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Children's Work in Ghana: Policies and Politics

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Introduction

This chapter explores policy and legislation aimed at preventing, regulating and abolishing harmful children's work in Ghana, and the political debates and controversies surrounding these mechanisms. Children's work in sectors such as agriculture, trading, fishing and a host of others has emerged as an area of public concern over the last three decades. As outlined in phases 1 (2009–2015) and 2 (2017–2021) of the National Plan of Action for the Elimination of the Worst Forms of Child Labour (hereafter NPA1 and NPA2), the Government of Ghana (GoG) views harmful children's work in these and other sectors as a breach of the dignity, personhood, wellbeing, development and fundamental human rights of the child. This view is supported by UN agencies, domestic and international non-governmental organizations (NGO and INGO) and other development partners which have long called upon and supported the GoG to put in place preventative and abolitionist measures against such work. The ensuing campaigns, laws, policies, direct interventions and the human, financial and material resources targeted at these prohibited forms of work over the last three decades have seen success in areas such as school enrolment. They have also successfully ushered debates on 'child labour' into the centre of Ghanaian policymaking, civil society or NGO advocacy, academic research and wider public discourse (Okali et al, 2022).

Yet, awareness-raising and increased school enrolment have neither achieved the primary goal of disengaging children from prohibited forms of work, nor necessarily provided working children with good quality education (Hamenoo et al, 2018; Carter et al, 2020; Ghanney et al, 2020).

The number of children involved in prohibited work and those combining such work with schooling has risen rather than decreased (Baah et al, 2009; Darko, 2014; UCW, 2016b; Aboa and Ross, 2020). This ineffectiveness raises questions about the compatibility of the policies and programmes with the country's historical, socio-cultural, economic and political realities (Okyere, 2012; Thum-Danso Imoh, 2012). Actors within fishing, farming, mining and other sectors that have been the target of interventions to abolish child labour have expressed misgivings about the fact that notions like 'tutelage' and 'civilizing' are inherent to some of these measures (Nti, 2017). They challenge efforts to impose particular forms of childhood and children's socialization through campaigns and narratives which delegitimize autochthonous cultures and child socialization mechanisms and also overlook the socio-economic drivers of children's work (Okyere, 2013; Jonah and Abebe, 2019).

This chapter elaborates on the foregoing and other contestations surrounding children's work in Ghana. The next section provides a brief overview of children's economic activity. The discussion then outlines the major national legislation, policies and initiatives targeted at eliminating work deemed hazardous, harmful or inimical to children's welfare and development. The third section is an evaluative analysis of the successes and failures of these preventative interventions, highlighting obstacles or limitations where their impact has been limited. Here, the chapter highlights the fact that approaches to children's work in Ghana are located within two rights discourses and practices, that are sometimes complementary and sometimes in opposition. There is, on the one hand, a formal legislative rights discourse, with its related practices and norms on childhood, children's rights and children's work, influenced strongly by international rights conventions, NGO and INGO advocacy and demands by (mainly) Western development partners including agencies from the US and EU. On the other hand, there is an informal, traditional rights discourse with its related practices underpinned by autochthonous socio-cultural norms on childhood, children's rights and children's work. These two discourses, the chapter argues, sit at distinct levels of Ghanaian society and polity: the former dominant within government, NGOs, civil society and in urban, middle-class spheres; and the latter dominant in working-class, socio-economically marginalized communities and rural areas.

The chapter concludes that legislation and interventions aimed at preventing children's hazardous or harmful work should draw on both perspectives if they are to help advance children's development, rights and best interests. Such compromise is urgently needed because while the formal position is backed by law, its implementation continues to be stymied by the asymmetries between it and structures and norms that shape children's socialization and lived experiences in rural areas. Adopting a purely punitive approach, instead of consensus-building, unduly penalizes already

marginalized and disenfranchised communities. The outcome may be further antagonism towards NGOs and government workers in these communities and rejection of child rights interventions.

Children's work in Ghana: a brief introduction

Successive studies have shown that work of various forms is integral to the lives of Ghanaian children. The ILO (2008) showed that over 88 per cent of Ghanaian children aged 5–14 years take on household chores and responsibilities. Depending on where the children live, their everyday work can range from domestic activities such as cooking, cleaning, taking care of siblings, washing dishes and running errands, to work outside the home such as herding livestock, farming, petty trading, and other economic and non-economic activities. Work constitutes a central aspect of what many Ghanaians regard as part of a normal and desirable upbringing (Yeboah, 2020). As discussed in more detail later in the chapter, this idea is reflected in some areas of the public education system where pupils are required to arrive well ahead of lessons to clean classrooms, toilets and other school facilities (Twum-Danso Imoh, 2009; also see Chapter 4, this volume). From the foregoing, while reflections on children's labour in Ghana tend to focus on poverty, probably the most important factor is that work in its diverse forms is integral to childhood socialization. With this recognition in mind, the GoG has sought to avoid blanket bans on children's work and instead to identify for elimination or regulation sectors and job types that are deemed inimical to children's wellbeing, schooling, development, and morals (Table 8.1).

Several concerns have been raised about such classifications. The line between acceptable work and unacceptable work is not easy to distinguish (as discussed more generally in Chapter 2, this volume). For example, scholars such as Berlan (2004), Okyere (2013, 2018) and Howard (2017) have questioned whether children's participation in cocoa farming, domestic work, fishing and other activities can be deemed exploitative or harmful without consideration of the specificities surrounding their involvement. Hence, while the GoG, ILO and other stakeholders identify fishing and related activities such as preparing bait, nets and fishing gear as 'categorical worst forms of child labour', following a study by the Food and Agriculture Organization (FAO) aimed at reducing child exploitation in Ghanaian agriculture (Zdunnek et al, 2008), FAO staff member Bernd Seiffert observed that 'working on the farm or on the fishing boat or herding cattle can, if it doesn't get in the way of school and occurs under safe circumstances, be very valuable. It's a means of acquiring skills, giving kids a sense of belonging and cultural identity'.[1]

Others posit that forced ritual servitude and trafficking that appear in such lists are not really 'work' *per se* (Nimbona and Lieten, 2007). A related area

Table 8.1: Children's work targeted for regulation or elimination in Ghana

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

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

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

Sources: Bureau of International Labor Affairs (2018), Shahinian (2014), ILO–IPEC (2013) and Tulane University (2015)

of contention is the attempt to quantify the number of children involved in the activities listed in Table 8.1. The production of estimates for phenomena such as child labour and its worst forms is inherently political. Numbers (like other research data) are not neutral as they do not exist independently of the people who produce them (Best, 2008). Researchers define the problem, choose the questions to ask, what to count, how to go about the counting, and which aspects of the data to emphasize or de-emphasize. These choices are shaped by particular values, preferences, agendas, interests and resource availability, which suggest that the resultant figures should be treated with caution.

This disclaimer notwithstanding, all assessments carried out over the last two decades have shown a high prevalence of children's involvement in prohibited forms of work. In 2003, a survey by the Ghana Statistical Service (GSS) showed that over one million children under 13 years were working despite being officially prohibited from economic activities (Ghana Statistical Service, 2003). An estimated 242,074 children aged 13 to 17 years were engaged in exempted activities such as mining, fishing, stone quarrying, and others. Hence, approximately 1.3 million children or 19 per cent of the then estimated 6.4 million children in Ghana were engaged in activities prohibited by national and international policies. About a decade later, in 2012, data from the Ghana Living Standards Survey (GLSS) estimated that the number of children aged 14 years or younger who were involved in prohibited children's work was almost 1.5 million (Ghana Statistical Service, 2012). Methodological differences and other factors such as lack of information on the percentage increase or decrease in the population of children do not permit direct comparisons to be made between the 2003 and 2012 data. However, analysis by UNICEF's Understanding Children's Work (UCW) project compared an earlier (2005) version of the GLSS data with that of 2012 to provide a comprehensive and nationally-representative picture of the child labour and youth employment situations. It found that the involvement of children aged 7–14 years in prohibited activities more than doubled between 2005 (13 per cent) and 2012 (29 per cent) (UCW, 2016a).

The UCW analysis also showed that while the number of children aged 7–14 who were in prohibited work and not in school declined over the same period, there was a concomitant rise in the number of children combining schooling with work. This calls into question the commonly made argument that schooling will disengage children from work (Guarcello et al, 2006; Annan, 2012). Working children in Ghana are instead increasingly combining schooling with work, as several studies after the UCW analysis have also established (Ravallion and Wodon, 2000; Okyere, 2013; Maconachie and Hilson, 2016; also see Chapter 4, this volume). This may be seen as an improvement over the situation where working children do not attend school at all. However, over the last two decades, successive studies have shown that

this situation can also result in poor quality education for working children, among other adverse consequences (Ray, 2002; Heady, 2003; Imoro, 2009; Feigben, 2010; Hamenoo et al, 2018; Carter et al, 2020). As Okyere (2013) notes, the schooling–child labour nexus in Ghana requires further scrutiny as access to schooling alone or of itself cannot address the myriad of reasons underpinning children's involvement in prohibited labour.

In terms of the distribution of children's work across economic sectors, the GSS (2012) data further shows that 80 per cent of the estimated 1,500,000 children in prohibited employment work in agriculture. Also, children working in the agricultural sector mainly do so within the family (82 per cent) (2016a, p 27). Data limitations did not permit a similar analysis of the involvement of those aged 15–17 in prohibited work. However, the GSS (2012) and the UCW (2016a) analysis concerning this group shows that 24 per cent (or 412,000 children) are engaged in activities such as head porterage, mining, quarrying, agriculture and other work forms that are considered to pose a danger to their health, safety or morals (see ILO, 1999 C182; and Section 91.2 of the Government of Ghana, 1998 Children's Act).

Altogether, an estimated 21.8 per cent (1,892,553) of children in Ghana are presently considered to be involved in child labour, and 14.2 per cent (1,231,286) in hazardous work (Government of the Republic of Ghana, 2017b). With regards to cocoa farming, which has been the focus of the most intense legislative, prevention and abolition efforts, the data suggest that during the period 2005–2012, the rise in the number of children working in cocoa-growing communities was greater than in non-cocoa communities (UCW, 2016a, p 31). Indeed, a recent major study by the University of Chicago, suggests that there has been an increase of at least 12 percentage points in the total number of children working in the Ghanaian and Ivorian cocoa sectors in 2018/19 compared to 2008/09; from 31 to 45 per cent (Sadhu et al, 2020). The number of children aged 5–17 working in Ivorian cocoa farming rose from 23 to 38 per cent and those working on Ghanaian cocoa farms from 44 to 55 per cent. This marked increase happened even as governments of the two countries, together with international cocoa companies under the Framework of Action to Support Implementation of the Harkin–Engel Protocol (US Department of Labor, 2017), pledged to reduce the worst forms of child labour in their West African supply chains by 70 per cent by 2020.

Regulatory and legislative frameworks

Over the past three decades, the GoG enacted a plethora of laws and signed international agreements aimed to regulate, prevent or eliminate prohibited forms of children's work. Key among these is Article 28 of the Constitution of Ghana (1992), which prohibits children's involvement in activities

considered injurious to their health, education, or development, and provides a framework for legislation and policy to promote this ambition. Likewise, the Children's Act (Act 560) (1998) was enacted to reform and consolidate the law relating to children, to provide for the rights of the child, child maintenance and adoption, and regulate child labour and apprenticeships. Section 1 of Act 560 defines a child as a person below the age of 18 years. Section 87 makes children's involvement in exploitative labour (defined as work that deprives the child of health, education, and development) and hazardous work (defined in Section 91 as labour which poses a danger to the health, safety or morals of a person) illegal. Furthermore, Section 88 prohibits children working at night (between the hours of 8 pm and 6 am), while Sections 89 and 90 respectively set 15 years as the minimum age for employment and 13 years as the minimum age for entry into 'light work'. In addition to Act 560, other legislation addressing prohibited forms of children's work include the Child Rights Regulations instrument (LI 1705) (2002), Juvenile Justice Act (2003a) the Human Trafficking Act (Act 694) (2005), the Labour Act (Act 651) (2003b), Labour Regulations instrument (LI. 1833) (2007) and the Education Act (Act 778) (2008).

Ghana cannot be described as powerless or as playing a subservient role in the development of its national policies and programmes. Nonetheless, as several scholars have observed, few if any of Ghana's current legislative instruments on children's rights or children's labour, including the Constitution itself, have been shaped solely by domestic socio–political agendas (Gyimah-Boadi, 1994; Oquaye, 1995; Frimpong Boamah, 2018). New laws and debates on children's work and other child rights modalities have been heavily influenced by UN agencies, foreign donor governments and INGOs who demand or expect that Ghana adheres to international standards represented by various UN Conventions (Lawrance, 2010). As discussed later, there is a long-standing critique in the childhood studies and rights literature that these should not be considered as 'international standards', but as Western-derived norms.

The Child Rights Act, for instance, is a near carbon copy of the United Nations Convention on the Rights of the Child (CRC). ILO Convention Nos 138 and 182 also feature very prominently in sections touching on child labour. Likewise, the Human Trafficking Act (Act 694) (Government of the Republic of Ghana, 2005) is derived from the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (hereafter referred to as the Palermo Protocol). Such is the influence of foreign actors in Ghana's national legislative efforts that the country included these provisions in its flagship children's rights legislation even before it had formally ratified ILO Convention No. 138,[2] and before the adoption of ILO Convention No. 182 by the UN General Assembly in 2000. Additionally, the government's flagship programmes NPA1 (2009–2015) and NPA2 (2017–21) were both developed with technical and financial

support from the ILO, UNICEF and International Cocoa Initiative (ICI) (Government of the Republic of Ghana, 2009, 2017b).

Most of the previous and current direct interventions aimed at eliminating children's work in sectors with high international visibility (such as cocoa farming, fishing, mining and rice farming) have also been carried out with funding from actors such as the US Department of Labour (USDoL) and US State Department, the World Cocoa Foundation, International Cocoa Initiative (ICI), and with technical assistance from ILO-IPEC (ILO-IPEC, 2013). The next sections highlight the key programmes and other initiatives partly or wholly targeted at the elimination or regulation of prohibited children's work over the last decade and the scale to which these activities are influenced by and dependent on funding from external development partners.

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

The National Plan of Action for the Elimination of the Worst Forms of Child Labour, Phase 1 (NPA1, 2009–2015)

This was Ghana's first systematic attempt to prevent and eliminate child labour (Government of the Republic of Ghana, 2009). Among others, some key objectives were to review, update and enforce the laws; ensure social mobilization for the respect and protection of children's rights; ensure full implementation of the Free Compulsory Universal Basic Education (FCUBE) Policy with priority attention to deprived communities; put in place institutional arrangements to identify, withdraw, rehabilitate and reintegrate children unconditionally from the worst forms of child labour; and put in place measures to prevent and eliminate hazardous child labour.

NPA1 did not originate from within the GoG itself, but from ILO–IPEC through its Ghana National Programme Manager (Government of the Republic of Ghana, 2009, p 6). This is a potential explanation for the programme's lack of success (Government of the Republic of Ghana, 2017b). Although NPA1 is said to have helped make the need to address child labour a priority in many sectors and saw some actions undertaken, its overall impact was graded 'below expectation' and poor performance was identified at all stages. The Ministry of Employment and Social Welfare (MESW), through its Child Labour Unit (CLU), had responsibility for the overall coordination and supervision of NPA1. However, the assessment report states that 'apart from donor-led interventions, which were monitored by the respective donors, little was done', due to failure by implementing agencies to provide reports and share information, staff capacity issues and generally low collaborative efforts between the relevant parties (Government of the Republic of Ghana, 2017b, p 22).

The National Plan of Action for the Elimination of the Worst Forms of Child Labour, Phase 2 (NPA2, 2017–21)

This is a continuation of NPA1 and, in reality, it seeks to achieve what NPA1 could not. NPA2 has the overarching objective to: 'reduce child labour to the barest minimum (at least 10%) by 2021 while laying strong social, policy and institutional foundations for the elimination and prevention of all forms of child labour in the longer term' (Government of the Republic of Ghana, 2017b, p 27). The main difference with NPA1 is that a figure of 'at least 10%' has been cited to represent the idea of 'barest minimum' within the mission statement. Four accompanying strategic objectives are to: reinforce public awareness and strengthen advocacy for improved policy programming and implementation of child development interventions; improve capacity, collaboration, coordination and resource mobilization for effective implementation of child labour interventions; ensure effective provision and monitoring of social services and economic empowerment programmes by local government administrations; and promote community empowerment and sustainable action against child labour. NPA2 is being carried out with 'technical direction and financial support' from ICI, the United Nation Children's Fund (UNICEF), ILO and the Government of Canada (Government of the Republic of Ghana, 2017b, p 8).

The Declaration of Joint Action to Support the Implementation of the Harkin–Engel Protocol

This declaration, made in 2010, aims at a significant reduction in the worst forms of child labour in cocoa producing areas of Ghana and Côte d'Ivoire. As with the Harkin–Engel Protocol itself, the origins of the declaration's Framework of Action were not from either of the two West African countries, but the US. Additionally, it is funded in almost its entirety by the USDoL (US$10 million in 2010 and further amounts thereafter) and ICI (approximately US$10 million in the inception phase and further amounts thereafter). This protocol for public–private partnership involves activities such as continuing the child labour surveys and establishing the Ghana Child Labour Monitoring System (GCLMS) in 2010, that was subsequently constrained by inadequate funding (Owusu-Amankwah, 2015).

The National Plan of Action for the Elimination of Human Trafficking in Ghana (NPAHT, 2017–21)

This seeks to reduce the scale of child and other forms of trafficking and address the social factors that make children especially vulnerable to being trafficked (Government of the Republic of Ghana, 2017a, p iv). NPAHT is

also led and funded by external actors, and as noted in the acknowledgements section of the policy document, the 'whole process' was guided and facilitated by UNICEF. The Canadian government also provided 'support', 'contributions' and 'commitments' to combat the issues of abuse, violence and exploitation of children in Ghana (Government of the Republic of Ghana, 2017a). The scheme is ongoing, and no reviews are available.

National Social Protection Programmes

The NPA2 states that child labour can be addressed when concerns for the widening inequality in the population are addressed (Government of the Republic of Ghana, 2017b, p 12). To this end, it calls for strong advocacy and public policy to enhance education outcomes and improve access to social protection services, especially in areas where child labour is endemic. Several such social protection and social welfare programmes have been instituted over the last two decades (see Chapter 7, this volume, for more detail on evaluations of social protection programmes). The most recent, which has also been linked to child labour prevention efforts, is the Livelihood Empowerment Against Poverty Programme (LEAP). Under this scheme, direct cash transfers are provided to poor families on the condition that their children continue to attend school and that the family makes use of preventive health care and nutrition services. In reality, child labour elimination was peripheral to the core objectives of the LEAP programme at its inception phase, though it has since been adapted for this purpose. Though initiated by GoG, LEAP is reliant on support from development partners. As Handa et al (2014) noted, LEAP's annual budget of US$20 million comprised GoG funds (50 per cent), donations from the UK government, and a loan from the World Bank. Over the last decade, financial assistance has also been provided by the EU, United Nations Population Fund (UNFPA), UNICEF, USAID and the World Food Programme (WFP) (World Bank, 2016). Other national social protection programmes with some potential to address child labour include the Ghana School Feeding Programme, which was initiated under the Comprehensive Africa Agricultural Development Programme (CAADP) Pillar 3, and the Capitation Grant, which is aimed at removing financial obstacles to children's school enrolment, a key objective of the FCUBE policy.

Role of external actors

While the GoG and its civil servants have participated in the development of these policies and programmes, or have provided the required human resources, leadership and skills to operationalize them, it is clear that external actors have played key roles. Significant financial, human and material resources have been provided, including by the US government and its

Table 8.2: Examples of funded child labour and social protection initiatives in Ghana

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

Notes: Some of these initiatives are specific to addressing child labour while others (for example, LEAP) are mainly social protection programmes tangentially related to child labour concerns. DFID stands for UK Department for International Development, now part of the Foreign, Commonwealth and Development Office (FCDO).

Source: US Department of Labour (2018)

agencies, especially towards the elimination or prevention of children's work in sectors such as cocoa farming, fishing, mining and other prohibited sectors. The US and UK governments alone have provided at least US$200 million for child labour and child rights related initiatives in Ghana since 2014 (Table 8.2). This reliance on foreign resources and technical guidance has important implications for the nature, scope and success of these initiatives.

As discussed previously, while some of the programmes have successfully increased the entry of children into formal education, results are mixed in terms of their core objective of decreasing the involvement of children in prohibited work. This may reflect the critique that countries that are largely reliant on

foreign assistance for their development strategies risk perpetuating weakness in their institutions and a lack of clear policy direction (Whitfield, 2008; Movik, 2011). Another related issue is whether child rights and regulation of children's work would look the same if the country had greater policy space. There is, for example, a palpable absence of reference to indigenous customary constructions of and views on childhood, child rights, and children's work in Act 560.

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

Social attitudes towards children and children's work are closely aligned with dominant socio-cultural understandings of childhood and children's place in society. Cultures and traditions are not static but change with a society's evolving political, economic, and other realities. Ghana has already undergone significant changes in attitudes, norms and standards since the re-introduction of parliamentary democracy in 1992, which ushered in child rights and children's work legislation. Nevertheless, particularly in rural areas, important elements of 'traditional' perspectives on childhood and work still hold sway. Thus, this section is rooted in the assertion by Bourdieu (1998, p 2) that the most profound logic of any social world can only be truly understood by situating oneself in the historical, cultural, and empirical reality of its inhabitants (also see Achebe, 1993; Appiah, 1993; Mbembe, 2001). The next section traces aspects of traditional ideals on children's work and explores why they have proven challenging to dismantle despite the significant financial and material resources poured into this agenda over the last three decades.

Traditional socio-cultural constructions of childhood and children's work
Defining childhood in context

In keeping with the ILO child labour conventions and the CRC definition of childhood, legislative approaches to regulating children's work in Ghana rely on calendar age and minimum age standards. However, chronological age has traditionally been peripheral to the understanding of childhood and child development in Ghanaian communities, and its validity as the sole basis for determining a person's maturity or capacity is severely critiqued in the childhood studies literature (Laz, 1998; Clark-Kazak, 2016; Akinola, 2019).

For example, in the 1950s the Talensi of Northern Ghana were described as having two distinct stages of child development: babyhood and childhood (Boakye-Boaten, 2010, p 108; citing Fortes, 1957). Babyhood, the period from birth till weaning (about 3–4 years), was a period of complete dependency during which there were no social demands on the child. Childhood then had three distinct stages: age 4–8 years, when the child was

mostly free from work and mostly at play; age 8–12 years, when the child was progressively introduced to community activities, values, work and adult responsibilities; and from age 12 years onwards when they were expected to start taking on basic economic and household tasks. This represented a gradual entry into adulthood, and children were given roles to signify their developing social status. Despite decades of social change, such ideas still hold in many in rural and urban areas.

Meanwhile, in Southern Ghana, the Akans marked the transition from childhood to adulthood (or adolescence) through *bragoro*, which is translated as 'life dance' to convey the idea that adult life begins at this stage (Sarpong, 1977; Crentsil, 2014). *Bragoro* was performed (and still is in some communities) for girls following their first menstruation and was thus also described with euphemistic expressions such as *Ɔayɛ bra* (she is of age) or *Ɔakum sono* (she's killed an elephant) to communicate that she had now attained womanhood (Sarpong, 1977; Agyekum, 2002). For boys, courage and bravery were seen as signs of masculinity and thus counted as part of the transition and entry to manhood. Hence, expressions such as *ne bo ayɛ duru* or *ne koko ayɛ duru* or *w'ayɛ / ɔreyɛ barima* (he's brave or he's become brave or he's become/is becoming a man) were used to refer to those who begin to show the markers of adolescence or puberty, such as the growth of pubic hair and beard or breaking of the voice, or those who commit acts of bravery or competence associated with adulthood (Adinkrah, 2012; Fiaveh et al, 2015).

These traditional conceptualizations of childhood represent one of the primary areas of contention between indigenous perspectives on childhood and the formal child–centric legislation enacted by the national Parliament over the last three decades. They set up an ongoing challenge to child rights discourses which are premised on the assumption that all communities are aware of the formal laws and support the age-based definition of childhood. This dilemma is not unique to Ghana: many scholars have identified similar problems with the operationalization of local laws based on the normative definition of childhood used by the CRC (Liebel, 2012; Abebe and Tefera, 2014; Ansell, 2014; Thum-Danso Imoh, 2019; Vandenhole, 2020). The critique is that the normative approach reduces human maturation to a Gregorian calendar age when the reality is that the extent to which, and the range of issues about which, children are able to make effective choices is related to their experience and maturity and not their calendar age (Huijsmans, 2012, p 1311). It also 'infantilises adolescents' (Abramson, 1996) and 'obscures children's differentiated levels of competence, needs, and maturity in various life stages of childhood' (Abebe, 2019, p 3).

These views and this chapter's overarching point about the tensions between indigenous perspectives on childhood and the formal child-centric legislation are exemplified by a study on children's work in Ghanaian mining communities by the NGO called Free the Slaves (FTS, 2014). Responses

to this baseline study of understandings of childhood in Obuasi, a mining town in the Ashanti region, showed an overwhelming rejection of the legal definition of childhood: only 18 per cent of the survey respondents agreed with the view that the age of 18 represents the boundary between childhood and adulthood. It was evident that the community did not regard the category of young people who were involved in artisanal mining work as 'children'. Instead of exploring or seeking to understand the residents' perspective, the researchers simply concluded that parents of Obuasi were naïve or 'lacking knowledge about their roles as parents, and the rights and welfare of their children' (FTS, 2014, p 5). This example reflects what Van Dijk (2001) describes as positive self-representation and negative other-representation.

'Childhood' influenced by social mores

Respect for elders and the importance of contributing to one's community are among the core values instilled into Ghanaian children from a young age. A sense of communal obligation is associated with norms and expectations including reciprocity, altruism, and mutual contributions, all of which underpinned traditional welfare systems (Ansah-Koi, 2006). Children's upbringing was, and continues to be regarded as, the duty of the entire extended family, kinship group or community, and not only the biological parents (Goody, 1966, 1973; Oppong, 1973; Allman, 1997; Badasu, 2004). This is founded on the belief that children represent the continuity of the names, heritage and identities of the wider community. Furthermore, as Badasu (2004) notes, the child's socialization is seen as a duty that could not be performed by one person alone. This social or communal approach to child upbringing also ensures that all children are provided with guardianship and care (Alber, 2003, 2010; Frimpong-Manso, 2014, p 411). While these practices have waned due to the loosening of social bonds catalysed by urbanization, migration and adoption of alternative child-upbringing cultures, they are still prevalent in some areas and are the foundation of the traditional child fostering system (Pennington and Harpending, 1993).

  Regardless of the family, household or community in which they live, children are introduced to work at an early age and expected to contribute, through their work, to their family and the wider community (Sarpong, 1974; Sackey and Johannesen, 2015; Yeboah, 2020). As Takyi (2014, p 38) notes, this is integral to children's socialization because traditionally parents and extended families were regarded as failures if their children grew up lazy or without the skills or abilities to cater for their own families in turn. The value of work is thus instilled in children at the earliest opportunity, with 'economic activities' being among the main skills and competencies which parents teach their children. Children's work ranges from domestic chores (taking care of siblings, helping to cook family meals, washing of

clothes) through to subsistence and income-earning activities (including farming and tending livestock). Adult caregivers express concern that a lazy child will fail in life, and some send their children to live with relatives or others with the hope that they will encourage the child to be more diligent.

Lived experiences of work

This attitude towards work in children's lives has been maintained even in the face of urbanization and rural-urban migration (Yeboah, 2020) and is reflected in the duties and expectations of children within the public education system (Twum-Danso Imoh, 2009; Mohammed Gunu, 2018). For example, the Ghana Education Service's (GES) guidance for Water, Sanitation and Hygiene (WASH) Facilities Planning and Management lists the maintenance of school WASH facilities as the pupils' responsibility (Moojiman et al, 2013; GES, 2014). Similar policies exist elsewhere. For instance, under the 'o-soji' (cleaning) tradition in Japanese schools, pupils clean some school facilities (Tsuneyoshi et al, 2016). Likewise, in 2016, Singapore's Ministry of Education announced a decision to make daily cleaning of school canteens, corridors and classrooms (though not toilets) a mandatory task for primary and secondary school children (The Independent, 2016).

Berlan (2009) demonstrates the ubiquitous nature of work in children's lives across both informal (domestic) and formal (schooling) arenas owing to the positive associations that have been and are still made between childhood and work (also see Chapter 4, this volume). Besides their unpaid school and domestic chores, many children are called upon to assist their families with income-earning activities (Yeboah et al, 2015; Agyei et al, 2016; Ungruhe, 2019). Some of these children may be coerced or compelled, but there is ample evidence that many are entrepreneurial and take on economic activities of their own volition to earn incomes for themselves (Okyere, 2013; Yeboah, 2020). Other children work because they find it more rewarding than other options.

Bruscino (2001) originally set out to explore ways of ending children's work in Yindure, a village in Northern Ghana. She worked with children who were literate or had attended school at some point in their lives. Most expressed a desire to migrate to the south of the country to work, as they had heard they could make more money there, reflecting the long-established circuit of independent seasonal North–South labour migration (Whitehead and Hashim, 2005; Kwankye et al, 2007, 2009; Whitehead et al, 2007). Boys explained that they saw migration and work as a more rational response to their circumstances than schooling:

> The boys said they enjoyed their work and saw it as useful for their futures, which for all seemed to include becoming farmers. Their jobs

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

Girls were generally less enthusiastic about work – they had fewer opportunities for paid work and preferred schooling, which they hoped would help them with a future career or lead to greater independence.

Two important points emerge from Brucino's work and similar studies (Yeboah et al, 2015; Agyei et al, 2016; Ungruhe, 2019). First, it is important to listen to children carefully to gain an understanding of their worldviews, individual preferences and lived experiences. Second, there is the need to engage with the diversity of voices: those of girls which appear to align with the interests of actors seeking to prohibit certain forms of children's work, and those of boys who may be keen to pursue the prohibited work. The importance of working with individuals whose views of children and work are outside international norms, and who therefore tend not to be consulted, has been widely acknowledged (Boyden and Ling, 1998; Myers, 1999; Crivello et al, 2009; Bourdillon, 2014; Morrow and Boyden, 2018; Bourdillon and Carothers, 2019).

Complementarities, divergences, and tensions around children's work

An important part of the rationale for engaging with marginalized voices is that there can be many commonalities between the underlying visions of those seeking to prohibit children's work and those with greater tolerance for it. The traditional acceptance of diverse forms of children's work does not imply laxity toward or acceptance of work that is inimical to children's wellbeing or development. Most families and children themselves are also acutely aware of the fact that work that is not age–appropriate can cause physical harm, and is wrong (for example, Adonteng–Kissi, 2018). This view is captured in many songs, folklore and icons such as the popular Akan proverb 'the child breaks the shell of a snail and not that of a tortoise'; to wit, a child does or should do things that are appropriate for children.

The foregoing suggests that the divergence between the traditional and legal positions on children's work emanate as much from moral and political views as from objective judgements about work and harm. For example, children and families in cocoa growing and fishing communities have long held that there are activities that can be safely performed by children, while for the most part the law and mainstream child labour discourses present children's involvement

in cocoa farming in wholly pathological terms. The second reason for the divergence is because in Western Europe and North America, the mention of 'child labour' conjures images of children in horrific factory conditions, sweatshops, or large plantations. In these situations, the logic of abolition by declaring such work as unconditionally bad for children is understandable.

However, children's work in rural Ghana typically occurs in small-scale agriculture in the family context, or petty trading, fishing or mining, not in industrial spaces. In all these, attention is paid to the capacities, maturities or abilities of the child to whom jobs are allocated. Traditionally in Ghana, no jobs were unconditionally denied to children or automatically barred as being unquestionably unsafe for them as the dominant view was that most jobs had light, non-hazardous or child-friendly aspects. Introducing children to these suitable elements was seen as a practical means of facilitating their development. Thus, in farming communities, for example, children could initially help gather the harvest, and then be allocated further responsibilities as they gained more farming experience and matured in age and physical stature. Families and communities considered it imperative to impart to children and youth the skills with which they could eventually build a livelihood – be this in fishing, farming, petty trading or other jobs (Nukunya, 2003; Sackey and Johannesen, 2015). Work was also an educational experience, for a lot of historical, social, cultural and political information was and still is, encoded and passed down through oral accounts and folklore, or taught through weaving, trade skills, farming practices, craft making and other modes that required hands-on involvement.

Hence, while classroom-based education was deemed important, right from Ghana's colonial-era, warnings were issued that the focus on formal education and devaluation of traditional work-based educational and knowledge systems risked undermining the scope for imparting vital practical knowledge, history and skills (Kwamena-Poh, 1975; Lord, 2011). There is also the problem that despite advances in the provision of school infrastructure and school access, formal classroom-based education in many areas is inaccessible or of such poor quality that children would rather not attend (Yeboah et al, 2015). Many children who attend poor-quality schools remain innumerate and illiterate even after completing Junior Secondary School. This challenge was recognized by NPA1 and reaffirmed in NPA2, with the identified response being an investment in alternative forms of education, including transitional programmes for out-of-school children. However, given how non-classroom based schooling or educational provision is generally stigmatized within mainstream child labour and child rights discourses, reaffirmation of this goal in the NPA2 is likely to yield only minimal action. Indeed, NPA2 formally ended in December 2021 without any tangible programme or action to implement non-formal and traditional work-based education systems.

Ultimately, though there are areas of complementarity between traditional constructions of childhood and children's work on the one hand, and the

legislative and policy approach on the other, there are also clear divergences and tensions. These have mainly been brought about by the fact that laws have been formulated without due regard for the indigenous systems which predated them. The tensions largely operate at the communal or societal level but also occur at a more personal level for working children and their families. Many young people see the ability to cater for themselves and help others in the family as an important milestone on their path to maturity, and proof that they can meet societal and personal responsibilities and are thus worthy of respect and recognition. It is often overlooked that historically work was, as it is still today, tied to a young person's sense of self-sufficiency, independence, honour and respect (Hilson, 2009; Okyere, 2013). In Okyere's (2012) study, young people working in artisanal gold mining spoke with pride about being able to work to pay for education and apprenticeships. The research participants saw the policy position that they should be denied such work as potentially depriving them of the ability to access education, apprenticeships, developmental and welfare opportunities, with further adverse knock-on effects on their self-esteem.

Conclusions

This chapter started with a recognition that Ghana's legislative approach to child rights and work is a radical departure from the ideas which prevailed up until the early 1990s when democratic rule was restored. At that point, the country began adopting international children's rights instruments such as the CRC. In contrast to the understandings of childhood prevalent in rural communities, the Ghana Child Rights Act (1998) introduced a notion of childhood determined exclusively by chronological age. This was always going to be difficult to implement in contexts where not all births are registered, and many do not know their actual dates of birth.

Additionally, the presentation of education only in terms of classroom-based schooling and of schooling itself as a time that is completely incongruous with work (see, for example, UNICEF 2007) is highly problematic. Adherence to this has been very challenging because much education has historically taken place outside the classroom, through work and other activities. Furthermore, despite the introduction of measures such as FCUBE, LEAP, and others, many children do not attend school because it is too far away, whereas others consider the quality of schools and the instruction received so poor as to be a waste of their time (UCW, 2016a, p 43). Many children have to work to fund their education and pay for necessities, as shown by Okyere's (2012) research with children seeking income opportunities in artisanal mining.

While cultural acceptance of children's work is pervasive, it is also widely recognized that there are forms of work that can be too onerous or hazardous for children. The occurrence and persistence of hazardous and harmful

work usually reflect socio-economic constraints. This challenge was squarely recognized by the Ghana National Commission on Children (GNCC) in drafting Act 560. Despite acceding to the various ILO Conventions, the GNCC nonetheless stated the following in its background report:

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

These concerns are as true now as they were at the time, and various aspects of the Act's provisions on child labour remain unfulfilled while successive national efforts to prevent child labour have floundered. The socio-economic challenge needs to be resolved as a matter of urgency, for it is also a truism that many families whose children are engaged in harmful work aspire to the vision of childhood presented to them in media campaigns, and through NGO and governmental advocacy. These messages do not fall entirely on closed ears, but they fail to galvanize a response among some audiences because of the harsh socio-economic reality of their lives.

The chapter argues that the country's high dependency on foreign aid, technical guidance and assistance for social programmes and other interventions addressing children's work remains problematic. It lends legitimacy to critics' concerns that these are foreign impositions or designs, even if they are in step with the country's national development agenda. The inability to initiate and implement child rights and social welfare programmes without external support also exemplifies economic and political underdevelopment. As Kim puts it: 'such intervention by donors in the process of Ghanaian policymaking has further challenged state capacity, legitimacy and effectiveness' (Kim, 2015, p 1341). Against this backdrop, fairer trade practices, addressing global political and economic inequalities, and measures to right the lingering wrongs of historical events such as colonization should be seen as underpinning the future ability of Ghana and other African countries to protect their children (ActionAid, 2011; Herbert, 2011).

What this chapter argues is the importance of bridging the gap between the two dominant discourses on children's rights and childhood. Policies and programmes aimed at preventing hazardous or harmful work must now seek the middle ground and draw on both perspectives. Failure to do so

will only further penalize those who are already marginalized and lead to the rejection of what may be worthwhile interventions.

We conclude with what should be an obvious point: child rights, and initiatives to address them, are intrinsically political. They occur at the intersection of different ideologies, interests, identities and other deeply embedded factors. They also raise sensitive questions about class, gender, ethnicity, nationality, power, colonialism and hegemony. We argue that it is of utmost importance that all endeavours carefully consider and understand the multiplicity of opinions and views on children's rights and children's work. This includes a willingness to consider ideas and propositions that may appear antithetical to deeply held beliefs. This is especially so with regards to the voices of the working children, their families and communities, in whose interests the laws, research studies and advocacy campaigns are so often justified.

Notes

[1] http://www.fao.org/gender/insight/insight/ru/c/42487/
[2] C138 was ratified by Ghana in 2011.

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