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The Children of the Lake:

An Analysis of the enslaved children in Ghana's Lake Volta

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Table of Abbreviations

ACERWC	African Committee of Experts on the Rights and Welfare of the Child
ACHPR	African Charter on Human and Peoples' Rights
ACRWC	African Charter on the Rights and Welfare of the Child
CRC	Convention on the Rights of the Child
DFID	Department for International Development
FDG	Focus Group Discussions
GNCC	Ghana National Commission on Children
GSFP	Ghana School Feeding Program
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IJM	International Justice Mission
ILO	International Labour Organization
IPEC	International Programme on the Elimination of Child Labour
LEAP	Livelihood Empowerment Against Poverty
MDG	Millennium Development Goals
MELR	Ministry of Employment and Labour Relations
MoGCSP	Ministry of Gender, Children and Social Protection
MOWAC	Ministry for Women and Children's Affairs
NGO	Non Governmental Organization
NPA	National Plan of Action
PACODEOP	Partners in Community Development Programme
PTSD	Post Traumatic Stress Disorder
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Children's Emergency Fund
UPR	Universal Periodic Review
WB	World Bank
WFCLC	Worst Forms of Child Labour

Abstract

The phenomenon of child labour is definitely not a new concept. A child's involvement within the labour industry is not only hazardous and detrimental to their physical health but also their psychological health. The combination of each factors has proven to be detrimental to children throughout their entire lives, even if they are able to escape or be rescued from working. While Ghana has achieved great strides in providing children with greater welfare and protection from exploitation by way of ratifying international human rights legal instruments and launching national programmes, there still exists a large gap between such initiatives and practice.

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PART 1:

INTRODUCTION

1.1 Research Objectives

The objective theme for this thesis is threefold: i) focus will be given to how and why children in Ghana are being economically exploited and the affects of such exploitation on said child's physical and psychological development, with emphasis on the latter, by using a theoretical framework, ii) the exploration of relevant international, regional and domestic legal instruments surrounding child trafficking and labour in Ghana and iii) a case study analysis of the child labour experience in Lake Volta, Ghana, with an application of the psychological theoretical framework used in the second chapter. Before unpacking each of the objective themes, I will provide a brief but imperative background summary pertaining to the constituencies herein so as to provide better comprehension of the material to follow. Following

the last of the objective themes, I will provide my concluding remarks on all of the information provided in this thesis as a whole.

1.2 Background

Ghana's Lake Volta is regarded as one of the nation's greatest development strategy schemes of the twentieth century in the scope of further improving the country's economy. The man-made lake was completed in 1964 for the sole purpose of obtaining electric power to the entire country via a dam, now known as the Akosombo Dam¹. In addition to achieving nationwide electricity, the Ghanaians also sought the opportunity to create numerous fisheries throughout the entire region. The fisheries have now become the livelihood for many of the individuals living in the Lake Volta region. In 2004, approximately 300,000 Ghanaians depended on the fisheries as their main source of income². The establishment of the fisheries were so successful that production on a commercial scale was also achieved.³ This, in turn, created a mass recruitment of child labourers to work for the fishermen who resided on the lake.

Ghana was a former colony of the United Kingdom until gaining independence in 1957. The pre-colonial notions surrounding children working were much more different than the values and beliefs which are upheld today. Due to Ghana's history involving colonization, certain elements of European culture remained and, as such, an emphasis on providing education and diminishing the act of child labour persisted following independence. Therefore, it has gradually, for the most part, become a widespread opinion that children are not meant to be labourers but rather academics and that all children should not be deprived of basic education. In terms of basic education, the Ghana Education Reform Program (1987) identifies that all children are entitled to a free education consisting of a minimum of nine years for pupils between the ages of six and fifteen.⁴ Despite this; however, the actualization of such is far from being realized.

¹ Letetia E. Obeng (ed), *Man-Made Lakes: The Accra Symposium*, (Ghana University Press, 1969) 15

² International Justice Mission, 'Child Trafficking into Forced Labor on Lake Volta, Ghana: A mixed methods assessment' (IJM, 2016)

<file:///C:/Users/admin/Documents/QUB/THESIS/Case%20Study/International%20Justice%20Mission.pdf> accessed on 10 May 2019

³ Obeng (n1) 23

⁴ Robert Kwame Ame, DeBrenna LaFa Abenyiga and Nana Araba Apt (eds), *Children's Rights in Ghana: Reality or Rhetoric?* (Lexington Book, 2011) 151

One of the fundamental problems in attempting to eradicate child labour in Ghana is the divergent perceptions at the global level versus the reality at the local level.⁵ The concept of childhood in Ghana is and of itself subjected to different perceptions based on cultural attitudes and beliefs – ones which contrast greatly with Westernized ideologies. Most dominantly in rural areas, children are observed as economic assets and security for old age and contributors to household survival.⁶ There is still a strong notion; however, among many academics suggesting that the perceptions of childhood within Ghana need to become much more evolved if not for the rights of the child, then for the sake of the country's future regarding an improved economic and educational situation. In contrast with this notion, though, is the fact that families with no available resources to them, feel as though they are left with no other choice but to have their child(ren) contribute in some way or another to the family's household survival.

The measures of output surrounding child labour have also shifted over the years in Ghana. Child labour has gone from an occurrence needed exclusively for completing light domestic work within a familial lead environment to being mere products of capitalization, toiling in hazardous work and for the purposes of capital gain. In his contribution to a 1993 novel, academic Martin Verlet further endorses this change by making acknowledgement of the fact that:

“This generation of 'child labourers' is quite unlike any of its predecessors. The conditions, the degree of exploitation, the functions and fruits of underage labour differ greatly. It is the generation of the 'adjusted child', whose work has lost its value in terms of domestic use and become a unit of exchange, a negotiable labour-market good instantly convertible into cash.”⁷

Due to economic un-freedom in the form of extreme poverty, children have become “helpless prey in the violation of other kinds of freedom”.⁸ Therefore, the cause of children being trafficked or exploited for the purposes of child labour is primarily linked to poverty. The term “women's poverty” used by some scholars reflects the idea that “early socialization of children into the world of work” is causally linked to women in rural areas having more children than in urban areas and as a result not being able to afford basic needs for all of their children.⁹ This, in

⁵ Ibid 101

⁶ Kwame Ame (n4) 17

⁷ Martin Verlet, 'Growing up in Ghana: Deregulation and the Employment of Children' in Bernard Schlemmer (ed) *The Exploited Child* (Philip Dresner tr, Zed Books Ltd., 2000) 69

⁸ Amartya Sen (ed) *Development as Freedom* (1st edn, New York: Oxford University Press, 1999)

⁹ Kwame Ame (n4) 77-79

turn, results in a difficult familial decision of resorting to the sale of one or more of their children to fishermen in order to be able to meet the basic needs of their other younger, more dependant children. Some families; however, are naïve in the sense that they are unaware of the conditions in which their child(ren) will be working in and the contractual agreement in terms of length of work is often times exceeded. Children often times exceed the length of their working contract because:

1) they are too far from their home to be able to return on their own; 2) they feel obligated to keep working for their families to help economically or come to understand the fishing industry as a way of life once being deprived of an education; 3) there is only a verbal agreement made between the trafficker and the family members, thus making it harder to hold the trafficker liable to the contract, or 4) children may become dependent on their masters for survival because they provide minimal food, clothing, or other items ... Less frequently noted means of control noted by stakeholders included: (1) parents are not told the precise locations that traffickers take their children; (2) children stay in hopes that their traffickers' promises will be fulfilled, particularly that they will be able to go to school; (3) traffickers may change the children's names, making it more difficult to locate them; (4) traffickers isolate children, and control their social interactions; and (5) traffickers lie that the parents have died. ¹⁰

While it is true that some children are sold to traffickers by their family, an operational assessment conducted by the International Labour Organization (ILO) in 2013 concluded that approximately 57.6% of the children working in Lake Volta's southern region were in fact lured by traffickers and forced into labour. ¹¹

The phenomenon of child labour alone causes direct violations to many international and regional human rights legal instruments as well as some of Ghana's own national legal instruments. The international legal instruments that will be discussed which serve to promote the protection and safety of children from exploitation in the labour industry are: a) the United Nation's (UN) Convention on the Rights of the Child (CRC) and b) the ILOs Convention No. 182, also referred to as the Worst Forms of Child Labour Convention (WFCLC). The regional legal instrument to be discussed is the African Charter on the Rights and Welfare of the Child (ACRWC). In Ghana's plight to achieving progress in the realm of children's rights and towards a better future for children, a number of national legal instruments have also been created. Of these national legal instruments to be discussed are: the 1992 Constitution, The Children's Act

¹⁰ IJM (n2) 15-76

¹¹ IJM (n2) 55

1998 (Act 560) and the Human Trafficking Act (Act 694). Ghana has also displayed innate willingness to improve the situation of children by also creating other substantial forms of initiatives. Three of these initiatives, the National Plan of Action (NPA), the Livelihood Empowerment Against Poverty (LEAP) Programme and the Ghana School Feeding Program (GSFP) will also be briefed. Despite the presence of such instruments and initiatives; however, there continues to be many flaws. To be considered among these flaws is the notion that the Eurocentric framework, which has been the dominant universal example, must find a way to align with Western African ideologies or vice versa. Additionally, there has been problems with implementing such universal doctrines given the argument just mentioned. Further analysis and development of these instruments and their implementation, or lack thereof, will be briefed in the third chapter.

This is an important area of research as the negative effects of these children being trafficked and exploited are harrowing. There not only exists physical dangers and detriments to the children's health in the labour intensive work they are doing, but also psychological impacts on the child's mental development. Physical dangers involve the hazardous work being conducted in the fisheries, in that the children are expected to complete certain tasks without being provided any proper safety gear.¹² The children are also more susceptible than adults in becoming affected by diseases which thrive in the lake, namely *onchocerciasis* a.k.a. river blindness or Robles disease as well as *schistosomiasis* a.k.a. snail fever.¹³ Moreover, the children are also more prone to becoming abused by their masters as opposed to adult workers given their small stature, ever developing psychological maturity¹⁴ and lack of muscular power to fight back. Within a psychological framework regarding negative affects, the mere occurrence of children being trafficked and subsequently forced to work disrupts all of their childhood stages.

¹² International Programme on the Elimination of Child Labour, 'Analytical Study on Child Labour in Lake Volta Fishing in Ghana' (ILO, 2013) 102
<file:///C:/Users/admin/Documents/QUB/THESIS/Case%20Study/Analytical%20Study%20on%20Child%20Labour%20in%20Volta%20Lake%20-%20ILO.pdf> accessed on 12 May 2019

¹³ Obeng (n1) 326-352

¹⁴ International Programme on the Elimination of Child Labour, 'Assessing psychosocial hazards and impact of child labour' (ILO, 2011) 26
file:///C:/Users/admin/Documents/QUB/THESIS/Theory/Assessing_Psychosocial_Hazards%20&%20Impact%20of%20Child%20Labour.pdf accessed on 10 May 2019

1.3 Research Methodology

This thesis will focus on the assessment of the psychological effects of child labour on children's development growth with particular attention being given to Jean Piaget's cognitive development theory. By incorporating this theory, the aim is to emit a deeper understanding of just how detrimental child labour is to a child's psychological development growth as it is not as commonly discussed in comparison to its counterpart, the physical aspects of child labour. A more detailed account of the aforementioned theory will be given in the preceding chapter, followed by the unpacking of several legal instruments. A case study analysis with theoretical applications will conclude this thesis followed by a formal summary of the research findings.

The types of methodology which were used were primarily qualitative in nature with primary focus being given to the analysis of published academic articles, journals as well as two case studies conducted by International Organizations. Among some of the publications; however, there have been interviews, surveys and questionnaires conducted within which I have drawn some statistical and factual data from. The purpose of using qualitative methodology is to provide cause and reasoning surrounding child labour in Ghana as well as the implications from which such a phenomenon constructs.

PART 11:

APPLYING PSYCHOLOGICAL THEORETICAL FRAMEWORK TO THE CASE OF CHILD LABOURERS

2.1. Introduction

There is a kaleidoscope of reasons why children are economically exploited in Lake Volta; however, to unpack each complexity would exceed the scope of this thesis. Consequently, the social, economic and historical landscape of Ghana is briefly discussed in this thesis but does not form the main focus of analysis. It is further acknowledged that while children endure serious physical consequences due to the hazardous labour they are conducting; the emphasis on this body of work will be on the psychological impacts of exploitation on the child.

While a comprehensive solution to the horrific issue of child labour will not be presented, it is anticipated that the research within this thesis will be of value to the scholarship relating to the devastating psychological impact that child labour has on the most vulnerable in society. Emphasis will be given in this chapter to the infringements put upon children who are faced with performing forced and hazardous work under the demise of a master. Not only are these children deprived of their economic, social and cultural rights but also other mentionable rights entitled to them within the CRC. More attention will be given to such deprivations in the following chapter on the basis of discussing legal instruments. However, for now, specification will be given to how these violated rights also bear within them psychological impacts on children's development.

The hazardous labour being carried out by children on Lake Volta's fisheries is considered by the ILO to be one of the worst forms of child labour. As outlined in the ILOs

Convention No. 182, characteristics of the worst forms of child labour include, “all forms of slavery or practices similar to slavery, such as the sale and trafficking of children” and “work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children”.¹⁵ The ILOs Recommendation No. 190 defines hazardous child labour as “work which exposes children to physical, psychological or sexual abuse”, work that takes place “under water” and work “which involves the manual handling or transport of heavy loads”.¹⁶ As such, there not only exists the informality of children being trafficked to work but also to work in what is considered hazardous industries.

In considering the root causes of why children enter in to the labour force, the most common reasons include:

Poverty, weak social and economic structures, lack of employment opportunities and equal opportunities in general, violence against women and children, discrimination based on sex, race and ethnicity, corruption, unresolved conflicts, post-conflict situations, illegal migration and the demand for sexual exploitation and inexpensive, socially unprotected and often illegal labour.¹⁷

The most prevalent of these contributors; however, is poverty. Although Ghana successfully halved its extreme poverty between the years of 1991 and 2006, one quarter of the country was still living below the poverty line in 2015 earning wages of less than or equal to USD \$1.25 per day.¹⁸ However, because Ghana has been progressively addressing its problem of poverty, the importance of children’s rights has become a low priority.¹⁹ This is primarily due to; i) agency constraints and a lack of resources, ii) cross-agency co-ordination (social welfare institutions being driven to the background as they’re not providing revenue for the country), iii) lack of awareness and iv) Ghana’s cultural values.²⁰ Having considered poverty, it is that of subsistence poverty that has primary contributions to children becoming economically exploited. Subsistence

¹⁵ International Labour Organization, ‘C182 – Worst Forms of Child Labour Convention 1999 (No. 182)’ https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182 accessed on 15 May 2019

¹⁶ International Labour Organization, ‘R190 - Worst Forms of Child Labour Recommendation, 1999 (No. 190)’ https://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_INSTRUMENT_ID:312528 accessed on 15 May 2019

¹⁷ Organization for Security and Co-operation in Europe Permanent Council, ‘DECISION No. 557: OSCE ACTION PLAN TO COMBAT TRAFFICKING IN HUMAN BEINGS’ (OSCE, 2003) PC.DEC/557 <https://www.osce.org/actionplan?download=true> accessed on 15 May 2019

¹⁸ Food and Agricultural Organization of the United Nations, ‘Country Fact Sheet on Food and Agricultural Policy Trends’ (FAO, 2015) <http://www.fao.org/3/a-i4490e.pdf> accessed on 15 May 2019

¹⁹ Kwame Ame (n4) 147

²⁰ Kwame Ame (n4) 160

poverty is when a household becomes so poor that it cannot meet its subsistence needs without resorting to child labour.²¹ This, in turn, results in households sending their children to work. Children whose parents, or caregivers who are unable to pay for their schooling supplies also find themselves working in order to pay for such supplies. The children who work in order to pay for their school supplies face a “double-edged sword” per se. They are tasked with working long hours doing strenuous labour and also attending school. This leaves little time for them to complete schoolwork and often times they do not attend school regularly due to the fact that they have to also work. In many cases, the children who do try to attend school are “frequently forced to finish all of their fishing industry work before going to school”.²²

There is an array of actors involved in the trafficking of children. Such actors include recruiters, transporters, counterfeiters, employers, friends and family members.²³ In cases where a child is willingly sold by their family, the money is given directly to the child’s family and the child will work for minimal wages or no wages at all. In a study conducted by the ILO in 2013, an astonishing 51% of children reported that they did not receive any wages. This is essentially because these children are working “as family members, are in forced labour, are trafficked children or in bonded labour”.²⁴ The other 49% of children reported that they did receive wages; however, were paid irregularly due to payment only being received when their master had money.²⁵ Even when children do receive payment, it is likely be unfairly paid resulting in the children being cheated out of money earned.²⁶ The children are sheltered and fed by their masters, usually in the communities alongside Lake Volta. Many children have reported; however, that they are only given minimal amounts of food and are, at times, even refused food altogether by means of punishment.²⁷ Furthermore, the shelter provided to them is barely

²¹ Heather Congdon Fors (ed) *CHILD LABOUR: A REVIEW OF RECENT THEORY AND EVIDENCE WITH POLICY IMPLICATION* (Journal of Economic Surveys, 2012)
<file:///C:/Users/admin/Documents/QUB/THESIS/Theory/CL%20A%20Review%20of%20Recent%20Theory%20and%20Evidence%20with%20Policy%20Implications.pdf> accessed on 16 May 2019

²² Emma Seyram Hamenoo, Emmanuel Aprakru Dwomoh and Mavis Dako-Gyeke (eds) *Child labour in Ghana: Implications for children's education and health* (Children and Youth Services Review, 2018)
<file:///C:/Users/admin/Downloads/ChildlabourinGhana-Implicationsforchildreducationandhealth.pdf> accessed on 16 May 2019

²³ George Sagoe-Addy and Joyce Larko Steiner (eds) *Respect Our Rights: Trafficked Children* (Christian Council of Ghana) <http://challengingheights.org/wp-content/uploads/2014/11/policy-brief-on-Child-Trafficking-in-Ghana.pdf> accessed on 16 May 2019

²⁴ IPEC Analytical Study (n12) 41

²⁵ IPEC Analytical Study (n12) 40

²⁶ IPEC Analytical Study (n12) 41

²⁷ IJM (n2) 52

adequate in that there is no running water and the children are in close confinement with one another.

There exist several different theories and perspectives regarding the psychological development of children including Bowlby's Attachment Theory, Erikson's Psychosocial Development Theory and Freud's Psychosexual Development Theory. The most appropriate theory to be applied to the psychological effects of child labour; however, is Piaget's theory of Cognitive Development. Cognition is defined as "the mental action or process of acquiring knowledge and understanding through thought, experience, and the senses".²⁸ Within the study of cognitive development lies the concept of executive functions. These executive functions contribute to children's working memory, mental flexibility and self-control.²⁹ If a child has a toxic, stressful relationship with an adult they may experience either delayed or impaired skill developments. Additionally, a child who lives in an equally toxic or stressful environment wherein they are subjected to neglect, abuse or violence may also experience disruptions in their brain architecture which, again, results in the impairment of development.³⁰ The International Programme on the Elimination of Child Labour (IPEC) affirms this point by contending that:

New lines of neurobiological research offer an even stronger understanding of the physiological process underpinning the impact of abuse, for example demonstrating damage to the growing nervous system following states of hyper-arousal associated with traumatic stress during early childhood. This evidence relates to children maltreated during early childhood, but it is nonetheless indicative of the possible far reaching developmental consequences of extreme stress-inducing hazards that can be faced by some child workers.³¹

These trafficked children are more likely to have stressful relationships with adults (i.e. their masters) and to live in equally stressful environments. Subsequently, it is hypothesized that their ability to meet their cognitive capacities is delayed or impaired by these influences alone without even considering the other additional stressors they undergo in the actual labour they are doing.

²⁸ Oxford Living Dictionaries, 'Definition of Cognition in English' (Oxford University Press, 2019) <https://en.oxforddictionaries.com/definition/cognition> accessed on 19 May 2019

²⁹ Centre on the Developing Child, 'Executive Function and Self-Regulation' (Harvard University) <https://developingchild.harvard.edu/science/key-concepts/executive-function/> accessed on 19 May 2019

³⁰ Ibid

³¹ IPEC Assessing Psychosocial Hazards and Impacts of Child Labour (n14) 32

Furthermore, the study of cognitive development in children helps us to understand how a child's relationships, activities and environment have deep influences on their ability to achieve their full cognitive potential. The purpose of reviewing such a cognitive theory within this literature is to discuss just how children's stages in development are compromised due to the child being engaged in labour. This is a detrimental discussion given that the invisible effects on the convolution in which child labour encompasses are often times overlooked and under-represented. This is in part due to the fact that the negative physical affects that child labour has on children is far easier to assess in comparison to determining psychological impacts given that the latter requires much more time, by way of conducting analyses, as well as resources. Several studies have been conducted involving the roles of parental social class, children's iron deficiency, pretend play and maternal attributions (i.e. breastfeeding, educational attainment, etc.) and how these ultimately affect children's cognitive development but hardly any diversification of studies involving psychological impacts. Studies have also shown that children who are born in to extreme poverty, especially in rural areas, are also more likely to be affected cognitively than children from otherwise middle-class families who live in an urban setting.³² It was not until 2003 that the issue of psychological impacts on children who engage in child labour was even really considered as requiring more attention. It was in that year that the *Understanding Children's Work* Programme, devised by United Nations International Children's Emergency Fund (UNICEF), ILO and the World Bank (WB), appointed Dr. Martin Woodhead (an Emeritus Professor at the Open University)³³ to conduct studies on selective sectors within the industry.³⁴ Dr. Woodhead would go on to "prepare a theoretical paper that would help to guide and stimulate more work", creating the first study of its kind surrounding psychological detriments to children working in the sectors he investigated.³⁵ Since then, the issue has gained more international attention; however, there is still a lack of academic literature relating to this issue.

³² Sally Grantham-McGregor, Yin Bun Cheung, Santiago Cueto, Paul Glewwe, Linda Richter and Barbara Strupp (eds) *Developmental potential in the first 5 years for children in developing countries* (Lancet, 2007) 60-70 <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2270351/>> accessed on 10 June 2019

³³ University of Oxford, 'Professor Martin Woodhead' <<http://www.ox.ac.uk/news-and-events/find-an-expert/professor-martin-woodhead>> accessed on 06 July 2019

³⁴ IPEC Assessing Psychosocial Hazards and Impact of Child Labour (n14) 8

³⁵ Ibid

Piaget's theory of Cognitive Development is an important theory because it allows us to understand how children perceive the world around them. Furthermore, this theory explains how children's interactions have an overall affect over their cognitive development. A child's gainful development in age-appropriate cognitive abilities is very important as it encompasses a child's ability to manage and respond to the experiences and information they experience on a daily basis.³⁶ Piaget stipulates that there are four stages that advance a child's full cognitive development: the sensorimotor stage, the preoperational stage, the concrete operational stage and the formal operational stage, respectively. In accordance to the theory regarding stage progression:

A child's progress from one stage to another is not automatic but depends on certain kinds of experiences that children normally have. Piaget assumes that reaching one stage depends on successful progression through previous stages – that is, each new, more advanced stage is built upon an earlier one. Thus, there is always a relationship between the child's present ability and beliefs and those of the past.³⁷

2.2. The Imperative Stages of Piaget's Cognitive Development Theory

The first of Piaget's stages will not be discussed given that this stage focuses on children who are between the ages of zero and eighteen months and it is not plausible for children so young to be engaged in child labour. As such, the preoperational stage will be discussed first. The core ages for this stage are children who are between eighteen months and seven years old. Although eighteen months is not probable for a child to be used for labour, there has been data which confirms that some children are trafficked in to child labour as early as age five.³⁸ Preschool years are said to be important as it is then that children start to develop a conscience.³⁹ This is when children take on the values, attitudes and otherwise a standard conduct of how to

³⁶ T. Wright, 'The Importance of Cognitive Development' *The Rhode Show* (24 April 2017) <<https://www.wpri.com/rhode-show/homelife/the-importance-of-cognitive-development> 20180314123639535/1044137386> accessed on 16 May 2019

³⁷ Robbie Case (ed), 'Piaget's Theory of Child Development and Its Implications' vol 55 (Phi Delta Kappa International, 1973) <https://www.jstor.org/stable/20297420?seq=2#metadata_info_tab_contents> accessed on 16 May 2019

³⁸ IPEC Assessing Psychosocial Hazards and Impacts of Child Labour (n14) 9

³⁹ Paul Henry Mussen, John Janeway Conger and Jerome Kagan (eds) *Essentials of Child Development and Personality* (Harper & Row Publishers, 1980) 224

act from their caregivers.⁴⁰ Piaget outlines that during this stage of development, active or pretend play with other children largely contributes to their cognitive development and helps them to understand the world as well as their ability to develop a sense of self.⁴¹ Further endorsement of this ideology was provided by the IPEC, as noted in their 2011 study pertaining to the psychosocial hazards of child labour: “Children need the time and opportunity to play and to explore, to develop relationships with family as well as their peers and to learn, all of which are critical to their physical, mental, social and intellectual development.”⁴² Given that the children working on Lake Volta are spending extraneous hours providing labour, they have no time for active or pretend play with their fellows or may be beaten by their masters should they engage in any play. As such, this hastens the emergence of their cognitive development processes in a way which puts them behind those children who do not work but rather attend school on a regular basis. Research has also demonstrated that a child’s engagement in pretend play improves their abilities to negotiate, obtain secure attachment and understand other’s minds.⁴³ All of which are important skills needed in adolescence and adulthood which are hindered at the hand of being labourers. Additionally, this theory signifies that a child’s improved verbal abilities during this stage enhances their cognitive functioning (i.e. memory, thinking, problem-solving and reasoning).⁴⁴ However, the children who are working, again, are often times not attending school and are being deprived of achieving a practical use of verbal abilities or the opportunity to expand their existing vocabulary capabilities. In this case, a children’s verbal abilities rely on what they have learned prior to being trafficked, the orders given to them by their masters and from what socialization they may have with their cohorts – of which whom are also unlikely to have a great depth of vocabulary. Provided that some children may be able to engage in active or pretend play (perhaps before they are noticed) or establish a relationship with a cohort who may have a moderate level of vocabulary, the child may progress to the next stage, although not entirely with distinction.

⁴⁰ Ibid 225

⁴¹ Mussen, *Essentials of Child Development and Personality* (n35) 229

⁴² IPEC *Assessing Psychosocial Hazards and Impacts of Child Labour* (n14) 15

⁴³ Angeline Lillard, Ashley M. Pinkham and Eric Smith, ‘Part 2: Cognitive Development in Early Childhood, Pretend Play and Cognitive Development’ in Usha Goswami (ed) *Childhood Cognitive Development* (2nd edn, Blackwell Publishers Ltd., 2011) 298-299

⁴⁴ Ibid 305

The concrete operational stage is applicable to children who are of the ages seven to twelve and marks the beginning of truly mental operations.⁴⁵ In this stage, the child learns how to think logically and rationally.⁴⁶ They are also able to distinguish the difference between what is reality versus appearance.⁴⁷ For example, during this stage, a child labourer is able to fully understand their place within the environment in which they live and work in and will begin to act in ways which are favourable to them. More specifically, a child may have learned in the previous stage that engaging in active or pretend play with peers would result in getting beat and therefore they will have learned to rationalize certain actions with their consequences and avoid certain actions which would result in negative consequences. Additionally, children at this stage are also “aware that other people have unique perspectives, but they might not yet be able to guess exactly how or what that other person is experiencing”. On account of this, children may be able to acknowledge that their masters have different perspectives than they themselves; for example, in that their master’s main priority is maintaining their own livelihoods no matter the cost but the child may be unable to understand the meaning behind why their master may treat them wrongfully at times. Also, the child may not be able to recognize that their master is experiencing emotions of anger or frustration, perhaps due to an unsatisfactory catch in fish.

The formal operational stage, the last stage, concludes the theoretical frame-work and is concerned with children ages twelve and onward. This is when certain concrete operations learned in the previous stage have become linked together resulting in the onset of scientific thought.⁴⁸ Piaget believes that during the formal operational stage, a child (or now adolescent) will have reached their peak efficiency in acquired and utilized knowledge.⁴⁹ It is in this stage that a child is able to recognize a multiplicity of possibilities to any given problem in a comprehensive way and “logically exhaust all possible alternatives”.⁵⁰ As such, when a child labourer considers the possibilities and outcomes of leaving the fisheries, they are able to critically assess ways in which this may be done and the outcomes of each possible way. The

⁴⁵ Usha Goswami (ed) *Cognitive Development: The Learning Brain* (Routledge, 2008) 374

⁴⁶ Kendra Cherry (ed) *The Concrete Operational Stage of Cognitive Development* (About, Inc., 2019) <<https://www.verywellmind.com/concrete-operational-stage-of-cognitive-development-2795458>> accessed on 18 May 2019

⁴⁷ Goswami (n40) 377

⁴⁸ Goswami (n40) 387

⁴⁹ John H. Flavell and Ellen M. Markman, ‘Cognitive Development’ in Paul H. Mussen (ed) *Handbook of Child Psychology*, vol 3 (4th edn, John Wiley & Sons Inc., 1970) 227

⁵⁰ Ibid 302

overall intelligence achieved by this stage; however, also differs between adolescents depending on their previous progression and achievement of cognitive development in previous stages. Therefore, “some adolescents and adults may never develop true formal operational thinking, because of either limited ability or cultural limitation”.⁵¹ Dually noted, now that the adolescent is able to think more extensively, they may now “mentally manipulate information and think about the thoughts of others”.⁵² Therefore, some adolescents may begin to feel ashamed or embarrassed during this stage of development if they are among the small cohort who have to work in order to afford to go to school.

Assimilation and accommodation are also two key aspects which contribute to the totality of Piaget’s Cognitive Development theory. Piaget emphasizes that “just as humans adapt physically to the environment, so do they adapt mentally to the environment”.⁵³ In order for a child to adapt to their environment mentally, they must undergo a process of assimilation and accommodation. Assimilation is when a child is able to modify or change new information they have learned to fit in to information they already know.⁵⁴ On the other hand, accommodation occurs when a child restructures information that they already know so that the new information can fit in better.⁵⁵ Simply put, accommodation is the advancement of cognitive organization in children which is the outcome of their own experiences in the world.⁵⁶ However, each aspect is not achieved without the influence of the other, as remarked by Piaget, “if assimilation alone were involved in development ... [the child] would not develop further”.⁵⁷

Also worth mentioning are the individuals or professionals who work with children or adults who have once been subjected to hazardous labour. It is extremely important that such individuals take in to account the aforementioned adverse disadvantages of which survivors have endured and how such disadvantages have had an impact on their cognitive capabilities. It is important that their circumstances are addressed with empathy and patience. For example, a child labour escapee being reintegrated in to society and attending school again (or for the first

⁵¹ Mussen, Carmichael’s Manual for Child Psychology (n44) 309

⁵² Mussen, Essentials of Child Development and Personality (n35) 411

⁵³ Mussen, Essentials of Child Development and Personality (n35) 422

⁵⁴ ‘Piaget’s Theory of Cognitive Development’

<<http://www.massey.ac.nz/~wwpapajl/evolution/assign2/DD/theory.html>> accessed on 18 May 2019

⁵⁵ Ibid

⁵⁶ Mussen, Essentials of Child Development and Personality (n35) 487

⁵⁷ Mussen, Handbook of Child Psychology (n44) 478

time), may not have had the same upbringing as his or her peers who had not experienced the trauma of being trafficked. It is because of this that their experiences must be taken seriously and provisions to curricula be made to accommodate their level of cognitive capabilities and educational attainment. In addition to this consideration, so to should attention be given to these children's rehabilitation process in that all individuals and professionals are in line with the treatment so as to ensure the greatest result.

2.3 Other Contingent Psychological Factors Affecting Child Labourers

An equally significant aspect of the effects of hazardous child labour, despite not being inherently linked to Piaget's theory, but that has an equally profound impact on a child's cognitive development is that of post traumatic stress disorder (PTSD). This disorder occurs to:

Child workers in some physically hazardous situations may be powerfully affected by the risk of fatal or serious accident, and by witnessing or suffering such accidents. For others, the risk of trauma comes from the disruption to the social networks of family and community, that undermine attachment relationships on which emotional security and personal identity are constructed.⁵⁸

There also exists the possibility of child labourers being subjected to trauma by way of experiencing extreme physical, emotional or sexual abuse. With regard to the children working in the fisheries having witnessed or suffered from serious accidents, the most common fatal accident reported for male children was "drowning as a result of diving to disentangle nets".⁵⁹ For girls, the most common accidents reporting while working in the fisheries were "serious burns, inhalation of smoke, and cuts endured while cleaning fish".⁶⁰

⁵⁸ Martin Woodhead (ed) *Psychosocial impacts of child work: a framework for research, monitoring and intervention* (Understanding Child's Work Working Paper, 2004) para 131

⁵⁹ IJM (n2) 14

⁶⁰ IJM (n2) 14

2.4 Limiting Factors to the use of Psychological Impacts

One limitation surrounding the entirety of psychological impacts on children who engage in child labour is that “Conclusions ... are based for the most part on relatively short-term studies”.⁶¹ Therefore, data pertaining to the long-term impact of child labour on a child’s development into adulthood is largely unfounded given the lack of research in the area. It may be hypothesized; however, that given the above mentioned detriments, the child’s ability to effectively complete the stages of their cognitive development is highly compromised. In turn, this affects the child’s ability to achieve full growth and capacity of cognitive abilities in all of its respective forms for any given stage. On another note, although children may surpass one stage to move on to the next, it is highly probable that their inability to have fully gained all the aspects of the previous stage will either delay or impair their cognitive capabilities, making it harder for them to learn newer abilities moving forward. Therefore, they are only able to barely pass through to the next stage.

While child labour has no impertinent benefits, some authors and scholars have provided contrasting views to this thesis’ argument, arguing that there may potentially be positive outcomes on children as a result of their involvement in labour. Author Jeylan Mortimer argues that children are able to obtain a great sense of independence while being involved in child labour.⁶² Other stakeholders have affirmed this point but have added that children’s involvement in labour also provides them with valuable models to teach them work skills and an ability to develop discipline, self-confidence and responsibility.⁶³ While it is important to acknowledge and consider other individuals propositions for a complete consensus, these considerations in no way compensate for a child’s lack of educational attainment, the horrendous trauma they endure and their inability to enjoy an undisrupted childhood.

Another limitation which may be relevant in some aspects is that although Piaget’s theory on Cognitive Development is highly reputable and used by many professionals as a means for analysis, it is still a Westernized approach to child development. Therefore, academics have

⁶¹ Woodhead (n53) para 44

⁶² Jeylan T. Mortimer (ed) *Working and Growing up in America* (Harvard University Press, 2005) 201

⁶³ Anaclaudia G. Fassa, Luiz Augusto Facchini, Marinel M. Dall’Agnol, David C. Christiani (eds) *Child Labor and Health: Problems and Perspectives*, vol 6, no 1 (International Journal of Occupational and Environmental Health, 2000) 55

proposed that more cross-cultural studies be conducted on the topic in order to provide a more conducive and comprehensive synopsis regarding the different stages of cognitive development of children all over the world. Piaget's methodology has been considered in and of itself to be "flexible enough to be easily adaptable for cross-cultural use".⁶⁴

2.5 Conclusion

In conclusion, it can be asserted that children who engage in child work during what is known as the pre-operational stage of cognitive development, do not obtain the same convenience in being able to begin an understanding of the world and develop a sense of self as would their otherwise non-working peers due to their inability to engage in active play. Furthermore, the absence of growth in verbal abilities which help to advance the child's memory and thinking skills as well as problem-solving and reasoning is also apparent in child labourers. It not without coincidence that children who either escape child labour or who are rescued are extremely lacking in all of the above mentioned skills.

In considering Piaget's third stage of cognitive development, the concrete operational stage, it is evident that children are progressively learning how to think in a more rational way. This is an important attribute to their development on the grounds that that they are able to acknowledge the consequences or punishments of certain behaviours and avoid such actions as a result. Children are also able to recognize that each individual has their own unique perspectives; however, may not be able to distinguish how or what other individuals experience. This results in children perhaps not being able to understand why it is their master acts in certain ways (based on their unique experiences) or articulate the kinds of emotions they are feeling and the reasons surrounding why.

Finally, during the final stage of this theory, the formal operational stage, the child-turned-adolescent begins a crucial shift in thinking. They are able to "think abstractly and generate and consider many possible solutions to a problem".⁶⁵ It is within this last stage that

⁶⁴ Pierre R. Dasen (ed) *Concrete Operational Development in Three Cultures*, vol 6, no 2 (Journal of Cross Cultural Psychology, 1975) 15

⁶⁵ Mussen, *Handbook of Child Psychology* (n29)

children are able to fully recognize the different kinds of solutions to their problems and be able to hypothesize the outcomes of each possible solution. For instance, one problem a child labourer may conceive in their circumstances is that they no longer want to be a labourer – they want to escape. Because of the aforementioned information, they are now developed enough to brainstorm different ways in which they may be able to escape as well as the possible repercussions of each idea.

On the demise of certain limitations regarding the study of hazardous labour impact on a child's psyche, it is evident that there is a lack of studies which analyze the long-term effects of such a phenomenon. Furthermore, due to the lack of studies regarding this impact on the child's psyche, it also unknown how such characteristics will have an impact on their cognitive abilities preceding in to adulthood and thereafter. In considering Piaget's theory on Cognitive Development, there is a probably limitation which is perceived by some scholars given that his theory is solely based on a Westernized concept of childhood development. Needless to say, though, that Piaget did emphasize that the ages of attainment provided for each stage were merely approximations.⁶⁶

As a whole, it is clear that Piaget's stages of child cognitive development help to further explain the negative implications that hazardous child labour has on a child's development. By way of analyzing specific sets of skills to be attained in each stage, we can see how children who are performing hazardous work are at a disadvantage in successfully achieving such skills to the best of their ability. These skills are extremely important as they help to execute life's most basic functions which are learned from infancy to adulthood.

⁶⁶ Mussen, Handbook of Child Psychology (n44) 497

PART 111:

GHANA'S LEGAL OBLIGATIONS TO PROTECT CHILDREN

3.1 Introduction

The findings in the previous chapter revealed just how impertinent it is that children attain their highest level of cognitive development so that they are able to progress in to fully functioning adults. Still, though, we see that there the perplexity of calamities that come along with working on the lake continue to persist. The question of whether or not the government of Ghana is doing anything in order to prevent such atrocities will be discussed in this section.

There is still an alarming rate of children being trafficked for the purpose of labour in Ghana's Lake Volta fisheries. A 2013 operational assessment conducted by the ILO found that boys in particular constituted for approximately 99.3% of all trafficked children in Southern Ghana.⁶⁷ This was further supported by stakeholders who advised that "boys' work and exploitation occurred overwhelmingly on the water, whereas girls' work and exploitation occurred on the shore, in homes, at markets and in processing".⁶⁸ The operational assessment also concluded that of all of the children being trafficked, nearly a quarter were aged six years or younger.⁶⁹ As part of a rescue mission conducted by the IJM and Ghanaian law enforcement, a child as young as four years old who was working on the lake was rescued and brought to a place of safety.⁷⁰ Undisputedly, Ghana has been working towards eradicating this problem over the last few decades by way of acknowledging there is a problem and taking appropriate measures to address the problems. However, despite signing, ratifying and creating legal instruments to

⁶⁷ IJM (n2) 84

⁶⁸ IJM (n2) 84

⁶⁹ IJM (n2) 64

⁷⁰ International Justice Mission, 'Fact Sheets: Ghana' (IJM, 2019)

<https://www.ijm.org/documents/2019_IJM_FactSheets_Africa_Ghana-UPDATED.pdf> accessed on 12 July 2019

protect children, there is still violations of children's rights which are not being addressed due diligently.

To be outlined within this chapter is the most relevant international and regional legal instruments in which Ghana is a Member State to as well as their domestic legal instruments and several national strategies. The reason why I have chosen specific legal instruments to discuss is because they are the most relevant legal doctrines which may be applied to the situation of the children in Lake Volta's fisheries. Further emphasis will be placed on the level of Ghana's commitment to children's rights by way of analyzing their submitted reports to the UN Committee on the Rights of the Child as well as national data. Also to be discussed is whether or not the implemented plans and accelerations of Ghana's remedies are being likened to as being successful by the global community. The important roles that Ghanaians have also taken on will be discussed as well as what more needs to continue to happen, in order for Ghana to be able to reach their goals. For transparency, I have also created a table and attached it at Appendix 1, with each piece of relevant legislation involving Ghana which pertains to the trafficking and exploitation of children. This may be referred to for more in depth understanding of the instruments which will be discussed hereinto.

Ghana was the first country to sign and ratify the CRC in 1993.⁷¹ This ratification created a significant revelation to Ghana's commitment in ensuring children's rights within its borders. It also began a revelation for all Ghanaians by creating more awareness and education surrounding the importance of children's rights. Advocating for children's rights also became realized as not only a governmental responsibility but also a collective one. Ghanaians have reacted by generating a significant increase in the amount of Non-Governmental Organizations (NGOs), fundraising, launching social programmes, campaigning and conducting research. The Ghanaian government has also responded by creating their first ever national treaties, legislations and conventions pertaining to the rights of children. Despite the immense progress that has been made; however, Ghana still has a lot of work to do before being recognized by the global community as having achieved an unattested means of protection, safety and solidarity for their children.

⁷¹ Kwame Amedee (n4) 57

3.2 International legal instruments

United Nations

Convention on the Rights of the Child (CRC)

As previously stated at the beginning of this chapter, Ghana was the first country in the world to sign and ratify this convention. It has been suggested that Ghana was so quick to ratify this convention as she “had in place structures to facilitate and accelerate planned programmes and activities aimed at promoting child survival and development”.⁷² Such an initiative has also been said to “have influenced African countries to rally behind it in the ratification of the Convention, triggering a bandwagon effect for the rest of the continent”.⁷³ As per the UNs requirements of Member States who sign and ratify the Convention, Ghana has a duty to not only uphold the expectations laid out in the CRC but to also establish domestic laws which coincided with and complimented the CRCs mandate. Ghana has achieved this expectation and created several domestic legal instruments for the purpose of protecting the safety and future of children.

As an acting State Member of the Convention, Ghana must also submit progress reports to the Committee on the Rights of the Child periodically as is required under Article 44(1)(b) of the Convention. Upon report submission, the Committee then provides concluding observations of the report and recommendations on how to address the problems which still persist. Although Ghana has submitted their reports to the Committee for each period required, they have failed to meet the due dates for each report. As noted by the Committee in 2014:

after ratifying in 1990, the initial report of Ghana, which was to be submitted in 1992, was delayed and submitted in 1995. Again, the second periodic report which was due in 1997 was submitted in March 2005, when the third report was already due. This culminated in the submission of a consolidated report to the United Nations Committee on the Rights of the Child in 2005 to cover the second and third reporting periods.⁷⁴

⁷² UN Committee on the Rights of the Child (CRC), *UN Committee on the Rights of the Child: State Party Report: Ghana*, 19 December 1995, CRC/C/3/Add.39, para 1 <<https://www.refworld.org/docid/3ae6af82c.html>> accessed on 16 June 2019

⁷³ Amana Talala Mbise (ed) *The diffusion of the United Nations Convention on the Rights of the Child (UNCRC) more than the African Charter on the Rights and Welfare of the Child (ACRWC) in Africa: The influence of coercion and emulation* (SAGE Publications, 2016)

⁷⁴ UN Committee on the Rights of the Child, ‘Consideration of Reports Submitted by States parties under Article 44 of the Convention, Consolidated third to fifth periodic reports of States parties due in 2011: Ghana’

Ghana has attributed these late submissions to the slow collection of adequate and reliable data which is then used in the reports.⁷⁵ A job which has shifted from the Ghana National Commission on Children (GNCC) to the MoGCSP.

By way of demonstrating how much Ghana's situation on child labour has progressed since ratifying the CRC in 1990, achievements enlisted within Ghana's first report submitted in 1995 and key aspects of the Committee's concluding observations for that report will be briefed. Following this, the primary accomplishments in which Ghana has achieved since that 1995 report will be enlisted hereinto so as to provide a comprehensive look at how much has been done in a span of just over two decades. Within Ghana's state party report in 1995, emphasis was given to publicizing the CRC in several ways. Namely, by way of utilizing national holidays (i.e. Independence Day) to highlight children's rights, publishing the CRC in two national newspapers and overseeing activities which included "seminars for government officials and child-related agencies, community forums which also centred on the call to eradicate certain customs and practices which hamper proper child development".⁷⁶ Ghana recognized that although legislation had been created to protect children, lack of enforcement was accredited to the notion that "Culturally it is felt more appropriate for abuse and neglect to be dealt with at a family and community level".⁷⁷ The GNCC further added in the report, in discussing shortcomings, that

The Department of Social Welfare and the Police which have to deal with most of the problems of children are beset with all sorts of problems ranging from inadequate budgetary allocation and inadequate staffing which makes it impossible to extend social services to every part of the country".⁷⁸

Moreover, the issue surrounding conflicts of interest was also noted to be prevalent within Ghana's police force. As transcribed within the same State Report in 1995, law enforcement was deemed to be "hindered because of the extended family system. Guardians of working children are often relatives and there is a reluctance to prosecute them".⁷⁹

(CRC/C/GHA/3-5, 6 August 2014)

<https://www.refworld.org/publisher,CRC,STATEPARTIESREP,GHA,555dcbb44,0.html> accessed on 09 June 2019

⁷⁵ Ibid para 4

⁷⁶ State Party Report (n67) para 15

⁷⁷ State Party Report 1995 (n67) para 11

⁷⁸ State Party Report 1995 (n67) para 12

⁷⁹ State Party Report 1995 (n67) para 32

In turn, the Committee responded by encouraging Ghana to ratify “other major international human rights treaties” as outlined in their 1997 concluding observations.⁸⁰ In particular, the Committee requested that Ghana ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the ILO Convention No. 138 and The Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993.⁸¹ Further recommendations to “adopt explicit legislation and measures to protect children from exploitation through child labour in the informal sector” was also included. Fast forward to today, and we can see that Ghana has proceeded to ratify the first two of the three major international human rights treaties listed above suggested by the Committee. Additionally, Ghana has successfully created national legislation (i.e. The Children’s Act 1998) which serves to better protect children, including the condemnation of exploitation through child labour, inter alia. Although not yet ratified by Ghana, the country’s Ministry of Employment and Labour Relations (MELR) initiated “the process to ratify the ILOs Protocol of 2014 to the Forced Labour Convention”.⁸²

The UN Committee noted in their 2015 concluding observations that there was a gap between law and practice.⁸³ Assumably, this remark is attributed to the fact that there is still a lack of implementation of international, regional and national legal instruments in Ghana. Such instruments exist, but law enforcement officials are not using them as much as they should be. This has been a notable weakness in Ghana’s implementation of not only the CRC but other legal instruments as well; for example, all of the adopted national legal instruments whereby children’s rights are explicitly outlined yet still we see an injustice of such rights.⁸⁴

Convention No.182, a.k.a. the Worst Forms of Child Labour Convention (WFCLC)

⁸⁰ UN Committee on the Rights of the Child, ‘Concluding Observations: Ghana’ (CRC/C/15/Add.73, 18 June 1997) para 29 <<https://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=publisher&docid=3ae6af5b48&skip=0&publisher=CRC&coi=GHA&querysi=issues&searchin=fulltext&sort=date>> accessed on 12 July 2019

⁸¹ Ibid para 29-45

⁸² Bureau of International Labor Affairs, ‘Child Labor and Forced Labor Reports: Ghana’ (US Department of Labor, 2017) <<https://www.dol.gov/agencies/ilab/resources/reports/child-labor/ghana>> accessed on 12 July 2019

⁸³ UN Committee on the Rights of the Child, ‘Concluding observations on the combined third to fifth periodic reports of Ghana’ (CRC/C/GHA/CO/3-5, 9 June 2015), para 8 <<https://www.refworld.org/docid/566fc3944.html>> accessed 17 June 2019

⁸⁴ Patrick McCrystal and Esmeranda Manful (eds) *Ghana’s Children’s Act 560: A Rethink of Its Implementation?* (The International Journal of Children’s Rights, 2011) 151-165

The ILO has defined the worst forms of child labour as children who have been forced in to labour by way of slavery, of which includes their sale or having been trafficked. Subsequently, when such work “is likely to harm the health, safety or morals of children”, it is, according to Article 3 of ILO Recommendation No. 190, considered to be hazardous work.⁸⁵ The type of labour, then, being completed on Lake Volta is constituent of being hazardous. As children’s psychological health has already been discussed in detail previously, a brief overview of children’s physical health will be given.

Children are expected to work long hours on the Lake. As remarked in the International Programme on the Elimination of Child Labour’s (IPEC) Writing Paper, “Long hours and days of uninterrupted work have a negative effect on the child, narrowing his horizons and often crippling him emotionally”.⁸⁶ Due to having such long working hours, the children may be denied sleep until their work is completed, resulting in these children becoming sleep deprived.⁸⁷ Studies have shown that sleep deprivation in children weakens the immune system and interferes with a child’s normal growth and development.⁸⁸ According to some respondents in the nearby fishing communities, “nutrition can vary by master or based on the performance of the child”.⁸⁹ However, there is an overall consensus that the children are tellingly malnourished. Children interviewees of Lake Volta reported that they were fed, at most, twice a day.⁹⁰ Often times the children are sleeping on the ground. Children are also expected to carry heavy loads of nets filled with fish, sometimes exceeding 25 kilograms.⁹¹ Working on the Lake also compromises children’s safety as they are routinely forced to dive in to the water to untangle fishing nets. The nets which are used to catch fish are small, mesh gill nets. This has reported to be fatal at times, due to the child not knowing how to swim or they, themselves ended up tangled in the net. In having to dive in to the water, the children are also compromised with a great

⁸⁵ International Labour Organization, ‘ILO Conventions and Recommendations on Child Labour’ <<https://www.ilo.org/ipec/facts/WorstFormsofChildLabour/lang--en/index.htm>> accessed on 10 June 2019

⁸⁶ IPEC Analytical Study (n12)

⁸⁷ IJM (n2) 47

⁸⁸ Lois Gerber (ed) *Sleep Deprivation in Children: A Growing Health Concern* (Lippincott Williams & Wilkins, 2014) https://www.nursingcenter.com/pdfjournal?AID=2525942&an=00006247-201408000-00005&Journal_ID=54013&Issue_ID=2525901 accessed on 12 June 2019

⁸⁹ IJM (n2) 51

⁹⁰ Lilian Agbenya (ed) *Child Labour Trafficking in the Lake Volta Fishery of Ghana: A Case Study of Ogetse in the Krachi West District of the Volta Region* (University of Tromsø, 2009) 60 <https://munin.uit.no/bitstream/handle/10037/1866/thesis.pdf;jsessionid=65C52A734BE3BD052DC6B1AA500A3F6E?sequence=2> accessed on 12 June 2019

⁹¹ IJM (n2) 7

chance of acquiring Robles disease and/or snail fever.⁹² Even after acquiring such diseases or other forms of ailments (i.e. injury, malaria, chest infections), the children a denied medical care.

3.3 Regional legal instruments

African Charter on the Rights and Welfare of the Child

The CRC and the ACRWC ultimately have the same goal in mind: to ensure the welfare, protection and safety of children. However, the ACRWC was drafted because African states felt a need to create their own Charter so as to better represent the experience of the African child. Given that only four African countries were actively involved in the CRCs drafting process, the creation of the ACRWC was more than logical. Ghana signed this Charter in 1997 and later ratified it in 2005.⁹³ According to the Save the Children organization, though, that “despite growing levels of awareness, the ACRWC is generally not well known among children, civil society, the media or governments”.⁹⁴ After researching Ghana’s use of the ACRWC following its adoption, the statement by Save the Children proves to be true. This is provided on the basis that Ghana is more committed to emphasizing and creating awareness surrounding the CRC as opposed to the ACRWC. In Ghana’s state report to the African Charter on Human and Peoples’ Rights (ACHPR) which covered the period from 1993 to 2000, Ghana reported that they had created, in 1995, the *Ghana NGO Coalition on the Rights of the Child*.⁹⁵ Ghana continued to relay that the coalitions main objective was to monitor the implementation of the CRC. However, given that the ACRWC was adopted in 1990 and Ghana still had not prioritized the Charter by either signing nor ratifying it at that time, let alone five years later when the coalition was formed, further shows how much Ghana has put the CRC on their national pedestal of preference.

⁹² Kwame Ame (n4) 287

⁹³ African Commission on Human and Peoples’ Rights, ‘Ratification Table: African Charter on the Rights and Welfare of the Child (ACHPR, 2019) <<http://www.achpr.org/instruments/child/ratification/>> accessed on 10 July 2019

⁹⁴ Save the Children, ‘Advancing Children’s Rights: A Guide for Civil Society Organisations on how to engage with the African Committee of Experts on the Rights and Welfare of the Child’ (2nd edn, Save the Children, 2010) 14 <<https://resourcecentre.savethechildren.net/sites/default/files/documents/4520.pdf> > accessed on 10 July 2019

⁹⁵ African Commission on Human and Peoples’ Rights, ‘REPORT ON GHANA’S COMPLIANCE WITH ITS REPORTING OBLIGATIONS PURSUANT TO ARTICLE 62 OF THE AFRICAN CHARTER OF HUMAN AND PEOPLES’ RIGHTS’ (ACHPR, 2001) <http://www.achpr.org/files/sessions/29th/state-reports/2nd-1993-2000/achpr29_staterep_ghana_2001_eng.pdf> accessed on 10 July 2019

The ACWRC also has mechanisms which allow for its implementation to be garnered effectively. For example, pursuant to Article 44 of the ACRWC, any State, NGO or individual is eligible to submit communications of children's rights violation on any State who has ratified the convention without any reservations to Article 44 to the African Committee of Experts on the Rights and Welfare of the Child (ACERWC). As of 2011, the ACERWC had only received a total of two communications (neither of which were pertaining to Ghana), out of which only one had been granted a decision.⁹⁶ Ghana has been progressive in the sense that they are subject to communications within the ACRWC; however, the fact that by 2011 there had only been two communications brought forth to the ACERWC, reaffirms the point made above by Save the Children. See 84.

3.4 Domestic legal instruments

In 1979, Ghana established the GNCC.⁹⁷ The GNCC "became the first organisation in Ghana established to protect the welfare and development of children, coordinate agencies that provide services for children ... and advise the government on child legislation".⁹⁸ This commission was also responsible for collecting data and submitting the required periodic reports to the UN Committee on the Rights of the Child. With the introduction of new, comprehensive law reforms in 1995, additional compatibility between Ghana's national laws and the CRC was established.⁹⁹ Of these included educational reforms which allowed for more children to be admitted through its curricular reforms, resulting in more children being able to attend school.¹⁰⁰ Also worth noting is that of all the international human rights treaties in which Ghana is a State Party to, the legal principles enlisted thereunto have been applied to more than forty of Ghana's own national laws.¹⁰¹ In 2001, the Ghanaian government created the Ministry for Women and

⁹⁶ A Conscientious Objector's Guide to the International Human Rights System, 'African Committee of Experts on the Rights and Welfare of the Child: Communication Procedure' <<http://co-guide.org/mechanism/african-committee-experts-rights-and-welfare-child-communication-procedure>> accessed on 12 July 2019

⁹⁷ State Party Report 1995 (n67) para 22

⁹⁸ Kwabena Frimpong-Manso (ed) *Child Welfare in Ghana: The Past, Present and Future*, vol 4, no 6 (Journal of Educational and Social Research, MCSER Publishing, 2014)

⁹⁹ Afua Twum Danso, 'Chapter 9: Assessing the Progress of the 1998 Children's Act of Ghana: Achievements, Opportunities, and Challenges of the First Ten Years', in Robert Kwame Ame, DeBrenna LaFa Abenyiga and Nana Araba Apt (eds), *Children's Rights in Ghana: Reality or Rhetoric?* (Lexington Books, 2011) 152

¹⁰⁰ State Party Report (n66) para 3(b)

¹⁰¹ Understanding Children's Work, 'Child Labor and the youth decent work deficit in Ghana' (ILO, UNICEF, World Bank, 2016) <http://www.ucw-project.org/attachment/13052016890Ghan_child_labour_youth_employment_report.pdf> accessed on 12 July 2019

Children's Affairs (MOWAC) which was also granted Cabinet status¹⁰². Twelve years later, the government would also introduce the Ministry of Gender, Children and Social Protection (MoGCSP) as a successor to the MOWAC.¹⁰³ Within the mandate of the MoGCSP is to ensure "gender equality and equity, promote the survival, social protection and development of children ... and integrate fulfillment of their rights, empowerment and full participation into National development".¹⁰⁴

1992 Constitution (with amendments through to 1996)

The enactment of the 1992 Constitution was a national feat for Ghana as although there were previous Constitutions, they either severely restricted or banned fundamental rights altogether.¹⁰⁵ Between the time of the first Constitution in 1957 to the 1992 Constitution, Ghana would see several military coups and takeovers which, in turn, resulted in many liberation and independence movements.¹⁰⁶ Ghana would also see a prolonged period of underdevelopment by way of economic stagnation.¹⁰⁷ The 1992 Constitution restored the country to a democratic rule of governance and inter alia, provided that fundamental human rights be guaranteed.¹⁰⁸ The Constitution identifies a child as any person below the age of eighteen.¹⁰⁹ The Constitution was the first domestic legal instrument which laid out Ghana's opposition to children working in dangerous environments impeding on their ability to attain an education and achieve their highest level of development. It blatantly opposes the occurrence of children's exposure to harmful and unjust treatment.¹¹⁰ In an attempt to improve the situation of children, the 1992 Constitution mandated Ghana's Parliament to create a national plan of action which would

¹⁰²UN Committee on the Rights of the Child (CRC) *Second Periodic Reports of States Parties Due in 1997: Ghana*, 14 July 2005, CRC/C/65/Add.34

<<https://www.refworld.org/publisher.CRC.STATEPARTIESREP.GHA.43f3054a0.0.html>> accessed on 11 July 2019

¹⁰³ Ministry of Gender, Children and Social Protection, 'Background' (MoGCSP)

<<http://mogcsp.gov.gh/index.php/about/>> accessed on 12 July 2019

¹⁰⁴ Ibid

¹⁰⁵ 'Constitutional History of Ghana' (International IDEA, 2016) <http://constitutionnet.org/country/constitutional-history-ghana> accessed 16 June 2019

¹⁰⁶ Ibid

¹⁰⁷ 'Ghana profile – Timeline' *BBC News* (1 May 2018) <https://www.bbc.com/news/world-africa-13434226> accessed on 16 June 2019

¹⁰⁸ Ibid (n81)

¹⁰⁹ Ghana's Constitution of 1992 with Amendments through 1996 (entered into force 28 April 1992) https://www.constituteproject.org/constitution/Ghana_1996.pdf?lang=en accessed on 13 June 2019

¹¹⁰ Ibid

reflect on the provisions outlined in the CRC.¹¹¹ As a result, *The Child Cannot Wait* campaign was developed and in use from 1993 to 1997.¹¹²

Moreover, the children who are working in the fisheries on Lake Volta are being abused in all of its forms. They do not receive adequate standards of shelter, food or clothing. Rarely do they attend school and if they do, it is not on a consistent basis due to having to work. They are deprived of forming social relationships with their peers or family members. They are subjected to hazardous forms of labour which impact their physical health and often times are not tended to by medical professionals (in receiving any medical treatment) for the injuries they have sustained. All such occurrences are supposedly prohibited by way of this Constitution; however, in the case studies completed by the International Programme on the Elimination of Child Labour (IPEC) and the International Justice Mission (IJM), to be discussed in more detail in the following chapter, these occurrences are occurring on a day-to-day basis.

The Children's Act 1998 (Act 560)

Following the ratification of the CRC, Ghana was obliged to create domestic legislation which would also be fully compatible with the CRCs expectations. Of this, The Children's Act 1998 was created. The Children's Act became Ghana's first national legal doctrine to outline the inherent rights of their national minorities, children. Several of the articles found within this doctrine coincide respectfully with the CRCs mandate.

As per the Children's Act 1998, the minimum working age in Ghana is fifteen years old.¹¹³ Children aged thirteen to fifteen may also be employed but only in such environments which require light work. The legal age to be involved in hazardous work is eighteen.¹¹⁴ The problem is that there is an extortionate amount of children under the age of eighteen who are engaging in hazardous work. Not only is the work being performed deemed hazardous, but also what is taken away from the children (i.e. education) and the conditions in which they are expected to perform in.

¹¹¹ Frimpong-Manso (n78) 414

¹¹² Frimpong-Manso (n78) 414

¹¹³ 'The Children's Act, 1998' 27

<<http://www.unesco.org/education/edurights/media/docs/f7a7a002205e07fbf119bc00c8bd3208a438b37f.pdf>>
accessed on 27 June 2019

¹¹⁴ Ibid

Human Trafficking Act 2005 (Act 694)

This Act was designed to outline the different kinds of trafficking which are prevalent in Ghana and to apply measures of prosecution for traffickers, inter alia. It is the first national legal instrument dedicated to the retribution of traffickers. Although an important advancement, there is still very little mention of children within the entire legislation. Another discrepancy I found was that even when perpetrators are prosecuted for trafficking we again see a lack of accountability by the governments restrictions on publishing the traffickers name(s) until after court proceedings have finished. This is outlined in Article 38 of the Act: “A person shall not publish a report of human trafficking proceedings under this Act which may reveal the identity of the trafficked person except with the leave of the court”.¹¹⁵ Why, though, should the government be so concerned with protecting the trafficker’s names and identity when such traffickers stripped their child slaves from theirs? Perhaps if public reports of traffickers names were published before and during the court proceedings, more fishermen would refrain from trafficking for fear that they would become publicly scrutinized for their actions.

3.5 Critical Assessment

Despite Ghana’s acceleration in creating The Children’s Act, one criticism is that the practice of child trafficking is not exclusively mentioned anywhere within legal instrument. Although trafficking is explicitly mentioned within the Human Trafficking Act, importance should also be given to the phenomenon exclusively within a child-only legal doctrine. This would be an important legislation to establish as the problem of child trafficking is clearly prevalent within Ghana and widespread across the entire country. The impact that a child-only legal doctrine may have is additional attention and awareness being brought to the issue. Such jurisprudence would provide law enforcement officials with concrete definitive examples of child trafficking, specific monitoring and reporting mechanisms to ensure declination of the problem, measures of reinforcement and appropriate terms of prosecution to perpetrators. Moreover, although the current Human Trafficking Act may be seen as ideal for adults, children are much more vulnerable and may require other forms of accommodation. Such accommodation

¹¹⁵ Human Trafficking Act, 2005 (Act 694) (entered into force 5 December 2005)
<<http://ecowasmigration.ug.edu.gh/wp-content/uploads/2015/04/Ghana-Human-Trafficking-Act-2005-Act-694.pdf>>
accessed on 11 July 2019

might include changes to the trial processes. For example, should the child's trafficker be prosecuted, there should be a choice with regards to the child not having to provide testimony directly in the presence of their trafficker given the likelihood of re-traumatizing the child.

Imperative remedies must also be considered in order to further enhance Ghana's plight to end child trafficking and child labour. Continuous government lobbying by Ghanians must be exercised so as to maintain consistent pressure on the government to meet the fulfilments laid out in all international, regional and domestic legal instruments regarding children. Additionally, such instruments must not be regarded as mere guidelines as to how a country ought to govern and practice its laws pertaining to children, but rather as a mandatory liability. It is also pertinent that international stakeholders be compelled and committed to standing by their obligations of the CRC. Meaning that, Member States are "not only to respect human rights abroad, but to prevent third parties from violating human rights in other countries, if they are able to influence these third parties".¹¹⁶ As although Ghana has proven to be committed to addressing their problems, there is still the issue that they are an emerging economy and lacking the funds to make immanent differences immediately and therefore more help from more prosperous, economic Member States would be advantageous.

Birth registration in Ghana has also posed a great deal of problems. This is because children who have not been registered at birth are undocumented and do not know their own age. As a result, it is difficult to regulate whether or not these children's involvement in the workforce is illegal. Albeit, though, there is still no exception to their involvement in the hazardous work being conducted. The United Nations High Commissioner for Refugees (UNHCR) has recognized the lack of birth registrations and has recommended in their 2006 Universal Periodic Review (UPR) that Ghana "implement an efficient birth registration system, which covers its territory fully" in order to resolve this issue.¹¹⁷ In 2014, the Committee on the Rights of the Child also recognized this continued problem within their concluding observations. The Committee acknowledged challenges faced by Ghana in correcting the problem, such as, "poor staffing,

¹¹⁶ Antal Berkes (ed) *A New Extraterritorial Jurisdictional Link Recognised by the IACtHR* (EJIL: Talk!, 2018) https://www.ejiltalk.org/a-new-extraterritorial-jurisdictional-link-recognised-by-the-iacthr/?fbclid=IwAR1wUcHwU_Y-Xwdl-sYpyTaUCrEjRs6u8NDSnLf8JusTopiiSZNGNFd4peg accessed on 10 June 2019

¹¹⁷ UN High Commissioner for Refugees, 'Excerpts of Concluding Observations and Recommendations from UN Treaty Bodies and Special Procedures' Reports – Universal Period Review: Ghana' (CAT/C/GHA/CO/1, 15 June 2011) < <https://www.refworld.org/docid/4f7860c62.html> > accessed on 10 June 2019

inadequate funding and lack of logistics”¹¹⁸. The State then recommended, inter alia, that Ghana strengthen “its efforts in terms of financial allocations and improved institutional capacities, [take] appropriate measures to register those who have not been registered ... and [increase] the appreciation of the importance of birth registration and providing information on the procedure of birth registration ... through television, radio and printed materials.”¹¹⁹ No recent data has shown whether or not this issue is being reversed but it is clear that the recommendations provided by the UNHCR must be acted upon so as to prevent future children from being subject to such a contingency.

3.6 National Strategies

A number of programmes and projects have been implemented by Ghana’s government to improve the financial situation of extremely impoverished families so that children are able to remain in the familial home and attend school. One such programme, the LEAP Programme, is overseen by the MoGCSP. The LEAP programme was established in 2008 by Ghana’s National Social Protection Strategy with funding provided primarily by the Ghanaian government but with additional funding supplied by the WB and Department for International Development (DFID). Through LEAP, grants are provided to families who are experiencing extreme poverty. Given that one of the reasons why children are sold by family members is a lack of food, these grants serve to ensure that families are afforded with being able to meet their basic needs. In 2017, a reported 213, 320 households were collecting the LEAP grants.¹²⁰ Seeing as the programme is still relatively new; however, there exist no statistical data which can account for the long-term effects or progress of the programme.

In terms of ensuring children are more apt to attend school, the government of Ghana has also established the Ghana School Feeding Programme (GSFP). This programme was launched in 2005 in alignment with the first and second Millennium Development Goals (MDG) which

¹¹⁸ (n69) 25

¹¹⁹ Ibid

¹²⁰ LEAP Management Secretariat, ‘46th Payment Cycle of LEAP Social Cash Grant to All Beneficiary Households ACROSS THE COUNTRY’ (MoGCSP, 2017) <http://leap.gov.gh/46th-payment-cycle-of-leap-social-cash-grant-to-all-beneficiary-households-across-the-country/> accessed on 12 June 2019

strives to eradicate “extreme poverty and hunger and achieving universal primary education”.¹²¹ The GSFP provides children in kindergartens and primary schools with one hot meal on each school day.¹²² The programme started out as a pilot project only supplying ten schools with hot meals in total. As per the Committee on the Rights of the Child’s concluding observation report in 2006, though, the recommendation to “Extend the school feeding programme to other regions” was provided.¹²³ Soon thereafter, Ghana committed to ensuring this recommendation was made a reality and thus the programme expanded immensely from only servicing ten schools to an astounding 4,000 schools today.¹²⁴ Following such a large expansion across the country, it is reported that approximately 1.6 million children are now provided with hot meals at school which, in turn, has resulted in reduced drop out rates.¹²⁵ Within a centrally located region of Ghana, the Brong Ahafo region, the school drop out rates have reportedly decreased by an incredible 58% - a feat which was accredited to the presence of the GSFP within the schools there.¹²⁶

Some international organizations and NGOs collaborate with law enforcement officials to create rescue teams. These rescue teams have been formed to aide in the return of children to their communities as well as to prosecute traffickers. The most prominent and highly involved international organizations included in this process is the IJM¹²⁷ and the Partners in Community Development Programme (PACODEP).¹²⁸ The rescue teams will visit the remote fishing communities alongside Lake Volta to ensure the master’s compliance in releasing the children to them and prosecuting them should they see fit.¹²⁹ The children are then returned to their family

¹²¹ MoGCSP, ‘Ghana School Feeding Programme: The Journey so Far’ (Government of Ghana) <<http://www.ghana.gov.gh/index.php/media-center/features/3129-ghana-school-feeding-programme-the-journey-so-far>> accessed on 13 July 2019

¹²² Ibid

¹²³ UN Committee on the Rights of the Child (CRC), ‘Concluding Observations, Ghana’ (CRC/C/GHA/CO/2, 17 March 2006) Para 60(d) <<https://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=publisher&docid=45377ed30&skip=0&publisher=CRC&coi=GHA&querysi=issues&searchin=fulltext&sort=date>> accessed on 13 July 2019

¹²⁴ Home Grown School Feeding, ‘Policy and Programme’ (HGSF) <<https://hgsf-global.org/ghana/policy>> accessed on 13 July 2019

¹²⁵ Ibid

¹²⁶ Ibid

¹²⁷ International Justice Mission, ‘Ghana: Combatting Child Slavery’ (IJM) <<https://www.ijm.org/ghana>> accessed on 12 June 2019

¹²⁸ Dominika Kulczyk, ‘Freeing the Child Slaves of Lake Volta’ *CNN* (1 March 2019) <<https://edition.cnn.com/2019/03/01/opinions/lake-volta-child-slaves-dominika-kulczyk/index.html>> accessed on 12 June 2019

¹²⁹ Ibid

or placed in foster or rehabilitation homes. The IJM has reported that since 2015 they have, alongside Ghanaian law enforcement, rescued approximately 164 children from Lake Volta's fishing industry.¹³⁰ In addition to this achievement, they have also restrained 31 suspected child traffickers.¹³¹ Despite the rescue teams outstanding efforts to help abolish child labour on Lake Volta, though, many more children still need to be saved. Together the regional government and PACODEP have formulated one possible solution which would help aide in the process of saving these children; however, it has not yet been implemented. The proposed solution is that the government of Ghana needs to commit funds to register every vessel on the lake so that any "fisherman caught using children could be tracked, fined or arrested".¹³² By doing this, it is anticipated that the adoption of such a system would deter the fishermen from both trafficking and exploiting children in fear of being tracked, caught and prosecuted.

Ghana has also created two separate phases of a National Plan of Action (NPA) for the Elimination of the Worst Forms of Child Labour in Ghana; NPA1 and NPA2, respectively.¹³³ NPA1 (2009-2015) was designed to outline priority actions requiring intervention which were to be addressed urgently as well as to create awareness and preventive strategies against the Worst Forms of Child Labour (WFCL). Of these priority actions included:

enforcement of laws; broad-based sensitisation and mobilisation to promote attitudinal and behavioural change; protection of children and their rights; pursuit of universal basic education and generalisation of post-basic education; withdrawal of children below the age of 15 from child labour and the protection of working children aged 15 and above from exploitation and hazardous work; establishment of standard procedures and protocols for dealing with cases of child abuse and exploitation; development of institutional capacities at all levels of government and within civil society to ensure the effective application of established procedures and protocols; and extension of social protection measures to provide safety nets for the most vulnerable households and children.¹³⁴

¹³⁰ IJM Fact Sheet (n68)

¹³¹ IJM Fact Sheet (n68)

¹³² Kulczyk (n119)

¹³³ Not to be confused with another one of Ghana's former national strategies entitled National Programme of Action, also abbreviated as NPA (n96)

¹³⁴ Ministry of Employment and Social Welfare, 'National Plan of Action (NPA) for the Elimination of the Worst Forms of Child Labour in Ghana (2009-2015)' (Republic of Ghana, 2009) https://cocoainitiative.org/wp-content/uploads/2016/07/ghana_national_plan_of_action_for_the_elimination_of_wfcl_2009-2015.pdf accessed on 12 June 2019

NPA1 proved to be highly successful. It is estimated that more than 11,000 children between ages four and seventeen “were withdrawn from the worse forms of child labour”.¹³⁵ The government of Ghana attributed the success of the plan in relation to the fact that the “technical capacity of duty bearers was strengthened; public awareness was enhanced; social partners were mobilized for action, local communities were empowered and many affected children received support”.¹³⁶ Recognizing that child labour continues to be a problem; however, the government of Ghana’s Cabinet approved for a second NPA to be launched. Phase two of the National Plan of Action served to continue to address the issues which were laid out in NPA1 and to continue to build on the success of NPA1 and enhancing effective monitoring and accountability. In addition to this; however, the plan will also work on obtaining more resources and strengthening children’s educational outcomes. NPA2 was implemented in 2017 and will conclude in 2021.

Communal progress which has made substantial headway in the contribution to saving children from being trafficked or who have been trafficked, is the creation of inclusive Neighbourhood Watch groups in communities. These groups are made up of voluntary members of the community who help authorities prevent crime by way of. With particular attention to trafficking, these community groups keep an eye on children and are able to stop them from being trafficked. They also report child traffickers to the authorities so that legal interventions may be sought. Conversely, the groups also provide a safety net for children who may seek guidance or help. Chiefs and Queen mothers are also play a significant role in promoting the rights and welfare of the children within their communities. The Chiefs and Queen mothers are leaders who are “selected by the elders of the royal family” within a specific rural village.¹³⁷ There is still a great need for legal recognition of international legal instruments of which Ghana is a ratified Member State. For example, Beatrice Akua Duncan makes judgement on the fact

¹³⁵ ‘Ministry Announce the Commencement of National Plan Against Child Labor’ *Ghana News Agency* (3 May 2018) <<https://www.newsghana.com.gh/ministry-announce-the-commencement-of-national-plan-against-child-labour/>> access on 13 June 2019

¹³⁶ International Cocoa Initiative, UNICEF, ILO, ‘*National Plan of Action: Phase 2 (NPA2) For the Elimination of the Worst Forms of Child Labor in Ghana (2017-2021)*’ Republic of Ghana <[https://www.unicef.org/ghana/NPA_\(II\)_EWFCL.pdf](https://www.unicef.org/ghana/NPA_(II)_EWFCL.pdf)> accessed on 13 June 2019

¹³⁷ Kofi Quashigah (ed), ‘Legislative Reform Related to the Convention on the Rights of the Child: the Case of Ghana’ LEGISLATIVE REFORM RELATED TO THE CONVENTION ON THE RIGHTS OF THE CHILD IN DIVERSE LEGAL SYSTEMS NATIONAL CASE STUDIES: ARMENIA, BARBADOS AND GHANA (Unicef, 2008) <https://www.unicef.org/policyanalysis/files/Formatted_-_Legislative_Reform.pdf> accessed on 11 June 2019

that Ghanaian judges are yet to fully utilize and exercise international human rights law.¹³⁸

National legal instruments must also be recognized and used by all authorities and professionals within the country. Children, too, must also learn about their inherent rights and what they can do if they feel that their rights are not being respected or protected.

Despite all of the above mentioned steps taken by Ghana's government to provide additional resources and solutions to children in need; however, the UN Committee on the Rights of the Child noted that "there are still a significant number of families in Ghana without any access to any family support programmes".¹³⁹

3.7 Defining Ongoing Disparities

The way in which child labourers are being treated is appallingly unconstitutional. The government, although having made strong leads in the last few decades, continues to be of disservice to these children by not acting soundly on the legislation created solely to protect children. Immediate and concrete discourse must be enforced so that children may live a life free from fear and danger. All children are entitled to adequate standards of shelter, food and clothing as outlined in Article 11(1) of the ICESCR¹⁴⁰ and Article 8(1) of The Children's Act 1998¹⁴¹ but on Lake Volta, they are often times deprived of each of these. All children are entitled to obtainment of education as per the Article 13(1) of the ICESCR¹⁴², Article 28(1) of the CRC¹⁴³, Article 7(2)(c) of Convention No. 182¹⁴⁴, Article 11(1) of the ACRWC,¹⁴⁵ and Article 6(2) of

¹³⁸ Beatrice Akua Duncan, 'Chapter 3: Controversies in Paternity: Who is a Child's Father Under Ghanaian Law?' in Robert Kwame Ame, DeBrenna LaFa Abenyiga and Nana Araba Apt (eds), *Children's Rights in Ghana: Reality or Rhetoric?* (Lexington Books, 2011) 53

¹³⁹ Consolidated third to fifth periodic reports of States parties due in 2011 (n69) 33

¹⁴⁰ International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 <<https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>> accessed on 12 June 2019

¹⁴¹ The Children's Act 1998 (Act 560) (entered into force 30 December 1998)

<http://www.unesco.org/education/edurights/media/docs/f7a7a002205e07fbf119bc00c8bd3208a438b37f.pdf> accessed on 12 June 2019

¹⁴² ICESCR (n99)

¹⁴³ Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3 <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx> accessed on 13 June 2019

¹⁴⁴ International Labour Organization: C182 – Worst Forms of Child Labour Convention 1999 (adopted in 17 June 1999, entered into force 19 November 2000)

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C182 accessed on 13 June 2019

¹⁴⁵ African Charter on the Rights and Welfare of the Child (adopted in 1990, entered into force 1999)

<https://www.un.org/en/africa/osaa/pdf/au/afr_charter_rights_welfare_child_africa_1990.pdf> accessed on 12 June 2019

The Children's Act 1998¹⁴⁶ but still on Lake Volta, children rarely attend school. If they do attend school, it is not on a consistent basis and therefore are unable to achieve their full potential. All children are entitled to form relationships with their family members in a caring environment as outlined in Article 5 of The Children's Act 1998¹⁴⁷ but on Lake Volta, they are deprived of forming positive peer relations and secluded from their families. All children, who are of legal working age, are entitled to work in environments free from hazards as guaranteed by Article 32(1) of the CRC¹⁴⁸, Article 15(1) of the ACRWC¹⁴⁹ and Article 28(d) of the 1992 Constitution¹⁵⁰ but on Lake Volta, the very nature of the work being done is hazardous and at times, fatal. All children, who are of legal working age, are entitled to work regular working hours with regulation as per Article 32(2)(b) of the CRC¹⁵¹, Article 7(d) of the ICESCR¹⁵², Article 15(2)(b) of the ACRWC¹⁵³ and Article 88(1) of The Children's Act 1998¹⁵⁴ but on Lake Volta they may be expected to work upwards of seventeen hours in one day.¹⁵⁵ All children are entitled to receiving appropriate medical care for sustained injuries as per Article 14(2)(b) of the ACRWC¹⁵⁶ and Article 8(1) of The Children's Act 1998¹⁵⁷ but on Lake Volta, children have little to no access to medical services. This is attributed to the remoteness of the fishing communities in which they live, no access to transportation and a lack of funds. All children are entitled to live free from sexual violence, abuse and forced marriages as seen in Article 27(1) of the ACRWC¹⁵⁸ but on Lake Volta, such occurrences are not uncommon. Lastly, no child should ever be forced in to doing labour they are not comfortable with doing (i.e. diving in to deep waters for the boys who cannot swim) as per Article 8(3)(a) of the ICCPR¹⁵⁹ but on Lake Volta, children are outright dying from drowning due to being forced by their masters to dive in to the

¹⁴⁶ The Children's Act (n100)

¹⁴⁷ The Children's Act (n100)

¹⁴⁸ CRC (n102)

¹⁴⁹ ACRWC (n104)

¹⁵⁰ 1992 Constitution (n86)

¹⁵¹ CRC (n102)

¹⁵² ICESCR (n99)

¹⁵³ ACRWC (n104)

¹⁵⁴ The Children's Act (n100)

¹⁵⁵ Charlotte Preston, 'Child Labor in Ghana and the Harsh Realities on Lake Volta' *BORGEN Magazine* (2 May 2019) <<https://www.borgenmagazine.com/child-labor-in-ghana/>> accessed on 12 June 2019

¹⁵⁶ ACRWC (n104)

¹⁵⁷ The Children's Act (n100)

¹⁵⁸ ACRWC (n104)

¹⁵⁹ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> accessed 13 June 2019

water during fishing expenditures. Please refer to Appendix 1 for full description of each of the articles listed.

3.8 Conclusion

In summary, Ghana's signing and ratification of the CRC set an incredible precedent for the nations commitment to children's rights. Since then, Ghana has maintained her obligation to the CRC by creating their first ever domestic legal instruments pertaining to children's rights. Ghana's ability to receive and act upon feedback provided by the UN Committee on the Rights of the Child has been, for the most part, followed through and positive. Ghana's inability to meet important deadlines for periodic reports to both the UN Committee on the Rights of the Child and the African Commission on Human and Peoples' Rights; however, does pose as a concern. Stricter measures must be placed on the MoGCSP in order to ensure that data collection is completed on time for the due dates of the reports so that the recommendations from the Committee and the Commission may be addressed immediately.

Preceding their last submitted report to the Committee in 2012, the government of Ghana has noted great advancement in "the general conditions of children in Ghana" which have been improved "through legislation, policy formulation, legislation, programme/project implementation, research, monitoring and evaluation with respect to quality care".¹⁶⁰ This is certainly backed up by the fact that several government initiatives have been forged (i.e. the LEAP Programme, NPA, GSFP) as well as the establishment and ratification of several international, regional and domestic legal instruments since the CRC. Although Ghana has undisputedly made immense progress in their efforts to protect children; however, they recognize that much more still needs to be done in order to ensure that children's rights within the country are fully realized. In recognizing this, Ghana continues to commit itself to fulfilling the provisions of all international and regional legal instruments in which they are a party to as well as maintaining and enhancing their own national strategies. It is evident that Ghana takes great pride in having been the first country in all of Africa to begin paving the way for a better and brighter future for their children. As remarked by UNICEF in their 2010 annual report, Ghana has "earned international credit as a model of political stability, good governance and democratic

¹⁶⁰ Consolidated third to fifth periodic reports of States parties due in 2011 (n69)

openness. Ghanaians enjoy political rights, civil liberties, a free press and access to a justice system that sets them apart from most of the people of ... Africa".¹⁶¹ In continuing down this path which has been all the more brightened by avid awareness and commitment, it is no consolation that they are likely to succeed.

In the following chapter, a brief account will be given to the real-life situations faced by the children working in the fisheries by way of analyzing two separate case studies about the child labour on Lake Volta. Such analysis will then be applied to the findings of Piaget's cognitive development theory, further providing affirmation of the reality that these children's cognitive development is truly compromised by being involved in the labour on Lake Volta.

¹⁶¹ UNICEF Annual Report for Ghana (UNICEF, 2010)
<https://www.unicef.org/about/annualreport/files/Ghana_COAR_2010.pdf> accessed on 12 July 2019

PART IV:

CASE STUDY ANALYSES

4.1 Introduction

As discussed in the prior chapter, there are a number of legal instruments that Ghana is a State party to. Merely being a State party to several legal instruments; however, is not in and of itself sufficient enough in order to make concrete and adverse systemic changes regarding the abolition of trafficking and economic exploitation of children. As evidenced, the need for more implementation, stricter sanctions and monitoring mechanisms must be established so as to fulfill each of the instruments designated purposes. Undisputedly, Ghana's admirable willingness and ambition to forge the way of the entire continent in upholding children's rights is widely recognized by the global community. However, despite their establishment of a number of national legislations and strategies since ratifying the CRC, the problem of poor implementation of such strategies still persists resulting in continued disparities between Ghana and other State actors. Guaranteeing the best interests of their children will mean continued persistence in their efforts.

In this chapter, I will provide a case analysis of child labour and trafficking of the fisheries in Ghana by incorporating two separate case studies. In the latter half of this chapter, I will be reincorporating the theory discussed in chapter two of this thesis: Piaget's Cognitive Development Theory. The theory will be used to unpack the information provided in the two case studies and to apply it to Piaget's research findings. The primary case studies which will be discussed were completed by the IPEC, a programme which is run and funded by the ILO. Both studies will be used interchangeably through out the chapter; however, some pertinent information from other academic literatures pertaining to the subject area has also been added for additional clarity. The purpose of applying Piaget's theory to the case studies is to provide additional affirmation of the crucial disadvantages that the children working on the lake face. Analyzation of the two case studies will also provide greater insight to the real-life situations of which these children endure on a daily basis. The studies were chosen as they are of the most

recent studies which have been conducted in Lake Volta. The studies date from 2016 and 2013, respectively, and combined contain a plethora of useful and staggering information including data and statistical analysis. The data and statistical analysis findings were obtained by way of focus group discussions and key informant interviews of people and stakeholders living in or around the Lake Volta region.

4.2 Risk and Vulnerability

As was previously discussed, the man-made project of Lake Volta was extremely successful in meeting its purpose: to supply the entire country with hydroelectric power. Although this outcome was highly celebrated among the nation, there would also be many families who would feel adverse negative affects from it. The creation of Lake Volta resulted in approximately 88,000 civilians living within the catchment area of the project to be relocated.¹⁶² For those who were relocated, the government would provide housing; however, such housing was less adequate – consisting of incomplete infrastructures and an inability to shelter entire families due to the unproportioned size.¹⁶³ These displaced civilians also faced the problems of not having adequate access to food or potable drinking water. As per these new circumstances, many families struggled to care for their children. As the IPEC put it, these families were likened to being as refugees within their own country by way of the government’s planned social change.¹⁶⁴ Because of these disparities, the new and emerging fishing industry saw an opportunity to take advantage of the vulnerability of these families. This was done by actors working within the fisheries purchasing children from their families who were now struggling to survive or even live altogether under the same roof. A seemingly harrowing act sanctioned by these communities but nonetheless seen as something that was necessary and perhaps even considered as a better alternative for the children. This may have been considered a better alternative in the sense that the actors involved may have fabricated the environments in which the children would become labourers and residents of to the children’s families. Families who were unable to provide for their children or house all of their children were told their children would be able to live soundly in shelters provided for by the master’s and other basic necessities such as food. Furthermore, it was not only children being sold or trafficked to leave their communities to work in the fisheries,

¹⁶² IPEC Analytical Study (n12) 22

¹⁶³ IPEC Analytical Study (n12) 23

¹⁶⁴ IPEC Analytical Study (n12) 23

but an extremely small percentage of some children actually voluntarily chose to enter the workforce. This is partly due to the fact that the fishermen or recruiters promise of food for labour was very desirable to children who were hungry. These children were also naïve, though, in that they were unaware of the hazardous labour they would be forced to do and the environment in which they would do it. Traffickers also gained ground from this tragedy as with the families' expulsion came a lack of shelter, food, water and overall instability within the familial household. Traffickers could easily lure children in to the labour force given the chaos and disruption which followed families' relocations.

It is important to note that although child labour had been occurring before the creation of the Lake, such labour was light labour, completed on a domestic level of duty and only for the child's family. The type of labour which would precede the completion of the Lake would take on a completely different essence: hazardous, forced, unethical and for the economic gain of someone with whom they had no familial relations. Children have since become an economic asset to the fishermen residing in the communities alongside the Lake and are regarded as beneficial for three main reasons:

(i) the low catches do not make fishing too attractive as the sole livelihood to enable fishers to support households. Adults therefore decide to work on other livelihoods other than fishing whilst children do the dishing, sell and give the money to the parents/adults (ii) the small sizes of fishes caught by the small mesh nets require small hands as that of children and therefore employing children becomes a necessity and (iii) given the over-exploitation of fishes, fishers have resorted to the use of illegal gears known to affect the sustainable regeneration of fish stocks leading to serious depletion which eventually influenced catch yield and profitability. The situation thus calls for use of exploiting children as a prudent adaptive response to reducing cost.¹⁶⁵

The economic exploitation and abuse of these children along with the hazards of the work within which they are conducting has, as mentioned, been detrimental to both their physical and mental health. As with physical injuries, children rarely receive any adequate medical attention. Exposure to harsh weather conditions (i.e. sun, rainstorms and very cold weather), mosquito bites, snake attacks, exorbitant amounts of fire and smoke during the smoking of fish as well as the risks of drowning or being succumbed to diseases caused by parasites in the lake are all common experiences.¹⁶⁶ There are two kinds of sectors within the fishing industry – both of

¹⁶⁵ IPEC Analytical Study (n12) 25

¹⁶⁶ Obeng (n1)

which children are involved in. These are: a) Fishing in open water and b) Fish Processing and Sale. Fishing in open water is mainly done by boys and men whereas the processing and sale of the fish is primarily done by the girls and women, albeit, there are still boys who are involved in the latter as well. ¹⁶⁷ Fishing in open water involves:

casting the nets into the water; paddling the canoes; draining the canoes in instances where water drips in; pulling of fishing nets out of the water; loading the canoes with the needed fishing gear and diving into the water either to disentangle nets that are tangled or observe fish movements ... moving fish from the canoes to the shore after fishing. ¹⁶⁸

Fish processing and sale involves the “sorting of the fish caught ... cleaning the fish through the removal of fins and other unwanted parts ... preservation of the fish through drying, smoking, and frying”. ¹⁶⁹ The girls are also responsible for distributing the fish to customers as well as selling the fish in the marketplace. ¹⁷⁰ The fishing industry on Lake Volta “largely provides fish for domestic consumption”¹⁷¹ and therefore fish processing and sale sector within the industry is as largely as important as the actual process of catching the fish.

As one can imagine, there are numerous ramifications that come along with each of these tasks – especially given the fact that the masters rarely provide the children with medical follow up in the event that the child was to get injured or sick. Most of the children are also not provided with protective instruments as they embark on fishing expeditions which results in such injuries. ¹⁷² If the masters could be proactive in the sense of providing the children with mandatory safety and protective measures, at the bare minimum, it could be hypothesized that the risk of children being injured would decrease. Daily occurrences of working on the lake, as a result of diving and smoking fish were said to be “Eye problems and headaches for both boys and girls [as] cited by other stakeholders”. ¹⁷³ When considering the amount of pain these children must be in every day with having to deal with being over-worked, sleep deprived, malnourished and abused combined with crippling head pains and aching eyes, it is utterly astounding how, yet, they are still able to continue to push forward and complete their tasks.

¹⁶⁷ IPEC Analytical Study (n12) 34

¹⁶⁸ IJM (n1) 6

¹⁶⁹ IPEC Analytical Study (n12) 34

¹⁷⁰ IPEC Analytical Study (n12) 34

¹⁷¹ IJM (n2) 91

¹⁷² IPEC Analytical Study (n12) 44

¹⁷³ IJM (n2) 51

Perhaps it is because they know they have no other choice or are unable to see other kinds of solutions, given how devoid they are of education and cognitive development. Equally as considerable as a reason to stay, is that the wages for the children in each of the sectors are either subpar or nonexistent. Within those in the paid category, they are unfairly paid, exploited or cheated.¹⁷⁴ Therefore, if they are earning money, it would not even be close enough to being able to leave their lakeside communities.

When we consider and combine all of these degrading violations of children, it is with certainty that we can say that it is inevitable that all of the children working on this lake will experience some form of trauma. In the IJMs interviews with key informants and stakeholders, it was reported by stakeholders that the children will “become very emotional, cry and isolate themselves when they reflect on the things that they went through in the past”.¹⁷⁵ When considering their ability to reintegrate with society, one key informant reported that:

All they know is fishing. When they come back from the fishing communities, they cannot even go to school, they cannot even mix with their colleagues because he or she has experienced so much out there. So when they come, going back to school becomes a problem [and] reintegrating them in the family becomes a problem. Some also expressed that they do not want to go back to school because it's been years since they went to school. We counsel them and let them understand their situation. Sometimes when they come back, they are not even interested in schooling, they just continue with the fishing. So the social development is a bit difficult.¹⁷⁶

As such, it must be acknowledged that even when these children are able to leave the fisheries, their ability to become successful and progress within what are considered otherwise regular, communal settings is affected greatly.

4.2 Applying Piaget's Findings to the Case Study Analyses

The previous sections findings show that there is indeed a present problem persisting on Lake Volta and that such problems are without a doubt stripping these child labourers from their constitutional and universal rights. In this section, I will briefly discuss the detriments of cognitive development on children by linking the information provided in the second chapter to the above mentioned real-life situations which are endured by children working on the lake. The

¹⁷⁴ IPEC Analytical Study (n12) 41

¹⁷⁵ IJM (n2) 69

¹⁷⁶ IJM (n2) 69

abuse the children endure by their master's along with the trauma they may have experienced are large contributors to the child's inability to achieve full cognitive development and the likelihood of also becoming a victim to PTSD in their future. It has been reported that children who have been rescued from the fisheries and placed in to rehabilitation shelters often times "suffer from some level of PTSD".¹⁷⁷ As documented by the ILO in a separate study pertaining to the psychosocial impacts of child labourers, "PTSD following violent events at work is relatively common, disabling, results in long-term stress, and the incidence is likely to increase if 'external' violence becomes more common". As has been noted, external violence is prevalent on the lake, in the form of physical abuse by masters, and therefore validates that these children are at an increased risk of having PTSD.

Trafficked girls who work on Lake Volta are also known to endure sexual harassment, abuse and rape. The latter of the three has been reported to result in unwanted, teenage pregnancies.¹⁷⁸ The perpetrators of such heinous and abominable crimes are said to be primarily the girl's masters.¹⁷⁹ In reference to Piaget's theory, this would likely mean that these young girl(s) are in the last of the stages, the formal operational stage, given that this stage begins at age twelve and lasts in to adulthood. Given that the girls are still considered adolescents, they are unlikely to have fully exhausted all of the necessary experiences in order to fulfill what skills may be needed and used in to adulthood. Yet, here we see girls taking on the roles of womanhood, more specifically parenthood, within a stage in which they have not yet themselves met with distinction. Within the formal operational stage, one should be able to construct a hypothesis for a particular situation and realize that from their hypothesis, an expected outcome will occur and then proceed to test said hypothesis on real-life situations.¹⁸⁰ This stepping stone of a skill is quite the venture for a child/adolescent who has not yet conquered such a skill and who will need to be able to do so confidently and without hazard when applying hypotheses while pregnant. For example, the girl may not be able to hypothesize correctly what may happen to the fetus if she is to eat, drink, lift or expose herself to certain things. Adversely, she may also

¹⁷⁷ Challenging Heights, 'Hovde House staff use new therapies to ease rescued children's PTSD' (2015) <<https://challengingheights.org/2015/10/14/hovde-house-staff-use-new-therapies-ease-rescued-childrens-ptsd/>> accessed on 03 July 2019

¹⁷⁸ IJM (n2) 77

¹⁷⁹ IJM (n2) 77

¹⁸⁰ Mary Carol Day (ed) *Thinking at Piaget's Formal Stage of Operations* (Association for Supervision and Curriculum Development, 1981) <https://pdfs.semanticscholar.org/4cd0/2385a702236eff161badb9f3b7d160da6436.pdf> accessed on 27 June 2019

not be able to hypothesize what may happen to her newborn baby if she is to hold, speak to, or feed her baby in certain manners. Moreover, the girls' abilities to fast-track their cognitive capabilities within this stage in order to be prepared for parenthood is unlikely given that they would not have mastered such in the preceding stages and are provided with little to no pre-natal or post-natal supports from qualified medical professionals. The girls are therefore left to learn about parenthood from other girls or women within the community in which they reside.

Consequently, the result of these unwanted pregnancies at such young ages further makes these girls vulnerable to the work in which they are providing to their masters given that they now also have another life to support. Without any work, income or little help they may receive from others in their community, they may face being completely unsupported otherwise and therefore make fleeing the relentless environment in which they are a part of very difficult. It may be hypothesized that such occurrences of this appalling phenomenon has resulted in an inter-generational effect on Lake Volta. Girls who had been striving to save enough money (given that they were paid) to get out of the negative workforce in which they were confined to but were brutally preyed upon by their incessant master's repulsive behaviour leaves them with having to not only compensate for themselves but another human as well. As such, these girls' ambition and goal to get out of the labour force and perhaps enroll in school is regressed. It is also likely that said girls' offspring will experience the same kind of tribulation, given that approximately 40-50% of all girls living in the Lake Volta region are victims of some form of sexual assault, as provided by one Ghanaian law enforcement official.¹⁸¹

Although the girl's are predominantly raped by their master's, some master's also take on additional strategies to ensure that not only are the girls to become more dependent on them for survival, but also the boy's. These masters are known to lure and threaten the boy's who work for them on Lake Volta to:

engage in sexual activities with girls, which is used to blackmail them to stay longer with their masters. This is particularly so for the boys when the girls get pregnant. Since the boys will not be able to cater for the girls and their babies, they are compelled to stay longer with the master through the phenomenon that has become known as Stockholm Syndrome. The victim of CFEM sees their master as protectors of their

¹⁸¹ IJM (n2) 54

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interests, as they provide their sexual, economic, social, and psychological needs, no matter how meagre it may be. ¹⁸²

This, in turn, leaves the boys vulnerable and in a position to stay working on the fisheries as they now have a family to provide for. However, as with the girls becoming pregnant without having maintained certain important skills within their last stage, these boys too, also face the same quandary. Moreover, as if these two unfathomable acts of force were not enough, the master's wives, termed "lady masters" have also been known to sexually exploit the girls. A teacher, also included in the interviews conducted by IJM, revealed that "Some of the lady masters that the girls work for offer them to the fishermen in order to get more fish at a cheap price". ¹⁸³

Upon being interviewed by the IJM research team, the destination community FGDs were described as being uncomfortable when asked about the sexual abuse occurring in the communities alongside the lake and as a result, would not provide much insight on the situation. However, more information regarding the occurrence of sexual abuse was provided by the key informants who "mentioned that sexual abuse is hidden, and even raped girls who are provided with medical services lie about what they experience". ¹⁸⁴ Although unable to evaluate the prevalence of sexual violence as a whole, the majority of the key informants were able confidently attest to the fact of "unusually high rates of teenage pregnancies as evidence of potential sexual abuse". ¹⁸⁵ As made clear by this finding, it is obvious that these girls are in need of resources and educational facilities accessible to them so that they can get the help they need. To discuss comprehensive ways in which this may be instigated would also again far exceed the scope of this thesis but for consideration, the government should be actively removing the girls from such terrible environments, either placing them with their family, foster families or group homes, educating the girls about rape and providing both educational and mental health resources to the girls who require support. Furthermore, the lack of injustice experienced by these girls should also provide that their perpetrators are tried in the court of law for their abhorrent offences.

¹⁸² Kafui Tsekpo, Alexander Afram, Ethel Seiwaa Boateng and Clement Sefa-Nyarko (eds) *Child Marriage in Ghana's Fishing Industry: Analysing the experiences of children who have witnessed or undergone child marriage in the Lake Volta communities* (Challenging Heights, 2016) <http://challengingheights.org/wp-content/uploads/2014/11/Child-Forced-Early-Marriage-in-Ghanas-Fishing-Industry.pdf> accessed on 2 July 2019

¹⁸³ IJM (n2) 69

¹⁸⁴ IJM (n2) 54

¹⁸⁵ Ibid (n2) 54

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It is not uncommon for the children working on Lake Volta to be toiling from dawn to dusk. Some of the boys are also responsible for their master's house chores as well which results in even longer hours of duties on top of fishing.¹⁸⁶ As one boy survivor recalls, he would:

normally woke up at dawn between 1 a.m. and 5 a.m. to start fishing. If where they were going was very far, they set off at 10 p.m. the previous night. He and his brother set the nets and the traps and then fished until it was daylight. They returned with the catch, and then cleaned and processed the fish. In the afternoon, they went back to the lake to do the same thing. When they returned in the evening, they did the house chores.¹⁸⁷

Due to the long working hours the children are engaging in as well as the likelihood that they may also have to prep or cook meals for the master's family afterwards, the children are left with no time to be just that: *children*. They are deprived of any kind of pretend play with their peers which, as was previously mentioned, is regarded by Piaget as one of the most fundamental ascendances of the preoperational stage. Pretend play is fundamental during the preoperational stage as this is how children learn an array of skills which are needed to further enhance their cognitive capabilities. Skills obtained by such playful exploration include learning how to negotiate and understanding other people's thoughts or rationales as well as obtaining secure attachment to those who surround them.¹⁸⁸ These are considered important skills which are required to form better understanding of the environment in which they occupy and in order to move incrementally and swiftly between stages. The tasks required by the children prevents them from being able to forge positive relationships with their peers or adults in the realms of pretend play. Children in the preoperational stage would not yet understand why, for instance, they would be punished for playing with their peers – unable to acknowledge that by taking time away from their work, the amount of fish production will be reduced. As a result, they begin to create relationships with their masters which are built upon fear and obedience, only being able to concur that playing around will result in an angry master which then may result in abuse or other forms of punishment. Therefore, the young child will assimilate play with punishment and will avert their yearning to play.

¹⁸⁶ IJM (n2) 46

¹⁸⁷ IJM (n2) 46

¹⁸⁸ Angeline Lillard, Ashley M. Pinkham and Eric Smith, 'Part 2: Cognitive Development in Early Childhood, Pretend Play and Cognitive Development' in Usha Goswami (ed) *Childhood Cognitive Development* (2nd edn, Blackwell Publishers Ltd., 2011) 298-299

Piaget also talks about how when children do not have access to the resources they need in order to improve their verbal abilities, they are unlikely to achieve a substantiated level of cognitive functioning. According to the ILO report, the children working in the fisheries lack basic education and therefore are deprived of learning literacy. The study shows that approximately 52% of the children working in the fisheries had completed a primary level of education, 32% had completed Junior High School and 11% completed Senior High School.¹⁸⁹ The other 3% had completely no education at all and the last 1% had completed some kind of vocational training.¹⁹⁰ The fact that more than half of the children involved in the fisheries only have a primary education which, in Ghana, is from age six to eleven is extremely frightful.¹⁹¹ It may then be proclaimed that said children are therefore not able to inherit, to their full extent, the skills in which Piaget claims children learn via attaining complete verbal abilities: memory, thinking, problem-solving and reasoning. It could also be said that because of this detriment on the children's cognitive capabilities, they are also more easily taken advantage of than the other 48% given the fact that they lack in the aforementioned skills as a direct correlation to their illiteracy.

By the formal operational stage, a child/adolescent will have, according to Piaget, achieved their highest level of acquired and utilized knowledge. As this stage begins when one is age twelve and lasts in to adulthood, the skills learned in previous stages are assumed to have been mastered but may also be further built upon in this last stage. Piaget proposes that children/adolescents should be able to think in a much more abstract way than they had been able to in the previous stages. As such, they should now be able to generate a number of possible solutions to any given problem. However, these children are even too scared to think of such solutions to problems due to their low intellect and fear of leaving. As noted in the IJM study above regarding female rape survivors, those who had been raped by their masters and who had been fortunate enough to actually be brought to a medical professional, often times lied about the circumstances surrounding the rape. From this we can see that even as adolescents, these girls were either unable to correlate that by telling medical professionals the truth, there may have

¹⁸⁹ IPEC Analytical Study (n12) 38

¹⁹⁰ IPEC Analytical Study (n12) 38

¹⁹¹ World Health Organization, '*Ghana: Age distribution and school attendance of girls aged 9-13 years*' (UNESCO Institute for Statistics, 2012)

<https://www.who.int/immunization/programmes_systems/policies_strategies/Ghana_country_report.pdf>
accessed on 27 June 2019

been a plethora of guaranteed solutions as a result. However, either because of their inability to realize this, or for fear of what their master may do upon possibly finding out, the girls refrain from such a disclosure.

4.4 Conclusion

In summary, the IPEC and IJM studies conducted on Ghana's Lake Volta has proven that the situation for children is nonetheless still a very present issue. It is clear from these studies that the children who are trafficked and economically exploited are undisputedly being treated inhumanely; which includes both physical and psychological ailments, and will suffer life-long consequences as a result. On the issue of sexual violence occurring rampantly in the communities on the lake, more attention needs to be brought to protecting these vulnerable girls from such inexcusable and horrific acts. The absence of many things which most children are adept to, such as: pretend play, education, basic needs and positive relationships with adults has detrimental impacts on the children's abilities to reach their full cognitive potential. By the time the children have reached the last of Piaget's stages, the formal operational stage, the children are already at a disadvantage moving forward in to adulthood given their relentless circumstances. The ability for one to achieve their full potential is something that no child should ever be deprived of. A child's ability to acquire cognitive skills ultimately lays the foundation for their ability to gain development in other aspects of their lives as well and so is an extremely important component of their psychological growth. For example, the children who are able to escape the fisheries or who are rescued often times also have under developed social skills.¹⁹² It is nonetheless inferential that these children who escape or are rescued from the fisheries have a multitude of difficulties reintegrating in to society. Those who are unable to escape or become rescued will face the presumptuously inevitable fate of continuing a cycle of inter-generational trauma and exploitation.

¹⁹² IJM (n2) 66

PART V:

CONCLUDING REMARKS

The aim of this thesis was to present the overwhelmingly strenuous situations faced by the children who are working on Lake Volta, Ghana as well as the ways in which children find themselves enslaved there. In taking into consideration these unwarranted circumstances that these children find themselves in, it is all the more important that we, as a global community, acknowledge the unique cultural aspects of Ghana with innate benignity. For it is these unique aspects which contribute greatly to the circumstances of these families who have to resort to the selling of their children, children becoming trafficked or children voluntarily choosing to work on the lake. As well as, despite such occurrences, Ghana's unrelenting commitment to acknowledging their shortcomings and making the appropriate steps of action in order to ensure that concrete changes are made which reflect their goals.

This thesis also focused on the psychological detriments experienced by child labourers and child labour survivors by exploring in detail the impact that child labour has on a child's cognitive development. Such a topic was chosen given that this specific discussion is often times not given much attention or even overlooked completely when we compare it with the amount of studies which have been conducted on the negative physical components of child labour. The discussion of the cognitive hindrances of children provided both a deeper insight as well as supporting arguments to the fact that child labour not only has negative impacts on a child's cognitive development in the present but also in the future. As such, when these children are reintegrated in to society, if fortunate enough, it is impertinent that specific measures be taken into account throughout the process. Such measures should take into consideration the fact that these children are highly likely to be lacking in terms of development, education and social skills which will make it even harder for them to assimilate with their peers.

The creation of several important legal instruments have also been established since Ghana's ratification of the CRC in 1990. Most notably, is The Children's Act 1998 which provides legislation specific to the experiences that children may face in Ghana and their inherent rights of being protected from such situations. A significant amount of progress has also been achieved since Ghana's retrieval of the first concluding observations from the Committee on the Rights of the Child wherein although not entirely all of the issues and recommendations relayed in each of the reports since then have been addressed, many of them have been. The ratification of other major international and regional human rights legal instruments has also been achieved in order to further accelerate children's rights within the country. In the realm of regional legal instruments, we have seen that the ACRWC was sanctioned so as to establish a better balance between a Eurocentric model of standards and expectations with African ideologies; however, is often times overlooked in the essence of the CRC – as holds true in the case of Ghana. Ultimately, together these laws exist so that the best interest of the child can be realized as well as to ensure their overall welfare. As we have seen, though, ratifying, creating and being in accordance with such laws does not entirely mean that the problems will go away immediately or even within a span of decades.

These heinous crimes of trafficking and exploiting children is absolutely internal given the fact that both the perpetrators and victims are of Ghanaian nationality and Lake Volta's fishing industry is primarily for domestic consumption.¹⁹³ Although it is clear that Ghana has made significant progress in their commitment to enhance the state of children's welfare, there are still many concerns which need further addressing. Such concerns include, but are not limited to: the implementation of legislation, strengthening the Ghanaian justice system, a need for stronger enforcement mechanisms and stricter penalties within the law and an increase in funding so that additional resources may be accessible. Annual data collection and statistical analysis would also prove as advantageous so as to track progress better. In relation to the actual fishing process, the government of Ghana should also make it a priority to research more advanced fishing techniques for the fishermen working on Lake Volta. In doing so, this will ensure that children are no longer likened to as being an asset for untangling the gill nets under water. Conducive to the outcomes of such research, the government may then supply these fishermen with the supplies required for their catch as well as any needed training. Albeit it is

¹⁹³ IJM (n2) 91

highly likely that a lack of funding within the government would prevent such research from being conducted, this is where NGOs may become involved by applying for grants to see it through.

More acknowledgement and attention must also be brought to the geo-political differences which exist in Ghana. Specifically, those children who are living in the rural communities in Ghana are much more susceptible to being a part of a family experiencing extreme poverty and thus becoming trafficked or used for economic exploitation given their remoteness and lack of accessible resources. Every local area within Ghana, too, also maintains their own unspoken rules that are either accepted or not accepted. The need for additional laws should be created in order to help mobilize the different regions in Ghana through a majority referendum.

Overall, it is undeniable that such an immense task will not be eradicated over night, much less over the span of just a few decades. The fact that Ghana has remained driven to see this task through; however, is nonetheless quite commendable. It is evident, though, that the discussion surrounding not only the children working on Lake Volta but all child labourers and victims of trafficking and economic exploitation must continue until there is no longer an impertinent need to defend their rights. For, after all, “every child in the world has one thing in common: their rights”.¹⁹⁴

¹⁹⁴ ‘BECAUSE EVERY CHILD IN THE WORLD HAS ONE THING IN COMMON: THEIR RIGHTS’ (Kolkata Mary Ward Social Centre, 2017) <<http://kolkatamarywardsc.org/every-child-world-one-thing-common-rights/>> accessed on 13 July 2019

Appendix 1:

International, Regional and Domestic Legal Provisions Pertaining to Children

	Organization	Instrument	Adoption, Entry into Force	Ratified by Ghana	Article
International	UN	CRC	1989, 1990	1990	<p>Article 28(1): States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular: (a) Make primary education compulsory and available free to all</p> <p>Article 32(1): States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development. 2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular: (a) Provide for a minimum age or minimum ages for admission to employment; (b) Provide for appropriate regulation of the hours and conditions of employment; (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article</p> <p>Article 34: States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent: (a) The inducement or coercion of a child to engage in any unlawful sexual activity; (b) The exploitative use of children in prostitution or other unlawful sexual practices</p> <p>Article 35: States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.</p>
		ICESCR	1966, 1976	2000	<p>Article 7: The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular: (a) Remuneration which provides all workers, as a minimum, with: (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work; (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant; (b) Safe and healthy working conditions; (c) Equal opportunity for everyone to be promoted</p>

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					<p>in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence; (d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays</p> <p>Article 11(1): The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.</p> <p>Article 13(1): The States Parties to the present Covenant recognize the right of everyone to education...</p>
		ICCPR	1966, 1976	2001	Article 8(3)(a) No one shall be required to perform forced or compulsory labour
		Convention against Transnational Organized Crime (a.k.a. The Palermo Protocol)	2000, 2003	2012	<p>Annex 2, Article 9(4): States Parties shall take or strengthen measures, including through bilateral or multilateral cooperation, to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity.</p> <p>Annex 2: Article 9(5): States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.</p>
	ILO	Convention No. 138	1973, 1976	2011	<p>Article 3(1): The minimum age for admission to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety or morals of young persons shall not be less than 18 years.</p> <p>Article 7(1): National laws or regulations may permit the employment or work of persons 13 to 15 years of age on light work which is (a) not likely to be harmful to their health or development; and (b) not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received.</p>
		Convention No.182	1999, 2000	2000	Article 7(2): Each Member shall, taking into account the importance of education in eliminating child labour, take effective and time-bound measures to: (a) prevent the engagement of children in the worst forms of child labour; (b) provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration; (c) ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour

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Regional	African Union	African Charter on the Rights and Welfare of the Child	1990, 1999	1997 (signed), 2005	<p>Article 11(1): Every child shall have the right to education</p> <p>Article 12(1): State parties shall recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child...</p> <p>Article 14(1): Every child shall have the right to enjoy the best attainable state of physical, mental and spiritual health</p> <p>Article 14(2)(b): to ensure the provision of necessary medical assistance and health care; (c) to ensure the provision of adequate nutrition and safe drinking water; (d) to combat disease and malnutrition within the framework of primary health care through the application of appropriate technology</p> <p>Article 15(1): Every child shall be protected from all forms of economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's physical, mental, spiritual, moral, or social development.</p> <p>Article 15(2)(a) provide through legislation, minimum wages for admission to every employment; (b) provide for appropriate regulation of hours and conditions of employment; (c) provide for appropriate penalties or other sanctions to ensure the effective enforcement of this Article; (d) promote the dissemination of information on the hazards of child labour to all sectors of the community.</p> <p>Article 16(1): State Parties to the present Charter shall take specific legislative, administrative, social and educational measures to protect the child from all forms of torture, inhuman or degrading treatment and especially physical or mental injury or abuse, neglect or maltreatment including sexual abuse, while in the care of the child.</p> <p>Article 27(1): State Parties to the present Charter shall undertake to protect the child from all forms of sexual exploitation and sexual abuse and shall in particular take measures to prevent: (a) the inducement, coercion or encouragement of a child to engage in any sexual activity; (b) the use of children in prostitution or other sexual practices;</p> <p>Article 29: State Parties to the present Charter shall take appropriate measures to prevent: (a) the abduction, sale of, or traffic in children for any purpose or in any form, by any person including parents or legal guardians of the child</p>
Domestic		The Children's Act 1998 (Act 560)			<p>Article 5: No person shall deny a child the right to live with his parents and family and grow up in a caring and peaceful environment unless it is proved in court that living with his parents would – (a) lead to significant harm to the child; or (b) subject the child to serious abuse; or (c) not be in the best interest of the child</p>

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				<p>Article 6(2): Every child has the right to life, dignity, respect, leisure, liberty, health, education and shelter from his parents</p> <p>Article 8(1): No person shall deprive a child access to education, immunisation, adequate diet, clothing, shelter, medical attention or any other thing required for his development.</p> <p>Article 9: No person shall deprive a child the right to participate in sports, or in positive cultural and artistic activities or other leisure activities.</p> <p>Article 12: No person shall subject a child to exploitative labour as provided under section 87 of this Act.</p> <p>Article 13(1): No person shall subject a child to torture or other cruel, inhuman or degrading treatment or punishment including any cultural practice which dehumanises or is injurious to the physical and mental well-being of a child</p> <p>Article 88(1): No person shall engage a child in night work. (2) Night work constitutes work between the hours of eight o'clock in the evening and six o'clock in the morning</p>
		1992 Constitution with Amendments through to 1996		<p>Article 28(d): children and young persons receive special protection against exposure to physical and moral hazards</p>
		2005 Human Trafficking Act		<p>Article 2(1): A person shall not traffic another person within the meaning of section 1 or act as an intermediary for the trafficking of a person. (2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to imprisonment for a term of not less than five years.</p> <p>Article 3(1): A person who provides another person for purposes of trafficking commits an offence even where the person is a parent</p> <p>Article 4: A person who uses a trafficked person commits an offence and is liable on summary conviction to a term of imprisonment of not less than five years.</p>

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