

# **ELIMINATION OF THE WORST FORMS OF CHILD LABOUR IN THE COCOA INDUSTRY IN GHANA**

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AND EMPLOYMENT (MMYE), HON. AKOSUA FREMA OPARE DURING  
MINISTERIAL/TECHNICAL MEETING OF HEADS OF STATE AND GOVERNMENT  
OF AFRICAN COCOA PRODUCING COUNTRIES, ACCRA INTERNATIONAL  
CONFERENCE CENTRE, ON 3<sup>RD</sup> & 5<sup>TH</sup> SEPTEMBER 2007

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## **1.0 Introduction**

A risen concern about the need to provide protection and institutional responses that will ensure the progressive elimination of child labour as well as the general welfare of working children, highlights the need among policy makers, both international and local for deeper understanding of the phenomenon.

## **2.0 Child Labour, Worst Forms of Child Labour (WFCL), Child Work**

It is first necessary to clarify what child labour is and what it is not. Child labour is work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. Child labour can therefore be referred to as work that:

- (i) is mentally, physically, socially or morally dangerous and harmful to children; and
- (ii) interferes with their schooling;
  - by depriving them of the opportunity to attend school
  - by obliging them to leave school prematurely
  - by requiring them to attempt to combine school attendance with excessively long and heavy work

Child work on the other hand are activities which does not pose any harm to the child such as helping parents to care for the home and the family or performing light work such as assisting in a family business. These activities are positive and contribute to a child's development and provide the child with skills, attitudes and experience useful in his/her quest to become productive member of society.

Worst Forms Child Labour (WFCL) as defined by ILO convention 182 includes slavery, forced labour, sale and trafficking of children, forced recruitment of labour and **hazardous work**. These require immediate and effective measures for the prohibition and elimination as a matter of urgency. Governments are entreated by ILO recommendation 190; to adopt national programmes of action.

Children are the future of any nation and therefore it is essential that children are provided with a childhood that prepares them for decent work during their adult life, i.e. work that is both productive to society and rewarding. The employment of children in conditions that are harmful to their dignity, morality, health and education therefore, seriously undermines the economic viability and cohesion of society and compromises its longer-term development prospects.

The legal framework for protecting the rights of the child in Ghana originates from the Ghanaian constitution with the provisions being implemented through the Children's Act, 1998 (Act 560). The act defines a child as a person below 18 years. The act specifies among other things, the rights of the child, the enforcement procedures and provides the minimum age for employment as 15 years. However, children from 13 years are allowed to do light work while the minimum age for hazardous work is 18 years. The list of hazardous work (which is being reviewed) includes the following: going to sea, mining and quarrying, portage of heavy loads; working in manufacturing industries where chemicals are produced or used; and work in places such as bars, hotels and places of entertainment where a person may be exposed to immoral behaviour.

Poverty is one of the most significant factors forcing children to work. However, child labour has to be seen not only as a consequence, but also as a cause of poverty and underdevelopment. Each country therefore, needs to have a clear understanding of the extent and causes of child labour within its borders and the conditions in which it is carried out.

### **3.0 Child Labour Situation in Ghana**

A study conducted by the Ghana Statistical Service (GSS)<sup>1</sup> in 2001 estimated that out of the estimated 6,361,111 children in Ghana, some 1,273,294 or 20% of them were engaged in various forms of child labour, including 242,074 or 3.8% that were engaged in activities classified as hazardous work, such as head portering, child domestic work, commercial or ritual servitude, small scale mining and quarrying, fishing, commercial agriculture, and commercial sex.

### **4.0 Child labour Situations in the Cocoa Sector Ghana**

Another form of child labour that has gained attention recently and that has a direct consequence on our economies is worst forms of child labour in the cocoa sector. International media reports that children are being used to produce cocoa in West Africa generated a lot of consumer concerns which led to the signing of a protocol by the International Cocoa and Chocolate Industry with US Senator Tom Harkin and US Representative Elloit Engel. The agreement which is known as the "Harkin-Engel Protocol", laid out series of date-specific actions, including the development of credible, mutually acceptable, voluntary, industry-wide standards of public certification by July 1, 2005 – to give a public accounting of labour practices in cocoa farming. While progress was made towards the design of certification it was not implemented within that timeframe. The original target has therefore been revised; indicating that certification will be implemented in areas producing at least 50% of cocoa in Ghana and Cote d'Ivoire by July of 2008.

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<sup>1</sup> Ghana Statistical Service (GSS). 2003. *Ghana Child Labour Survey*. GSS. Accra. Ghana.

Following the signing of the protocol, studies and interventions have been implemented by ILO/IPEC/WACAP, Ministry of Manpower Youth and Employment (MMYE), Ghana Cocoa Board (COCOBOD), Ministry of Women & Children Affairs (MOWAC) and General Agriculture Workers Union (GAWU) and other Civil Society Organisations. These studies have led to a better understanding of the nature and extent of the occurrence of WFCL in the cocoa sector, including the complications of child labour with child socialization or upbringing by parents. Some of the key revelations are:

- **Cocoa farming is largely small holder family enterprise and labour intensive.** Average acreages range from about three acres to about mostly ten to twenty acres. Available sources of labour is limited to hired labour, sharecropping and family labour. Family labour is common since there is shortage of labour and/ limited funds to hire labour. Studies conducted by MMYE (2006); GAWU(2005); WACAP(2004) and MoWAC (2005) all indicate that over 90% of children in cocoa farm stay with at least one parent and relatives. Thus, except in the case of hazardous work or the worst forms of child labour, the activities children undertake could be considered light work on the farm - normal and indeed healthy to the proper upbringing of the child. Traditionally, working on family farms and with family enterprises is seen as part of the process by which children are trained towards adulthood.
- **Most children are in school but work on part time bases.** MMYE Pilot Labour survey (2006) indicates that most children are enrolled in school (91%) work on farms during week end (92%), during school holidays (88%), and/ after school (35%).
- **Children are engaged in almost all the processes involved in cocoa cultivation.** This has been confirmed by MMYE Pilot study as well as GAWU study. MMYE study further indicates that the involvement differs by activity and age group, and as the children age, their involvement in cocoa farming activities also intensifies. The larger proportion of these age groups are found in weeding (50-75 percent), carrying water for

spraying (61-73 percent), pod gathering and heaping (84-89 percent), bean scooping (58-65 percent) and carting fermented beans (50-74 percent). Pod plucking, drying of beans and carting dry beans for sale dominate among the 13-14 and 15-17 age groups.

- The study found that children involvement in hazardous farm work is wide spread and diverse. The high incidence of exposures in farm work and subsequent health problems elicited during the survey is suggestive of significant presence of hazardous work.
- In terms of occupational health and hazards, the study round that : high childhood time exposures rate to common hazards of farmiing, ; carrying heavy load is common; using cutlass and being cut by them, spraying of pesticide; and applying fertilizer.

## 5.0 Challenges in the Cocoa Sector

- The socio-cultural milieu within which *child work* or *child labour* is examined is important to help the correct interpretation of the various activities of the child that are categorized, and the circumstances of the child involvement in such activities. It is not usual to see a child tagging along his/her parents, happily carrying as little as my cupped hands just to show that he/she belongs to a family or home. This process has helped passing of skills on to them. The difficulty of drawing the line between our good socio-cultural situations such as socialization and extended family system from activities that are harmful to the development of our children is an issue that needs to be looked at.
- **Cocoa farming is physically demanding and labour intensive.** This situation coupled with the use of non-mechanized farming techniques and high cost of labour would push farmers to continuously rely on family labour including that of children in the cocoa production process.
- **Certification issues:** Following the signing of the Harkin-Engel Protocol on September 19<sup>th</sup>, 2001 to address the problems of child and forced labor on plantations and small scale family businesses in West Africa, the

Congress of United States of America has **contracted Tulane University's Payson Center for International Development and Technology** to oversee, assess, monitor, verify and generate information to guide and measure progress towards the elimination of Worst Forms of Child Labor in the cocoa sector in Cote d'Ivoire and Ghana. This **foreign oversight work has a tremendous economic security implications for our countries.**

## **6.0 National Response**

National political commitment is the key to the effective eradication of child labour. In the absence of a firm policy commitment by the government, backed up by resources and translated into effective action, the best efforts of other partners in the fight against child labour are likely to result in making little more than a small dent in the problem. Thus governments carry the obligation to establish, implement and monitor policies and legislation, and to translate international commitments into domestic action.

Therefore apart from the various pro-poor policies and programmes being implemented by the government of Ghana, it has created the National Program for the Elimination of Worst Forms of Child Labour in Cocoa (NPECLC) to eliminate the WFCL in the Cocoa sector by 2011 and all sectors by 2015. Implementation started in August 2006. This has taken interrelated multi-sectoral integrated approach. It is noteworthy that even though the entry point in the affected communities is through the cocoa sector, the programme's approach is to ensure that all forms of WFCL is equally addressed simultaneously.

The program works on the following strategic objectives:

1. Enhancement of the knowledge base about WFCL in cocoa
2. Strengthening of the legal framework for dealing with WFCL
3. Community mobilization for action against WFCL

4. Development and implementation of interventions to eliminate WFCL in cocoa
5. Promotion of universal basic education
6. Development and implementation of interventions that reduce the need for child labour in cocoa
7. Development of institutional and technical capacities to effectively address child labour in the country

As the saying goes: *a journey of a thousand miles begins with one step*. Such has been the road with regards to work towards eliminating worst forms of child labour in the cocoa sector in Ghana. From conceptualization of the program to its implementation as of this time, a lot of experiences have been gathered that have straightened up the paths to achieving our goal.

**a. Enhancement of knowledge base about WFCL in cocoa**

Firstly the goal is for government to collaborate with agencies to give a complete picture of the status and extent of child labour in the cocoa sector and take remedial actions on any adverse findings.

- *Pilot survey into labour practices in the cocoa sector*

The NPECLC undertook a pilot survey into labour practices in cocoa production from October 2006. The pilot survey covered 6 districts in 3 cocoa growing regions of the country. The survey was completed in April 2007 have since been posted on the website [www.cocobod.gh](http://www.cocobod.gh) for download by all interested parties.

The pilot survey is currently being scaled up to cover 46 political districts in six cocoa growing regions of Ghana. The results of the pilot survey are to be used in preparation of the certification report, which is a requirement of the Harkin-Engel Protocol, due on July 1<sup>st</sup>, 2008. The scale-up survey would be undertaken to cover an area of the country that produces at least 50% of Ghana's total cocoa production. Alongside the survey, a system of continuous monitoring would be set up at the community levels to ensure that children are allowed to attend and benefit fully from schooling.

## **b. Strengthening of the legal framework about WFCL in cocoa**

International conventions and national laws and policies that protect children have been widely studied as a major activity and use in addition to other tools and available information to sensitize and mobilise support to deal with the issue.

It has been recognized that the Children's Act 560 is the embodiment of all the various conventions and policies that protect children's rights in Ghana. Processes are currently underway to ratify the ILO Convention 138, however its tenets are still found to be present within the Children's Act of Ghana. Other related laws to strengthen the protection of children from being engaged in WFCL, are the Human Trafficking and Domestic Violence Act.

## **c. Community mobilization for action against WFCL**

It was recognized that much of the problem of WFCL in cocoa was due to lack of understanding and appreciation of the issue. Therefore, informational programmes to promote awareness about child labour/WFCL and child rights among teachers, parents, children, communities and decision makers are being undertaken to change perceptions and pockets negative attitudes that turn to undermine our positive socio-cultural settings. This year all the 46 districts producing cocoa are being sensitised through a multimedia and participatory approach. A lot of concrete community actions are ongoing including the establishment of Child Protection Committees. A lot of investment has been made by COCOBOD to sensitize all levels of staff and their clients, the Licensed Buying Agents (LBCs) to understand what the phenomena of child labour is about and how to deal with it.

In addition to major surveys, case studies of specific communities which from field information suggest high prevalence of WFCL and indications of possible trafficking are being pursued. All identified cases of child trafficking in the cocoa industry will be dealt with all the seriousness that they deserve

#### **d. Development and implementation of interventions to eliminate WFCL in cocoa**

- Occupational safety and health (OSH) of the children (as well as the adults) was identified as a major issue that needed to be tackled quickly. Therefore, a remediation plan is being implemented to deal with the OSH concerns.
- *Ghana is developing Hazardous/light activity list:* Definition of what constitutes hazardous and light activities that allow proper categorisation of what is allowed by law taking into consideration our socio-cultural settings. This will provide the context within which children are allowed to participate meaningfully in cocoa production process without compromising their development.

#### **e. Promotion of universal basic education**

The government is embarking on pro-poor growth interventions to reduce poverty, empower communities and parents and improve education in Ghana. These strategies constitute ideal vehicles for combating child labour, attacking its structural determinates and creating alternatives.

The national plan of action is about to implement actions that compliment these efforts such as support extremely needy children and contributing to enhance quality of education.

#### **f. Development and implementation of interventions that reduce the need for child labour in cocoa**

Among interventions to be carried out are the following:

- Development of carting equipment to save the children from carrying heavy loads over long distances
- Development and promotion of child-friendly equipments such as child baskets, hoes etc.
- Acquisition of personal protective equipment for both children and adults in cocoa production

- Alternative income generation skills for farmers and their families, e.g. better use of cocoa husks and other by-products
- Enhancement of farm management skills

#### **g. Development of institutional and technical capacities to effectively address child labour in the country**

The fight against WFCL requires a response from a broad alliance of national and international organizations. Farmers, parents, trade unions, employers associations, international organisations as well as donor agencies need to collaborate with the government to initiate, implement and consolidate all the numerous past and ongoing interventions. The capacities of collaborative institutional are being built to mainstream CL issues as well as effectively take actions against WFCL situations.

#### **7. 0 Collaborations and Partnerships**

Following the above government is building strong collaboration among all related Ministries, Department and Agencies as well as other partners such as GAWU, World Cocoa Foundation, Danish Embassy, UNICEF, International Cocoa Initiatives, District Assemblies and CSOs. These have provided technical or/ financial supports.

Learning and sharing of strategies and results from various actors both related governmental agencies and local and International Civil Society organisations is being fostered through an institutionalized Partners Meeting. However any successful programme requires strong institutional leadership which in Ghana is being provided by the Ministry of Manpower Youth and Employment.

## 8. Conclusion

In conclusion, these studies indicate that the case of child labour in Ghana is predominantly of socio-cultural nature. However, a worrying development is the continual use of a small proportion of some of these children in activities that may be considered hazardous and those that border on worst forms of child labor. It is for this minority of children who are usually the most vulnerable that well planned and organized interventions should be embarked on as a matter of urgency to both protect and also ensure that these children enjoy their right to full development.

I want to reiterate that child labour in our continent should be looked at within the context of human rights and credibility of our production processes. This will require strong commitment of government and countries to put the issue in perspective in order to secure the welfare and future of our children at the same time promote the growth of cocoa production.

Child labour has to be seen not as a consequence, but also as a cause of poverty and under development. Children subjected to extreme forms of exploitation, with little education, are likely to grow into illiterate adults, physically and mentally stunted, who have virtually no prospect of breaking out of the poverty trap. The prosperity of our continent depends critically on the quality of the human resources and therefore to tolerate child labour is inconsistent with the massive investment we are making.

Developing and implementing labour saving techniques to reduce the drudgery involved in the cultivation of cocoa should be a critical engagement for us. Because, if we continue to grow cocoa in this labour intensive way, we will lose the youth to be interested in its production and choose a more profitable economic options that are less strenuous. Unless cocoa become equally attractive in terms of methods of production and profitability, its future is threatened.

Lastly I would like to draw your attention to the possible threat of consumer groups in developing countries and international agreements such as the Harkin-Engel protocol on dealing with the WFCL on our product. Although for now the concentration is on Ghana and Cote d'Ivoire but we should all work together in a joint effort to effectively deal with the situation at hand.

I thank you for your attention