

**ONE DAY SEMINAR FOR SUPERIOR COURT JUDGES ON WORST FORMS OF CHILD  
LABOUR AND CHILD TRAFFICKING HELD AT THE JUDICIARY TRAINING INSTITUTE,  
CANTONMENTS, ON 18<sup>TH</sup> JULY 2009**

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**AN ADDRESS BY HER LADYSHIP, MRS JUSTICE GEORGINA WOOD, CHIEF JUSTICE OF GHANA  
READ BY K.N. JUSTICE ADUAMA OSEI, JUSTICE OF THE COURT OF APPEAL**

**1. Introduction**

Human rights abuses against children have been on the increase in recent years. Regularly we read from the daily newspapers cases of children trafficked within the country or across our borders for labour exploitation. Children are trafficked from poor rural communities to the cities and forced to work as domestic servants, porters (kayayei), truck pushers, prostitutes, street hawkers and the like. Children are also trafficked from one rural area to the other for illegal mining, fishing, farming and for shepherding of cattle. Large numbers of children have been reported to be enslaved with these activities, in which they work to enrich other people at the expense of their own development. They are denied education, good nutrition and proper healthcare whilst those exploiting them continue to enrich themselves. They are often subjected to cruel and inhuman treatment.

Studies conducted in Ghana by the Center for Social Policy Studies (CSPS) show that over 50% of children being used as domestic servants have both parents living and that only 10% have lost both parents. Many parents are neglecting their parental responsibilities whilst the trafficking syndicates continue to take advantage of the situation to subject the children to labour exploitation. Indeed many parents and close relatives have been known to facilitate the trafficking of children. There are also children who are sent to live with relatives who are expected to care for them as their own but many of them end up exploited and with no education or employable skills for decent work in their adulthood. Some of these practices occur in the name of culture and tradition. However, through these nefarious activities illiteracy, disease, poverty and crime are perpetuated in our land.

## **2. Recent Cases of Trafficking**

Last year June both the police and immigration intercepted large numbers of children who were being taken to Abidjan for work. Recently, we have also read in the papers of a Chinese couple who brought in seven girls from China to work in their restaurant and massage parlour. In 2004 and 2005 there were similar cases involving the trafficking of Chinese women into Ghana for labour exploitation and in both cases arrests had been made and one case prosecuted in 2005. Only last week, a 38 year old woman was jailed for luring an 8 year old boy from Kajetia in Kumasi to Bibiani for sale. These are only a few of the cases that are found by the security agencies but more escape the arm of the law. In 2001, a 35 year old woman was arrested for attempting to abduct 13 children between the ages of 6 and 14 to the Gambia for work. All these cases were published in the newspapers. The fact of children being constantly trafficked from coastal towns in the south to fishing communities like Yeji is well known. In 2007, Rescue Foundation Ghana rescued 3 children trafficked to cocoa farms in three different cocoa districts for labour exploitation. One of these was in school in Tanga, near Zebilla in the Upper East Region at the time he was lured and taken to his final destination in the Western Region.

The trafficking of children is known to be a contemporary form of slavery and described as the most abominable form of child abuse.

## **3. Implications of Worst Forms of Child labour Child Trafficking**

Worst forms of child labour and trafficking of children for labour exploitation have serious implications for our human capital development which is the basis of manpower for the overall development of Ghana. When children do not go to school they are already denied the life skills they need to be productive, self supporting adults. When they are given sub-standard education in exchange for the exploitative economic work, their health, safety and development are compromised. This is unacceptable in view of their future role as leaders of the nation.

Child labour also has implications for other development indices like fertility rates and population growth rates, spread of diseases like HIV/AIDS, infant and child mortality rates and literacy rates. But child labour also breeds adult criminals which is a problem for national security. To put it simply, child labour retards our social and economic development and progress. Therefore, the perpetrators must be seen as traitors and saboteurs of national progress and made to face the law accordingly.

#### **4. Constitutional Requirements**

The 1992 Constitution of Ghana has many provisions on children designed to ensure their rights to care, protection and total development. Many of these Constitutional Provisions have been translated into specific laws, notable among these being the Children's Act of 1998 (Act 560), Criminal Code Amendment Act of 1998 (Act 554), Human Trafficking Act of 2005 (Act 694), Justice Administration Act of 2003 (Act 653), Whistle Blowers Act of 2006 (Act 720) and the Labour Act of 2003 (Act 651).

The relevant Constitutional provisions include:

**Article 25: "All persons shall have the right to equal educational opportunities and facilities ....."**

**Article 16: No person shall be held in:**

- i.) slavery or servitude
- ii.) No person shall be required to perform forced labour (except for the exemptions)

**Article 26 (2): All customary practices which dehumanize or are injurious to the physical and mental well being of a person are prohibited.**

Indeed, the Criminal Code Amendment of 1998 abolishes all forms of ritual, customary and religious servitude in Ghana.

**Article 28: Parliament should enact such laws as are necessary to ensure that:**

- (a) Every child has the right to the same measure of care, assistance and maintenance as is necessary for its development from its natural parents, except where those

parents have effectively surrendered their rights and responsibilities in respect of the child in accordance with the law;

(d) Parents undertake their natural right and obligations of care, maintenance and upbringing of their children in co-operation with such institutions as Parliament may, by law, prescribe in such manner that in all cases the interest of the children are paramount;

(e) Children and young persons receive special protection against exposure to physical and moral hazards;

(2) Every child has the right to be protected from engaging in work that constitutes a threat to his health, education or development;

(3) A child shall not be subjected to torture or cruel, inhuman or degrading treatment or punishment;

#### **5. Implementing government policy and legislation**

The elimination of the worst forms of child labour and child trafficking was mainstreamed into GPRS 1 in 2002 and maintained in GPRS 2 in 2005. There is also an adequate legislative framework in place to care for and protect children yet children continue to be exploited. It is clear that those who recruit children for labour exploitation and deny them education and personal development are actually sabotaging national development efforts for their personal gains. Therefore, we must apply the law and sanction them without accordingly.

#### **6. The Capacity Building Programme**

The Judiciary is collaborating with the International Cocoa Initiative (ICI), Geneva, and the consultants, Future Resource Development (FURDEV) and others to accelerate the training of members of the Judiciary for a greater understanding of the issues to enable them deal effectively with perpetrators of Child Trafficking and other forms of worst forms of child labour. So far, only two of our judges have been specializing in the area of Human Trafficking. We need more judges to specialize in this sector also.

Today's seminar is the first to be followed by district level training for Magistrates and Circuit Court Judges starting from August 2009.

## **7. CONCLUSIONS**

Ghana ratified the ILO Convention C182 on the Elimination of the Worst Forms of Child Labour and Child Trafficking in 2000. It has also ratified ILO Convention 29 on Forced Labour. The elimination of the worst forms of child labour and child trafficking was mainstreamed into GPRS 1 (2002) and has been maintained in GPRS 2 (2005) as Government Policy. Education is the right of the child and has been made free in Ghana so there is no justifiable reason why any child should be out of school. There is also an adequate legislative framework in place to protect children and ensure that they develop to their full God-given potential. However, these crimes continue to be perpetuated against children.

Children are the future. If Ghana will develop then we need every child to develop to his/her full potential. Every child counts. Therefore, anyone who prevents any child from developing to their full potential does not only commit a serious crime against that child, but he/she commits a serious crime against the state – he or she is indeed a saboteur of national development and must be sanctioned in such a way as to serve as a deterrent.

The judiciary will make every effort to enforce the laws on child labour and child trafficking and to ensure that perpetrators are sanctioned.

I thank you.