

FACT SHEET FOR THE ACERWC

COUNTRY: GHANA

SESSION	Xth Session of ACERWC to be held April 2016
LAWS, POLICIES AND GUIDELINES RELATED TO CARE FOR CHILDREN	UN Convention on the Rights of the Child (ratified in 1990); UN Convention against Transnational Organised Crime (ratified in 2012); The 1992 Ghana Constitution; The Children Act N°560, 1998; Child Rights Regulations, 2003; Foster care Regulations, 2007; Standards for Operation of Residential Care settings, 2007; Child and Family Welfare Policy, 2015; Human Trafficking Act, 2005; Domestic Violence Act, 2007 Act 732
GENERAL SITUATION OF CHILDREN DEPRIVED OF THEIR FAMILY	<ul style="list-style-type: none"> ▪ In 2014, nearly 1 in every 6 children (16%) did not live with either biological parent (girls more likely affected and highest rates being found in urban centers). 96 % of these children were living in a household headed by a family member (informal family care). Reasons behind these informal care arrangements seem to be access to education, employment or better services. Ghana’s proportion of children living with both parents is one of the lowest in the West African region (55%). ▪ In 2012, there were 1 million orphaned children due to all causes of whom 190 000 were orphaned by AIDS. In 2014, 7% of all Ghanaian children had lost at least one parent. ▪ Child trafficking and forced labour, in particular in fishing and mining industries, remain significant problems in Ghana (e.g.: 21,000 children trapped on Lake Volta alone). According to the US State Department’s Trafficking In Persons report over 193,000 people are estimated to be trapped in modern slavery in Ghana today (including child trafficking and child marriage). The situation does not seem to be improving (<i>National Action Plan Against the Worst Forms of Child Labour</i> expired in 2015; increase in proportion of children; unfunded public Human Trafficking Funds; scarce resources for public shelters). ▪ In the past few years, Ghana has made clear progress in the protection of children deprived of their family, which show a genuine willingness and true political commitment: 2010-2012 National Plan of Action for orphans and vulnerable children, the Care Reform Initiative (2007), introduction of legislative instruments (some still in drafting process, like foster care and adoption) ▪ Efforts in 2015: adoption of a new Child and Family Welfare Policy as overarching framework for coordinating child and family welfare services at national and subnational levels to foster a more protective environment for children (child and family welfare system, institutional arrangements, research, advocacy, monitoring and evaluation process); ongoing development of a National Targeting System (NTS) to identify, prioritise and select households living in vulnerable conditions. ▪ In June 2015, the CRC Committee stressed its concerns about children from single-parent families (30% of all children) and those from disadvantaged/marginalised groups. They highlighted the need for family support programs to have a wider coverage and a greater long-term impact. <p>Sources: Ghana adopts measures to protect children, http://www.ghana.gov.gh/index.php/media-center/news/1632-ghana-adopts-measures-to-protect-children; UNICEF Ghana: http://www.unicef.org/ghana/about_7587.html; UNICEF Ghana Statistics, http://www.unicef.org/infobycountry/ghana_statistics.html#0 ; BCN, Country Care Review, http://www.bettercarenetwork.org/sites/default/files/Ghana%20Country%20Care%20Review.pdf; BCN and others, An Analysis of Child-care reform in Three African countries, http://www.bettercarenetwork.org/sites/default/files/An%20Analysis%20of%20Child-Care%20Reforms%20in%20Three%20African%20Countries%20-%20Summary%20of%20Key%20Findings.pdf; 2010-2012 National Plan of Action for orphans and vulnerable children, Ministry of Employment & Social Welfare /UNICEF, June 2010: https://www.crin.org/docs/GHANA%20OVC%20NPA.pdf ; Regulations for Care and protection of children without appropriate parental care in Ghana - residential care standards, Department of Social Welfare, http://www.oafrica.org/upload/pdfs/RESIDENTIAL_CARE_STANDARDS_GH_14.2.11.pdf; Orphan Aid Africa, http://www.oafrica.org/front_content.php?idcat=168; DHS 2014 Ghana: Children’s Care and Living Arrangements, BCN, http://www.bettercarenetwork.org/library/social-welfare-systems/data-and-monitoring-tools/ghana-children’s-care-and-living-arrangements-dhs-2014.</p>
ALTERNATIVE CARE OPTIONS	<ul style="list-style-type: none"> ▪ In the period 2005-2012, 1 out of 5 children was left in inadequate care. ▪ Informal care arrangements remains insufficiently regulated and supervised, leaving room for poor practices and abuses, such as work exploitation by their family or relatives who give out children to traffickers unaware of the type of work these children will engage in or the conditions and

	<p>environment in which they will find themselves.</p> <ul style="list-style-type: none"> ▪ In order to promote formal foster-care, the Department of Social Development has contracted a consultant to raise public awareness and to encourage family-and community-based alternatives. ▪ Residential care: almost all children in formal alternative care are cared for in residential facilities, with only 25 recorded as being in family-based settings such as foster care. These facilities are predominantly privately run – 111 as opposed to just 3 State facilities – and have grown exponentially in number since the end of the 20th century. State facilities cater to only 292 children, i.e. less than 7% of all looked-after children. In 2014, 20 residential care institutions were closed, bringing more than 450 children back to family-based care. As of the end of 2014, Ghana has about 113 residential children’s homes, often labelled as “orphanages”, with close to 4,000 children remaining in care (4,500 children in 2013). ▪ Many children rescued from slavery are rehabilitated for a period of time in residential shelters in order to prepare them for being reintegrated into their communities (exact numbers are unknown). In its Concluding Observations, the CRC Committee expressed its preoccupation regarding the increasing number of children living outside their family environment placed in institutions due to socioeconomic pressures and the poor conditions of a number of alternative care centers for children (no national system of care standards, lack of proper records, care plans, licensing, registration, monitoring and quality services). Furthermore, according to the provisions of the Children’s Act, corporal punishment is lawful in alternative care settings and day-care centers. ▪ As is the case for virtually all alternative care systems grounded predominantly in privately-run residential facilities, oversight is weak and, in particular, the vital gatekeeping function – designed to ensure that only children truly in need of extra-familial formal care are admitted to a facility – is to all intents and purposes nonexistent. <p>Sources: ILO, Analytical study on child labour in Volta Lake fishing in Ghana, http://www.ilo.org/ipec/Informationresources/WCMS_IPEC_PUB_25876/lang--en/index.htm; Global Initiative to End All Corporal Punishment of Children, September 2014, http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=GHA&Lang=EN; UNICEF 2014 annual report, http://www.unicef.org/about/annualreport/files/Ghana_Annual_Report_2014.pdf ; ISS internal documents based on field missions carried out in Ghana in 2013 and 2014.</p>
<p>DOMESTIC AND INTERCOUNTRY ADOPTION</p>	<ul style="list-style-type: none"> ▪ Due to insufficient levels of transparency and control in the child protection system, the Government introduced in May 2013 a moratorium banning all adoptions [inter-country and domestic] of children until the situation can be examined further. Moratorium is still in place today. ▪ Ghana is in the process of acceding the 1993 Hague Convention on Intercountry adoption (parliament has accepted cabinet memo for accession in Dec2015), which is accompanied by a reform process launched in 2013 to make sure that Ghanaian legislation is in line with international standards. Supported by UNICEF and ISS, the ongoing reform process is led by a Technical Working Group (TWG) composed of representatives from the Department of Social Development, the Ministry of Justice and the Attorney General’s Department, and some civil society organizations. ▪ The TWG has been working on establishing a Central Adoption Authority and determining the latter’s broad responsibilities. TWG has issued a final draft Regulations for Adoption, Foster Care and for the accreditation of Adoption Agencies, the review of the Children’s Act is ongoing. ▪ Development of an Adoption Procedural Manual for in-country and inter-country adoptions serving both setting Service Standards for the Central Authority, recently functional with the appointment of a Head, and a step-by-step guidance to adoption practitioners. Training of Central Authority’s staff, the police and the judiciary are ongoing since October 2015. ▪ In June 2015, the CRC Committee the Child mentioned its concerns regarding: <ul style="list-style-type: none"> (a) (...) [the] lack proper oversight and monitoring mechanisms, rendering the present legislation on adoption inadequate; (b) (...) continued placement of a moratorium on adoption (...) contributing to the prolonged stay of children in institutions and to illegal adoption; (c) The lack of a Central Authority for Adoption (...) [for the compilation of] a national data base of adoptable children and, the negative effects of the decentralization of the court decisions on inter-country adoption between Low and High Courts; d) (...) ‘illegal adoption agencies.’ <p>Sources: Ghana NGOs Coalition on the Rights of the Child, 2014 http://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/GHA/INT_CRC_NGO_GHA_17939_E.pdf; Cabinet approves ratification of Convention on Protection of Children, May 2015, http://www.modernghana.com/news/619052/1/cabinet-approves-ratification-of-convention-on-pro.html;</p>

	<p>CRC, Concluding Observations, 2015, http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=GHA&Lang=EN ; ISS internal documents based on field missions carried out in Ghana in 2013 and 2014.</p>												
<p>STATISTICS</p>	<p>Child Labour: 1.9m children in Ghana are in child labour, an increase of 49% in five years. However, there are no accurate figures for the total number of children living in slavery in Ghana.</p> <p>Alternative Care: Statistics remain insufficient; there is no precise data about domestic adoption or children in foster care, as far as we know. Regarding adoption, it appears that no child under the age of 2 is being adopted, but the likelihood of adoption increases with the child's age.</p> <p>For intercountry adoption, ISS published the following:</p> <table border="1" data-bbox="300 443 930 521"> <thead> <tr> <th></th> <th>2010</th> <th>2011</th> <th>2012</th> <th>2013</th> <th>2014</th> </tr> </thead> <tbody> <tr> <td>Ghana</td> <td>128</td> <td>107</td> <td>172</td> <td>188</td> <td>128</td> </tr> </tbody> </table> <p>Source: ISS Monthly Reviews, October 2013 and 2014; DHS 2014 Ghana: Children's Care and Living Arrangements, BCN, http://www.bettercarenetwork.org/library/social-welfare-systems/data-and-monitoring-tools/ghana-children's-care-and-living-arrangements-dhs-2014.</p>		2010	2011	2012	2013	2014	Ghana	128	107	172	188	128
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<p>RISKS</p>	<ul style="list-style-type: none"> ▪ Needs of children with disabilities remain unmet (see: UNCRC 2015 Concluding Observations (\$48)) ▪ Necessity to supervise/authorize private institutions for children and to ensure their compliance with quality standards through their proper implementation and the training of professionals; ▪ Ensuring genuine development of alternative care measures nationwide including local level. ▪ Great risks of child slavery: poor health, experience of psychological trauma (often extreme), long and hazardous working conditions, poor nutrition and lack of education all contribute to significant and deep-rooted negative outcomes for children, including premature mortality. 												
<p>POTENTIAL RECOMMENDATIONS</p>	<ul style="list-style-type: none"> ▪ Alternative care options: <ul style="list-style-type: none"> - Regarding informal care of children deprived of their family will/is Ghana providing any kind of support for the families and/or monitoring the situation of these children? - What information is collected about the situation of children deprived of family, including those benefitting from alternative care measures (informal and formal foster care, residential care)? - Are there disaggregated statistics as well as any form of monitoring of the placements in informal and formal foster care, residential care especially privately run? ▪ Adoption: <ul style="list-style-type: none"> - What is being undertaken to promote national adoptions above intercountry adoptions, given long waiting lists? - In the current transition period, intercountry adoptions are only permitted for exceptional reasons. How many cases have been allowed and for what reasons? ▪ Child trafficking and child slavery: <ul style="list-style-type: none"> - Fund an evaluation study to identify successful methods for reducing and preventing child trafficking and child slavery. - Launch a comprehensive programme of rescue, rehabilitation and reintegration of existing child slaves, funded by the Government and developed in partnership with Civil Society organisations - Investment in prevention activities in those communities that have traditionally been the source communities for child slavery so that trafficking becomes culturally unacceptable and economically unnecessary in modern Ghana. - Work with existing operators of successful rehabilitation shelters to develop national standards which protect the interests of the child. 												