knowledge about their roles as parents, and the rights and welfare of their children' (Bijou et al. 2014: 5).

This example fits with what van Dijk (2005) describes as positive self-presentation and negative other-presentation. As William Easterly's *White Man's Burden* similarly demonstrates, a lot of international development initiatives in the Global South fail because of hubris on the part of Western NGOs and their domestic allies who assume to know more about poor people and what they need than poor people themselves do (Easterly 2006). Actors such as Free the Slaves, which adopts mainstream or conventional positions, tend to hold themselves up as being unquestionably more knowledgeable or objective than those in the communities where they work. It is with such hubris that they label parents and communities who disagree with the views they espouse as naïve or ignorant. Rarely do these actors critically interrogate the appropriateness of their views or the mechanisms through which they want others to adopt these views. Consequently, they do not learn from their mistakes, with the result being not only failed interventions but also the promotion of discourses rife with ethnocentrism, class, ethnic and religious prejudices. This is demonstrated by Bukari and Schareika (2015: 5) who describe mainline narratives targeted at nomadic groups such as the Fulani. Fulani children tend to herd family cattle and often face stigmatising narratives, such as this example from a teacher who participated in that study: 'Fulani are uneducated, uncivilized and never attend school nor take their children to school'. Per the standards which inform conventional international discourses underpinning Ghana's Children's Act, a normal childhood is one mainly characterised by rest, formal classroom-based schooling, and largely free from economic activities. As such, the Fulani community's preference for informal education, cattle herding, and their nomadic lifestyle is held up by this teacher, like many others, as a sign of inadequate 'civilisation' (*ibid.*). There is no effort to understand the logic or values underpinning community preferences for this mode of socialisation and life.

One such value which is instilled into Ghanaian children from a young age is respect for elders and the need to contribute to their community's development and proper functioning. Instilling the sense of communal obligation was to impart the values of reciprocity, altruism and mutual contributions that underpinned the traditional welfare system (Ansah-Koi 2006). Children's upbringing was, and continues to be, regarded as the duty of the entire extended family, kinship structure or community networks, and not only of their biological parents (Badasu 2004; Allman 1997; Goody 1973; Oppong 1973; Goody 1966).

This is founded on the belief that children represent the continuity of not only their parents' or families' names, heritages and identities, but those of the wider communities. Secondly, as Badasu (2004) notes, the child's socialisation and introduction to the societal values and norms was seen as a duty that could not be performed by one person but by the whole community, a traditional education system. This social or communal approach to child upbringing also ensured that all children were provided with guardianship and care (Frimpong-Manso 2014: 411; Alber 2010; 2003). This practice has waned in some parts of the country due to the loosening of social bonds catalysed by urbanisation, migration, adoption of alternative child-upbringing cultures, and other aspects of social change, but it is still prevalent in some areas and is the foundation of the traditional child fosterage system (Pennington and Harpending 1993) – a practice that is misinterpreted as 'child trafficking' in some accounts (see, for example, International Justice Mission (IJM) 2016).

Regardless of the family, household or community in which they lived, children were introduced to work at an early age and expected to contribute, through their work, to the socioeconomic wellbeing of their family and wider community (Yeboah 2020; Sackey and Johannesen 2015; Sarpong 1974). As Takyi (2014: 38) notes, this was integral to children's socialisation because traditionally, parents and extended families were regarded as failures if their children grew up lazy or without the skills or abilities to cater for their own families in turn. The value of work was thus instilled in children at the earliest opportunity and, as Takyi (2014: 38, citing Nukunya, 2003: 51) adds, 'economic activities' are among the main skills and competencies which Ghanaian parents teach their children in the socialisation process. Adult caregivers would often express grave concern that the lazy child or one who shied away from work was going to fail in life; some would consequently send their children to live with other relatives or others in the communities who could encourage the child to be more diligent. Children's work ranged from domestic chores (taking care of siblings, helping to cook family meals, washing of clothes) through to subsistence and even income-earning activities (including farming and tending livestock).

4.2 Continued permissibility and place for work in Ghanaian children's lives

This attitude towards work in children's lives has been maintained even as urbanisation and rural-urban migration has occurred (Yeboah 2020),

and is reflected in the duties and expectations of children even within the public education system (Mohammed Gunu 2018; Twum-Danso 2009). For example, the Ghana Education Service's (GES) Water, Sanitation and Hygiene (WASH) Facilities Planning and Management Guide lists the maintenance of school WASH facilities as one of pupils' responsibilities (Moojiman, Esseku and Tay 2013: 11). Where schools are unable to afford janitors or cleaners, the guidance mandates headteachers to require pupils to clean, sweep and scrub toilets, fill water tanks and carry out other tasks required for maintaining hygiene in the school (*ibid.*). The GES WASH in Schools National Implementation Model document further stipulates that 'where school pupils are required to do the cleaning, a schedule must be prepared for both boys and girls to undertake the cleaning under the supervision of a teacher' (GES 2014: 6).

It is instructive to note that similar policies exist in other African and non-Western nations. For instance, under the 'o-soji' (cleaning) tradition in Japan, schools pupils, rather than janitors, clean some school facilities (Tsuneyoshi, Kusanagi and Takahashi 2016). Likewise, in 2016, Singapore's Ministry of Education announced a decision to make daily cleaning of school canteens, corridors and classrooms (though not toilets) a mandatory task for primary and secondary school children (The Independent News & Media 2016). In the Ghanaian context, in public schools and private ones alike, it is not unusual to find that pupils are required to arrive about 30 minutes ahead of lessons to sweep their classrooms and the schoolyard, scrub the toilets and undertake other cleaning duties. In rural areas especially, this can include weeding overgrown school compounds using cutlasses, hoes and other sharp implements – an activity that would likely be labelled as hazardous should it occur on a cocoa farm instead. The point here is not to idealise this situation as it occurs in a context where schools are unable to afford cleaning or grounds maintenance staff. Also, while these instances are incongruous with the GES guidance, it is nonetheless the case that sometimes pupils are made to work under conditions that can have deleterious impacts on the rest of their school day or, in the extreme, their entire schooling.

Berlan (2004) also provides an in-depth discussion of the Ghanaian work ethic concerning child labour, the issue of children using machetes to clear vegetation on the school compounds, as well as the tension between foreign policymaking and local realities on children's work in cocoa production. The paper highlights these examples to demonstrate the ubiquitous nature of work in Ghanaian children's lives across both informal or domestic and formal or schooling arenas owing to the positive associations that have traditionally been made (and are still made) between childhood and work. As we have demonstrated, the rationale

behind this work ethic ranges from sanitation and hygiene reasons to formative and character-building ideals. Besides their unpaid school and domestic chores, children can also be called upon to assist their families through diverse economic or income-earning activities within the confines of the home or outside (Ungruhe 2019; Agyei, Kumi and Yeboah 2016; Yeboah et al. 2015). Some of these children may be coerced or compelled into these activities through personal and impersonal forces, but there is also ample evidence that many Ghanaian children are highly entrepreneurial and take on a range of activities of their own volition to earn incomes for themselves (Yeboah 2020; Okyere 2013). Other children work because – while this might sound anathematic to the child labour preventive and abolitionist agenda – these children find it more worthwhile compared to other options, as Bruscino's (2001) study found. That study originally set out to explore ways of ending children's work in Yindure, a village in northern Ghana, and it involved children who were mostly literate or had attended school at some point (Bruscino 2001: 22). Most had expressed a desire to migrate to southern Ghana to work as they had heard they could make more money there – a point which links to the long-established trend of children's independent seasonal north-south labour migration discussed in depth by Kwankye et al. (2009; 2007), Whitehead, Hashim and Iversen (2007), Whitehead and Hashim (2005), and others. Boys in Bruscino's study explained that they saw migration and work as a more rational response to their circumstances than schooling, as exemplified by this extract:

The boys said they enjoyed their work and saw it as useful for their futures, which for all seemed to include becoming farmers. Their jobs were skill-building and seemed to be the crucial first steps toward their occupations. They said they enjoyed school too but thought that work was more useful. The gains from work are immediate – if they work today, they home food or money today. Although they gave most of the money to their families, the boys seemed to be working for themselves, self-initiating small service endeavours. One boy said he even farms his own plot of land.
(Bruscino 2001: 22)

It must be stated though that girls were less enthusiastic about work than boys. They preferred schooling because due to the gendered nature of labour and traditional roles, they had fewer opportunities to find work outside the home or to work for themselves and earn income. They often worked for others and were sometimes unpaid. Hence most girls stated that they would rather go to school in the hope that this would help them with their future career or lead to greater independence (*ibid.*).

Two messages can be gleaned from the findings of Bruscino's study and those from similar studies of children's work in Ghana (Ungruhe 2019; Agyei et al. 2016; Yeboah et al. 2015). First, it is important to listen carefully to children to ensure a better understanding of their worldviews, individual preferences and lived experiences. Secondly, there is the need to engage with voices on both sides of the coin; those of girls, which suit the interests of actors seeking to prohibit certain forms of children's labour, and those of boys, which can often be 'unpalatable' to child labour abolitionist advocates. As scholars in the fields of childhood and children's labour have long argued, well-meaning programmes on children's work, backed by substantial financial, human and material resources, often fail to make any meaningful impact where working children, their parents, communities and other stakeholders who hold contrary views are excluded or not properly consulted (Stiglich 2020; Bourdillon and Carothers 2019; Morrow and Boyden 2018; Wells 2015; Bourdillon 2014; Crivello, Camfield and Woodhead 2009; Myers 2001; 1999; Boyden and Ling 1998). Probably the most significant and ironic example of this is the fact that the ILO refused to invite organised groups of working children to participate in consultations on defining the criteria for acceptable working conditions for children at the IV Global Conference on the Sustained Eradication of Child Labour in Argentina in 2012 (Okyere 2017). Despite protests by these working children's unions, including a complaint to the UN Committee on the Rights of the Child (The Secretariat 2017), the ILO (as well as some other organisations) continues to exclude them from child labour deliberations though it nonetheless claims to represent the views and best interests of all working children.

The need to reach beyond only palatable voices or political positions is also because in reality there are many commonalities between the underlying visions of child labour abolitionists and those with a greater threshold for children's work. The permissibility of diverse forms of children's work in Ghanaian culture and traditions does not imply acceptance of work that is unquestionably inimical to children's wellbeing or development. Most families and children themselves are also acutely aware of the fact that work which subjects a child to physical harm, deprives him or her of food or rest, or overworks them is pathological. This is exemplified by Adonteng-Kissi's study, which compared the perceptions of parents in rural and urban Ghana on children's work and the relevant national legislation. Most participants felt that the laws reflected Western views and that there are 'differences between the local and western understandings of this relationship because of the cultural and economic significance of child work in the Ghanaian context' (Adonteng-Kissi 2018: 38). This notwithstanding, the participants also agreed

on the potential for children to be harmed by aspects of their work, in ways which were similar to the concerns articulated by the laws. As one noted:

I don't like the way my next-door neighbour treats her children. She puts her children to both domestic and economic activities which I believe it's too much for them considering their age. (Adonteng-Kissi 2018: 40)

Comments of the same nature were made by participants who were unfamiliar with the national legislation on children's work and were drawing on the indigenous, traditional or cultural understanding that some jobs may be 'too much' for children and hence harmful. In traditional Ghanaian societies, work was not allocated to children arbitrarily but with due regard to the child's maturity, as indicated by physical stature, capacity, experience and other factors (Twum-Danso 2009; Nukunya 2003; Mensa-Bonsu and Dowuona-Hammond 1995). This view is captured in the many songs, folklore and icons such as the popular Akan proverb: 'the child breaks the shell of a snail and not that of a tortoise'. This proverb teaches that the shell of a snail is easier to break than that of a tortoise and hence children should do things that are appropriate or acceptable to children rather than those fit for adults.

Thus, the divergence between the traditional and legal positions on children's work in Ghana firstly seems to emanate from the moral, political and not always objective judgements of harm, abuse and development and rights that each side attaches to the work conducted by the child. For example, children and families in cocoa-growing and fishing communities have long held that there are activities in these sectors which can be safely performed by children, while for the most part the law and mainstream child labour abolitionist discourses present children's involvement in pathological terms. The second reason for the divergence is because in Western European and North American societies (the sources of Ghana's contemporary children's work legislation), mention of 'child labour' conjures images of children in horrific factory conditions, sweatshops, or massive industrial farm plantations reminiscent of slavery in antebellum Southern USA (Abebe and Bessell 2011). However, children's work in traditional Ghanaian societies and in contemporary times typically occurs in small-scale subsistence agriculture in the family context and in petty trading, fishing and farming or mining and other small-scale contexts rather than industrial spaces. In all these, attention is also paid to capacities, maturities or abilities of the child in question to whom jobs are allocated, mostly post-pubescent or young adults rather than those in 'childhood' or 'babyhood' or pre-pubescent stages.

Workers of all ages can experience harm and hazards in the specified sectors, so the point here is not that being a post-pubescent or young adult

person takes away the risks. Rather, this is to highlight the fact that in Europe and North America, 'child labour' was mainly understood in terms of the gruelling industrial labour that had to be tackled by declaring such work as unconditionally bad for children and fit exclusively for adults. But this understanding, reality and mode of dealing with the problem does not hold good in traditional Ghanaian histories and realities on 'child labour'. Traditionally, no jobs are unconditionally denied to children or automatically debarred as being unsafe for them as it was always considered that there are 'light,' 'non-hazardous' or 'child-friendly' aspects to most jobs. Furthermore, allocating these child-friendly aspects of farming, fishing and other jobs to children was deemed a practical means of introducing them to these jobs, progressively increasing their responsibilities as they matured in age or physical stature or gained more experience. Further, many families and communities considered it imperative to impart to children and youth the skills with which they could eventually build a livelihood – be this fishing, farming, petty trading or other jobs (Sackey and Johannesen 2015; Nukunya 2003). Much of the knowledge, skills and insights surrounding these jobs have not been written down; instead, it was and still is encoded and passed down through oral accounts and folklore, or taught through weaving, trade skills, farming practices, craft making and other modes that required hands-on involvement. Sometimes these skills take years to master.

Hence, while classroom-based education is important – right from Ghana's colonial era, which started the dismantling of the traditional informal education system that mainly revolved around work in favour of classroom-based educational practices – warnings were issued that this risks undermining the scope for imparting practical knowledge, history and skills to those children who would benefit from such opportunities (Lord 2011; Kwamena-Poh 1975). Despite advances in the provision of schooling infrastructure and access, it is still the case that formal classroom-based education in many areas of the country is inaccessible or of such poor quality that children would rather not attend (Yeboah et al. 2015). Many of those who attend these poor-quality schools are still largely innumerate and illiterate even after completing Junior Secondary School. This challenge is recognised by the NPA II, which requires the Ministry of Education, through the Non-Formal Education (NFE) Division and the GES, to review and implement policies on alternative forms of education, including transitional programmes to mainstream out-of-school children, particularly in the most deprived areas and for children withdrawn from the worst forms of child labour. This was also an aspect of the NPA I objectives. However, given how non-classroom-based schooling or educational provision is generally stigmatised

Figure 1. Typical male Asante kente strip



Source: Badoe and Opoku-Asare (2014: 53), CC BY 3.0

within mainstream child labour and child rights discourses, reaffirmation of this goal in the NPA II is likely to yield only minimal action, if any at all. Indeed, there has not been any tangible programme or project on NPA II objectives up until the time of writing this report, nearly six months before the 2021 expiration date for NPA II.

4.3 Possibilities for a more harmonious relationship between traditional and legal positions on work and children's socialisation

This issue is underscored by Badoe and Opoku-Asare's (2014) study of the kente fabric-weaving sector. The authors call for the inclusion of these indigenous practices in the Ghanaian educational system, given their role as founts of knowledge and education for many young people in Akan culture. Using kente motifs (see Figure 1), the researchers demonstrate that this Ghanaian cultural exemplar of indigenous creativity and technology can be effective for facilitating quality teaching and learning of textile design in higher education and formal educational settings because, as they argue:

Unlike formal textiles design education that demands drafting of weave structure before on-loom weaving, Kente designs simply evolve on the loom according to the weaver's philosophy, creativity and intention for weaving the cloth. This study proved the feasibility of Asante Kente designs serving as an instructional resource for

effective teaching and learning of drafting weave structure of motifs on point paper to guide tie-up arrangement and weaving modified versions of Kente designs on the broadloom to sustain design education in textiles.

(Badoe and Opoku-Asare 2014: 52)

As Figure 1 shows, the different styles produced by master kente weavers are knowledge repositories of the traditions, cultures and histories of ethnic groups with kente weaving traditions. Hence, besides being a vital life skill that will lead to independence and a means of subsistence for self and family, learning kente weaving served educational purposes also. It taught young people history, philosophy, design, construction and aesthetics, and provided other knowledge acquisition opportunities (Sabutey 2009). Young boys were traditionally taught this skill routinely in kente-weaving communities, as one participant in Boateng and Narayan's (2017) study explained:

Kente is a valuable property that has been handed over to us by our forefathers, so if you are a child growing in this community, no one will teach you explicitly, but you will learn everything about Kente through your interactions with your friends and brothers.

(Boateng and Narayan 2017: 11)

However, these important heritages and sociocultural knowledge repositories are gradually being eroded and lost because weaving, garment-making, pottery, and other indigenous handicrafts activities form part of the list of engagements in which children's involvement is presently prohibited in law. Specifically, Part V (Sub-Part II No. 98) of The Children's Act 1998 prohibits children from taking up such apprenticeships with craftsmen until the age of 15 years or before the completion

of basic education. Consequently, Ghanaian children are today in law deprived of the chance to meaningfully learn and master this indigenous skill and livelihood opportunity at the same ages as their peers could before the legislation. It takes many years of training to gain mastery of the weaving process due to the intricate designs and skills involved (Asamoah-Yaw 1994). Traditionally, children were therefore introduced to the activity at an early age, starting with being given 'toy looms' or 'play looms' around their sixth birthday (Amanor-Wilks 2016). Then, at approximately 8 years old, they begin learning how to spin the bobbin, cranking the hank unravelling device, keeping bobbin yarns taut, and other basics. After perfecting these fundamental skills, they are allowed to sit in the loom to start learning how to weave under the master weaver's tutelage (Badoe and Opoku-Asare 2014: 62; The Open University 2008). This stage can take anywhere from 3 to 12 years to perfect but by their late teens and early adulthood, most apprentices had become accomplished weavers who could therefore rely on kente skills and trade for their subsistence and that of their family too (Amanor-Wilks 2016; Asamoah-Yaw 1994).

The Children's Act's stipulation of 15 years as the legal minimum age for entry into apprenticeships has inarguably had an adverse knock-on impact on the scale of children's participation in kente weaving today. There are, of course, other factors that have contributed to this shift, such as the relatively long period it takes to gain master weaver status, falling incomes for weavers, and a general downturn of the kente industry due to the proliferation of cheap wax print. However, the imposition of what is essentially an arbitrary minimum age barrier coupled with making completion of basic schooling a precondition for legal apprenticeships in the sector inarguably prevents children's meaningful involvement in the same way as before. Indeed, these conditions also shape a burgeoning discourse in which children's involvement in kente weaving is cast as a form of child labour, child abuse and other child rights violations (IOM 2013; Dogbevi 2011; Modern Ghana 2004; United States Department of State 2009). Some have cast the sector as a cause of school dropout and truancy (Kanyi 2015; Modern Ghana 2004), thereby reaffirming the sharp lines that are so often drawn between formal and informal education opportunities, with the latter often delegitimised. However, in what is probably the most detailed study of children's involvement in the Ghanaian kente-weaving sector to date, Amanor-Wilks (2016: 43) observes that most child weavers in Bonwire (where the study took place) attend school throughout the day and spend comparatively fewer hours engaged in weaving.

Amanor-Wilks notes that while some of the children's ages (below 15 years) and general occupational hazards in kente weaving (such as

backache from prolonged sitting) may lead to assertions of child labour, the opportunity equipped the children involved with valuable indigenous knowledge and protoindustrial skills. Furthermore, some young weavers invest their earnings in a few more years of formal schooling rather than becoming dropouts. The study also found (as others have established elsewhere) that the quality of formal education the children were receiving was comparatively poor. As the author puts it:

Although all eleven apprentices interviewed in households had been to school, less than two-thirds could both read and write in the official language of Ghana. By contrast, all apprentices could weave and contribute to household income, and there was only one case of a failed apprentice.
(Amanor-Wilks 2016: 14)

On this basis, in contrast to the tendency by some commentators to present indigenous and informal educational opportunities that involve work as a threat or hindrance to children's development, the study concludes by calling for the integration of children's informal kente apprenticeships into the formal school curriculum (Amanor-Wilks 2016). The two should not be presented as if they were antithetical to each other because introducing children to both formal education and informal indigenous education systems such as kente weaving at an early age can maximise their educational, developmental and other potential, as Badoe and Opoku-Asare (2014: 52) similarly argue.

Thus, there are clear areas of complementarity between traditional sociocultural constructions of childhood and children's work on the one hand, and the new legislation and policy on the other. However, there are also clear areas of divergence and tensions between them, mainly brought about by how laws have been formulated without due regard for the indigenous systems which pre-dated them. These differences and tensions largely operate at the communal or societal level but also occur at a more personal level for working children and their families. For many young people, being able to cater for themselves and help others in the home is seen as an important milestone on their path to maturity and proving themselves to be worthy of respect and responsibility. It is often overlooked that historically (and presently), work was also tied to a young person's self-sufficiency, independence, honour and respect (Okyerere 2013; Hilson 2009). In Okyerere's (2012) study, young people working in artisanal gold mining are reported as speaking with pride about being able to work and earn their own money to wholly or partially support themselves through education and apprenticeships. Being deprived of work – in a context where no paid or income-generating 'child-friendly' job exists that is not prohibited by

law – negatively impacted on some of the young people’s self-esteem, as articulated by a 17-year-old girl:

I will be seventeen in December. How can my parents and others respect me when I keep asking them for money for everything all the time, even pads? It is shameful to go and ask them for money every time when I know all my friends have jobs already.
(Okyere 2012: 127)

Similarly, a 16-year-old girl indicated that her family treated her with more respect since she started travelling from northern Ghana to find work at the mining site and other work locations in the south during school vacations:

People’s behaviour towards me has changed a lot since I started coming here on vacations. Now my parents want to discuss everything with me; even important matters which they did not want me to know about at first. Sometimes when something happens and I am not at home, they will wait for me to come so we can all sit down and talk about it. I think it is all because I now earn my own money to use for school when all the others have dropped out. Everybody says good things about me; even some people in our area who are older than me now call me ‘sister’ [meaning an older female] as if I am rather older than them. I think it is very funny how my situation has changed because of all this.
(*ibid.*)

5 Conclusions

5.1 Approaches to childhood and children’s work in Ghana: caught between two worlds

This paper started with a recognition of how Ghana’s legislative approach to child rights and child work is a radical departure from the ideas that prevailed in the country up to the early 1990s when democratic rule was restored, and when the country began adopting international children’s rights instruments such as the UNCRC. In contrast to the understanding of childhood and maturity traditionally employed by all Ghanaian communities, Ghana’s Children’s Act (1998) introduced the UNCRC-inspired notion of childhood determined exclusively by chronological age. This was always going to be challenging to implement in a country where births are not always registered, and many people do not know their actual date of birth. Additionally, the presentation of education only in terms of classroom-based schooling and of schooling itself as a time that is completely incongruous with work (see, for example, UNICEF 2007) is problematic. Adherence to this has been very challenging in Ghana because this is a society in which education has historically taken place outside the classroom, through work and other activities. Furthermore, as the UCW report shows (2016a: 43), despite the introduction of measures such as FCUBE, LEAP and others, many children do not attend school because it is too far away, whereas others consider the quality of schools and instruction received so poor that they deem it a waste of their time. Many others have to work to fund their education and pay for life necessities, as Okyere’s (2012) research with children seeking

income-earning opportunities in artisanal mining shows.

Furthermore, while there is indeed pervasive cultural permissibility of children’s work, it is also the case that traditional childhood work approaches recognise that there are forms of work that can be too onerous or hazardous for a child. The occurrence and persistence of these are usually in the context of socioeconomic constraints. This challenge was squarely recognised by the Ghana National Commission on Children (GNCC) while drafting The Children’s Act (1998). Despite acceding to the various ILO Conventions, the GNCC nonetheless stated the following in its background report to the Act:

Government documents recognise the inevitability of child labour as a direct result of poverty. As stated in the background report to the Children’s Act: ‘The committee takes the view that the present economic circumstances do not permit a wholesale ban on child employment and that a law which seeks to eradicate it completely would be unimplementable and unrealistic. What Ghana needs as a developing country is a piece of legislation which would allow children to work but under certain conditions’.
(Bruscino 2001: 22)

These concerns were as true at the time as they are now, for various aspects of the Act’s provisions on child labour remain unfulfilled while successive national child labour preventive efforts have floundered over the past two decades, despite the scale of resources thrown at this issue. The socioeconomic challenge needs to be resolved as a matter of urgency, for it is also a truism that many

families whose children are engaged in harmful work aspire to attain for their children the romantic visions of childhood presented to them in media campaigns, NGO and governmental advocacy. These messages do not entirely encounter closed ears and minds, but they fail to galvanise any major response among some audiences because people's socioeconomic lived realities necessitate children's work, regardless of how challenging or hazardous this may be. Often these actors have a much better understanding of these hazards themselves, having as they do first-hand experience of the cuts, aches, pains and other harms they endure from such work. It is therefore important that NPA II has identified social intervention programmes as one of the most critical issues required in efforts to eliminate or resolve harmful forms of children's work.

Related to this, the paper argues that the country's high dependency on foreign aid, technical guidance and assistance for social intervention programmes and other interventions on children's work is one of the important political dimensions to this issue. It lends legitimacy to critics' concerns that these are foreign impositions or designs, even if the motivations behind these measures may be good and also in step with the country's national development agendas. Ghana's inability to initiate and implement most child rights and social welfare programmes without external support, direction or influence also exemplifies economic and political underdevelopment and thus raises questions as to why this is so. For some, development aid and other 'handouts' given to countries such as Ghana are not necessarily distinguishable from the (sometimes parasitic) loans, bilateral agreements and forced economic reforms (such as structural adjustment) that do not necessarily facilitate the country's development (Kim 2015). As Kim puts it: 'such intervention by donors in the process of Ghanaian policy-making has further challenged state capacity, legitimacy and effectiveness' (*ibid.*: 1341).

Further, as Stanford (2015) observes, donors themselves need to satisfy the interests, values and incentives of their governments, parliaments, boards and regulators, while also providing expected results to maintain cash flow. As such, some tend to bypass the recipient government's service provision processes and establish their own donor projects, identifying preferred third-party domestic and international NGOs to implement development aid projects or intervening directly in the recipient country's policymaking and implementation. All of these do not bode particularly well for the recipient country in terms of developing institutional capacity, having ownership of national development projects and, in some

cases, the success of these projects themselves. Against this backdrop, it is argued that fairer trade practices, equalising global political and economic inequalities, and addressing the legacy of historical wrongs such as colonisation (among others) should be the main focus as they largely underpin the inability of Ghana and many other African countries to provide welfare protection to their children and other citizens (Thomas et al. 2011; Herbert 2011).

In all this, what this paper demonstrates is the importance of building consensus given that present approaches to children's work in Ghana are located within two rights discourses and practices. Policies and programmes aimed at preventing hazardous or harmful work should seek a middle-ground approach or draw on both perspectives to achieve a maximum purchase or acceptance of the programme by stakeholders and thereby accelerate attainment of goals. Failure to build consensus with target communities might unduly penalise already marginalised and disenfranchised people, resulting in antagonism towards the project, governmental or NGO workers, and ultimately resulting in rejection of what may have been well-intentioned interventions.

We conclude that human or child rights endeavours of this kind are intrinsically political. They occur at the intersection of different ideologies, interests, identities and other factors that determine their direction, the surrounding tussles, the support they enjoy, and their likelihood of being rejected. They also raise sensitive questions about class, gender, ethnicity, nationality, power, colonialism and hegemony. And so, an assumption that the goodness or positive spirit behind a project is self-evident and will of itself win over all stakeholders may be unfounded. We argue that it is of utmost importance that all stakeholders endeavour to carefully consider and understand the multiplicity of opinions and standpoints in children's rights and children's work more broadly, and in Ghana specifically. This includes a willingness to consider ideas and propositions that may appear antithetical to our personal epistemological and moral ethos or those of our organisations. This is especially so with regards to the voices of working children, their families and communities, in whose names it is often said the laws, research studies, advocacy campaigns and other activities take place. The success of projects such as this is very much reliant on being able to sensitively navigate the diverse ideological and political idioms and build alliances with all stakeholders, especially those whose lived experiences all of us want to understand better and positively shape.

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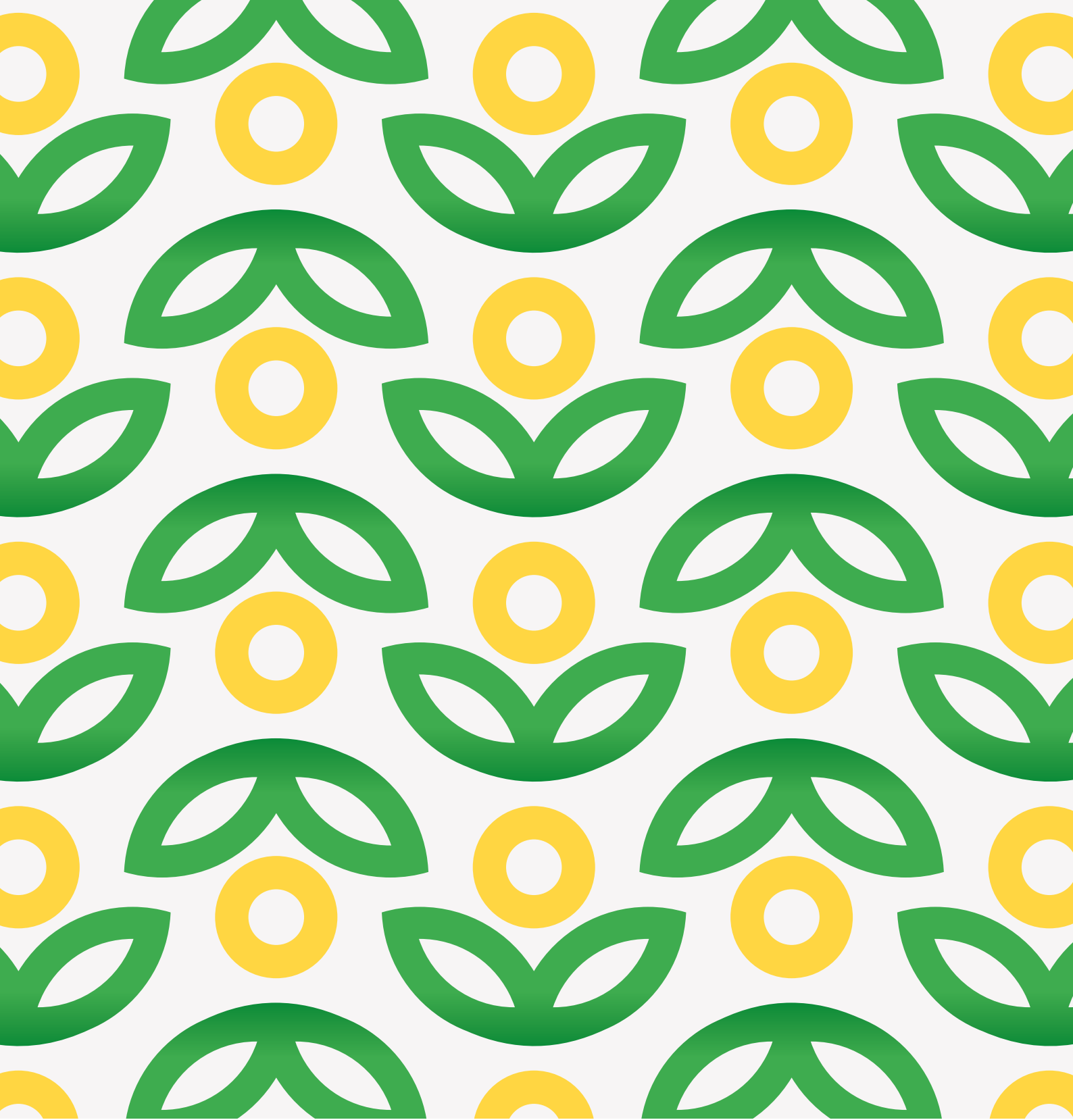
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T +44 (0) 1273 915841
E a.warmington@ids.ac.uk
W www.acha.global



T +44 (0) 1273 606261
E ids@ids.ac.uk
W www.ids.ac.uk
T @IDS_UK
F facebook.com/idsuk

