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当代形式奴役问题包括其原因和后果问题

特别报告员古尔纳拉·沙希尼扬的报告

增编

对加纳的访问(2013 年 11 月 22 日至 29 日)* **

概要

本报告载有当代形式奴役问题包括其原因和后果问题特别报告员古尔纳拉·沙希尼扬在 2013 年 11 月 22 日至 29 日正式访问加纳之后提出的调查结果。根据人权理事会第 6/14 号决议所载特别报告员的任务，报告分析了当前状况，以及为解决当代形式奴役问题而制定的现行法律、体制机制和方案。

报告特别关注渔业部门最有害的童工形式，用头顶搬运货物的女工(kayayee)的状况，以及性剥削情况。特别报告员还阐述了其他需要关注的领域，包括家庭和宗教奴役以及质役婚姻。基于调查结果，她提请注意在打击这些现代形式的奴役方面仍然面临的挑战，并就如何加强和补充当前努力提出了建议。

* 本报告概要以所有正式语文分发。报告本身载于概要附件，仅以提交语文分发。

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Annex

[English only]

Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences: mission to Ghana (22-29 November 2013)

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I. Introduction

1. In accordance with the mandate described by the Human Rights Council in its resolution 6/14, and at the invitation of the Government of Ghana, the Special Rapporteur on contemporary forms of slavery, its causes and consequences, Gulnara Shahinian, conducted an official visit to Ghana from 22 to 29 November 2013. The objective of the visit was to examine, in a spirit of cooperation, the current situation and the programmes and challenges in eradicating contemporary forms of slavery in the country. The Special Rapporteur's conclusions and recommendations are based on her findings during her visit.

2. In the course of her visit, the Special Rapporteur sought to obtain information on issues pertaining to her mandate, with a focus on child labour in the artisanal fishing sector, the situation of kayayee (porters) and sexual exploitation. She also touched upon other areas requiring further attention, including domestic and ritual servitude, and servile marriage. In that context, she held consultations with government representatives, civil society organizations, traditional leaders, academics and the United Nations country team with a view to studying the efforts undertaken on those issues.

3. In addition to Accra, the Special Rapporteur had the opportunity to conduct field visits to various sites, where she was able to discuss first-hand the experiences and views of affected communities and individuals. Areas visited included Sokapoke, Kpandu, Swedru, and different sites in and around Accra.

4. The Special Rapporteur would like to express her appreciation to all her interlocutors, and in particular, the Government of Ghana for their invitation and cooperation during the visit. She would also like to thank the Office of the United Nations Resident Coordinator, the International Organization for Migration (IOM), the United Nations Children's Fund (UNICEF), UN Women, the United Nations Population Fund (UNFPA), and other members of the United Nations country team, who provided support towards the visit. In addition, she would like to express her gratitude to the various communities she engaged with during her visit, and the persons affected by exploitation and slavery who shared their experiences, concerns and hopes with her.

II. General context

5. Over the past decade, Ghana has achieved a regional reputation for political stability, economic growth and a favourable trend towards democratic governance. In 2012 Ghana enjoyed approximately 7 per cent growth in gross domestic product, due in part to good cocoa production and gold output, and the commercialization of oil. As a result of those factors, the country has attained a lower middle-income status.

6. Despite those achievements and the medium-term development frameworks adopted by the Government since the late 1990s, a number of challenges have emerged as of 2008, including substantial fiscal and balance of payment deficits, rising food prices and poor performance in sectors such as agriculture. That resulted in an increase in poverty levels, negatively affecting the achievement of some of the United Nations Millennium Development Goals. On the Human Development Index Ghana ranks in 135th position out of 187 countries, while the poverty level stands at 28.6 per cent of the population.¹ Other persistent challenges include the lack of quality and timely statistical data, weak country

¹ See United Nations Development Programme (UNDP), *Human Development Report 2013* (New York, UNDP, 2013); and www.gh.undp.org/content/ghana/en/home/countryinfo/.

systems to deliver aid, and the lack of functioning domestic accountability systems to prevent corruption and election-year fiscal expenditures.²

7. Ghana has a young population, 45 per cent of which are under 18 years of age.³ Enrolment in primary school is high. However, dropout rates are high and the quality of education is a concern, especially in public schools, where some students may pass basic school while being functionally illiterate.⁴ The adult literacy rate stands at 67.3 per cent.⁵ A key issue is unequal access to quality education and educational resources, particularly the disparity between the north and the south of the country, and between economically well-off and underprivileged children; the latter constituting 70 per cent of children in Ghana.⁶

8. High unemployment rates among youth (40 per cent), increasing alcohol addiction and drug abuse, and high child marriage rates are other challenges facing the young in Ghana.⁷ The adolescent birth rate stands at 69.7.⁸ Child marriage and lack of adequate access to health services in rural areas contribute to high maternal mortality rates.⁹

9. The majority of the country's labour force (56 per cent) is engaged in agriculture, with cocoa exports constituting a key part of the economy. Ghana also has significant mineral resources, including gold, diamonds, aluminium and bauxite, rendering mining an important sector. Urbanization is taking place at a steady pace, with slightly over half the population living in urban centres.¹⁰ Housing and other infrastructure deficits, unemployment, and the lack of sufficient social protection systems in Ghana render populations, including those migrating from rural areas to large urban centres, particularly vulnerable to exploitation and slavery-like practices.

III. Frameworks addressing contemporary forms of slavery

A. Legal framework

1. International and regional legal framework

10. Ghana has ratified many of the core international human rights treaties and protocols,¹¹ and International Labour Organization (ILO) conventions. It has also acceded to or become a signatory to: the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956); the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000); and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (2000). The Special Rapporteur urges Ghana to ratify these at the earliest opportunity.

² See World Bank website, available from www.worldbank.org/en/country/ghana/overview.

³ See UNDP, Ghana country information, available from www.undp-gha.org/design/countryinfo/.

⁴ See A/HRC/WG.6/14/GHA/3, paras. 62–64.

⁵ Available from www.gh.undp.org/content/ghana/en/home/countryinfo/.

⁶ See A/HRC/WG.6/14/GHA/3, paras. 62–64.

⁷ Ibid., paras. 51 and 61; UNFPA factsheet, *Child marriage country profile: Ghana* (2012).

⁸ UNICEF, “At a glance: Ghana”, Statistics, available from http://www.unicef.org/infobycountry/ghana_statistics.html.

⁹ Ibid.

¹⁰ Ibid.

¹¹ United Nations Treaty Collection, available from <http://treaties.un.org/>.

11. In the area of international labour standards, the country has ratified a total of 51 ILO conventions, including: Convention No. 105 (1957) concerning the abolition of forced labour; Convention No. 182 (1999) concerning the prohibition and immediate action for the elimination of the worst forms of child labour; Convention No. 138 (1973) concerning minimum age for admission to employment; and Convention No. 144 (1976) concerning tripartite consultations to promote the implementation of international labour standards. However, the Special Rapporteur notes that Ghana has not yet ratified a number of other important ILO conventions, including inter alia: Convention No. 189 (2011) concerning decent work for domestic workers; Convention No. 129 (1969) concerning labour inspection in agriculture; and a number of conventions relating to the rights of migrant workers.¹²

12. At the regional level, Ghana is a State party to the African Charter on Human and Peoples' Rights, and the African Charter on the Rights and Welfare of the Child, both of which prohibit slavery-like practices.

2. National legal framework: key provisions

(a) *Constitution*

13. The Constitution of Ghana, which came into force in 1993 (amended in 1996), provides for "Fundamental human rights and freedoms" in chapter 5. In particular, it provides protection against slavery and forced labour, stipulates the rights of workers, and the rights of children, including protection against exposure to physical and moral hazards (art. 28).¹³

(b) *The Labour Act (No. 651, 2003)*

14. The 2003 Labour Act updates and consolidates the various pieces of previous legislation, and introduces new provisions which reflect ratified ILO conventions. The Act covers all employers and employees, with the exception of those in strategic positions (e.g. police service). It stipulates general conditions of employment, the rights and duties of workers and employers, including specific provisions relating to women, youth and persons with special needs, and provides for labour inspection and the establishment of a National Tripartite Committee and National Labour Commission.¹⁴ Article 116 of the Act prohibits the use of forced labour; an offence liable to a fine (not exceeding 250 penalty units).

(c) *Children's Act (No. 560, 1998)*

15. The Children's Act defines a child as a person below 18 years of age, and sets the general minimum age of employment at 15 (art. 89). However, the minimum age for "hazardous work" is set at 18, and defined as work which "poses a danger to the health, safety or morals of a person", including inter alia, going to sea, mining and quarrying, and portering of heavy loads (art. 91). The Act explicitly prohibits "exploitative child labour", defined as labour which "deprives the child of its health, education or development" (arts. 12 and 87).

16. Article 1 of the Human Trafficking Act defines "human trafficking" as the "recruitment, transportation, transfer, harbouring, trading or receipt of persons within and across borders" by inter alia, the use of threat, force or other forms of coercion, deception,

¹² ILO, NORMLEX, available from www.ilo.org/dyn/normlex/en/.

¹³ ILO, *National Labour Law Profile: Ghana* (17 June 2011), available from <http://www.ghanaweb.com/GhanaHomePage/republic/constitution.php>.

¹⁴ Ibid.

the exploitation of vulnerability, or by paying to achieve consent. The provision specifies that “exploitation” includes “induced prostitution and other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”.

17. Acting as an intermediary, participating in the provision of a person for the purposes of trafficking (even if a parent), and the use of a trafficked person are all offences which are specifically prohibited (arts. 2–5). Complaints can be filed with the police by the victim or any person having information regarding acts of trafficking. Articles 14 to 33 of the Act pertain to the rescue, rehabilitation and reintegration of trafficked persons and the establishment of a fund to provide basic support to victims of trafficking (family tracing, skills training, etc.). Sanctions for offences related to human trafficking include imprisonment for no less than 5 years.¹⁵

(d) *Other laws and regulations*

18. Ghana has also adopted a number of other relevant laws and regulations, including: the Hazardous Child Labour Activity Framework for the Cocoa Sector; a list of the worst forms of child labour occupations (e.g. domestic labour, urban informal work activities such as portering); the Criminal Code (1998) which criminalizes practices such as ritual servitude (e.g. *trokosi*), and the procurement of a person under 21 years of age for prostitution (on condition the youth is not already known to be a prostitute or person of immoral character).¹⁶ The 2007 Domestic Violence Act (Act 732) criminalizes various forms of violence, including physical, sexual, and psychological, as well as intimidation, harassment and threats between spouses, intimate partners and family members. It also provides for interventions to rescue and assist victims.

B. Policy, programme and institutional frameworks

1. Social protection programmes

19. In 2007, the Government of Ghana launched the National Social Protection Strategy, which aims to provide protection to persons living in extreme poverty through a social grant scheme which secures a basic income and a package of complementary inputs. The scheme includes poverty reduction and livelihood empowerment programmes, and is intended to contribute towards the achievement of the Millennium Development Goals. Within this context, the Livelihood Empowerment against Poverty programme (LEAP), a cash transfer programme aimed at providing a safety net for the bottom 20 per cent of the extreme poor in Ghana, was launched in March 2008. As of June 2013, the programme had reached approximately 71,000 households in the 10 regions of the country.¹⁷ LEAP grants are conditional on children’s school attendance and not engaging in child labour. The Special Rapporteur was informed, however, that since their establishment programmes under the National Social Protection Strategy had not been monitored for compliance, adjusted to the evolution of recipients’ needs, nor been subject to an impact assessment.

¹⁵ Ibid.

¹⁶ United States Department of Labor, Bureau of International Labor Affairs, *Ghana: 2011 Findings on the Worst Forms of Child Labor*, pp. 254–255.

¹⁷ Ministry of Gender, Children and Social Protection, *The Livelihood Empowerment against Poverty (LEAP) Programme: reducing poverty and promoting growth in Ghana*, Briefing Paper, p. 1, undated.

2. Policies and programmes on the worst forms of child labour

20. Ghana launched the National Plan of Action for the Elimination of the Worst Forms of Child Labour in 2011, which set out a framework to substantially reduce that phenomenon by 2015. Initiatives were also undertaken to address the problem in specific sectors such as agriculture (cocoa), with the National Plan of Action to Eliminate the Worst Forms of Child Labour in the Cocoa Sector.¹⁸

21. The Government has in addition participated in a number of projects in cooperation with partners such as the United States of America and international organizations. Many of those have addressed the worst forms of child labour, and targeted the commercial agricultural (cocoa, coffee) sectors, mining and to a lesser extent, fishing. They include a range of activities to strengthen prevention through better access to education, livelihoods for families, teacher-training on child labour, surveys, and awareness-raising through community child protection committees.¹⁹ Some other collaborative projects have focused on anti-trafficking of children, child porters (kayayee), and rescue and rehabilitation services for victims.²⁰ Child labour concerns have also been mainstreamed into national agendas such as the Medium-Term National Development Framework of Ghana, and the Plan of Action to Combat Trafficking.

3. Institutional mechanisms

22. Ghana has developed a number of institutional mechanisms to promote prevention, coordination and law enforcement on issues pertaining to contemporary forms of slavery. First established in 2001, the Ministry of Women and Children's Affairs has recently seen its mandate expanded to include social protection, which encompasses the general social welfare system and the management of related programmes, such as the national cash transfer programmes. Now entitled the Ministry of Gender, Children and Social Protection, it is the focal point on gender issues, the promotion of equal status for women, and children's rights. It is composed of various directorates responsible for, inter alia: domestic violence; human trafficking; child protection; the development of related policies, advocacy tools and statistics; and the monitoring and evaluation of relevant programmes. The Ministry has been consistently challenged by a lack of adequate financial and human resources.

23. Other key government institutions include the Ministry of Employment and Labour, and its Child Labour Unit. The latter is responsible for overseeing activities addressing child labour and serves as the secretariat of the National Steering Committee on Child Labour. The Committee includes three subcommittees in charge of awareness-raising, education and skills training, and the worst forms of child labour in the cocoa, fishing and mining sectors. The Ministry has offices at the district level, where it also oversees child protection committees. Labour inspectors within the Ministry enforce labour laws and can inspect both formal and informal workplaces such as private homes. A total of 36 institutions and government agencies have signed a memorandum of understanding with the Ministry in order to promote better coordination and implementation of the National Plan of Action (2009–2015) to Combat the Worst Forms of Child Labour.

24. According to information received, challenges faced by the Ministry of Employment and Labour include lack of sufficient funding, weak coordination between ministries party to the memorandum of understanding, failure to draft and share reports, and an insufficient

¹⁸ For more information on the cocoa sector see United States Department of Labor, *Ghana: 2011 Findings ...*, pp. 256–257.

¹⁹ *Ibid.*, p. 257.

²⁰ *Ibid.*

number of labour inspectors and material resources (e.g. transportation).²¹ A further important gap is the almost complete lack of government shelters for victims of illegal labour practices. Although three shelters exist, they are not adequately equipped, so that non-governmental organizations (NGOs) are largely relied upon to assist victims. A similar situation was also described with regard to the lack of shelters for victims of other forms of modern slavery, trafficking and domestic abuse.

25. Those various insufficiencies have also resulted in a general lack of disaggregated and reliable data on illegal labour practices and modern forms of slavery, assistance to victims and penalties imposed — and according to interlocutors render it unlikely that Ghana will achieve its goal to substantially reduce the worst forms of child labour by 2015.

26. Government institutions combating human trafficking include the Human Trafficking Secretariat under the Ministry of Gender, Children and Social Protection, which coordinates anti-trafficking activities, and the Anti-Trafficking Unit of the Ghana Police Service responsible for enforcement activities. The latter includes nine regional units. Over the past several years, some investigators and prosecutors have received training which has enhanced their investigation capacities, rescues and prosecutions. However, chronic challenges such as the lack of adequate human and material resources (e.g. vehicles, computers), and facilities to shelter and care for victims, as well as weak coordination, reporting practices and sharing of information have also affected the Unit. Although some sporadic information is available on specific cases of rescue and prosecution, to date no database or comprehensive statistics have been maintained, including on prosecutions and sentencing for violations of the Trafficking Act.²² According to interlocutors, these challenges are particularly acute with respect to domestic human trafficking, which is predominant in Ghana, but which receives relatively less attention and resources.

IV. Issues of concern

A. Child labour in the artisanal fishing sector

27. Critical sectors of Ghana's economy, such as the mining, agricultural and fishing sectors use the worst forms of child labour. In the present report, the Special Rapporteur has focused on the artisanal or small-scale fishing sector, which has received comparatively little attention. It is estimated that thousands of children work in the fishing sector, including deep-sea, lagoon and lake fishing.

28. The Special Rapporteur found that children, usually boys ranging in age from 3 to 12 years old, were entrusted by parents to a middleman who would promise to arrange for a family to take care of the child in return for a few hours of daily work. According to information received, the parents who are generally extremely poor, are sometimes given or promised a small amount of money, in compensation for the work of the child (e.g. ranging from US\$ 1 to US\$ 25). Many parents however receive no money at all, as they are so destitute they agree to hand over the child simply because they can no longer support the child. In other cases, they trust the trafficker's false promises to return with compensation once the child has worked for some years. Promises of compensation for two or three years of work, though rarely honoured, amount to US\$ 40 or US\$ 50. In cases where there is some form of monetary payment for the child's labour it is given to the parents and not the child.

²¹ Ibid., p. 255.

²² Ibid., p. 256.

29. Child labour in the fishing sector is sometimes the result of debt bondage and kidnapping. Children may be given to a middleman for a number of years in payment for money lent to the mother (e.g. to buy bread over a period of time), to pay for a funeral, or to save the family's honour (e.g. in payment of an uncle's debt). This is frequently accompanied by threats to call the police unless the parent acquiesces. Extended family members, such as an uncle, sometimes use deceit to take the child to the market and sell the child to a middleman, such as when the child is not given voluntarily by the parents in return for forgiveness of his debts. In the above cases, the middleman or intermediary is often a member of the community or a neighbouring community. Random kidnappings of young children by unknown middlemen are also known to occur.

30. Lack of effective access to school owing to insufficient places or teachers, distances or related expenses (fees, books, uniforms), was cited by many communities as a key reason why parents sent their children to fishing villages or used them to work in their own community. In two communities the Special Rapporteur visited, 110 children out of over 200 reportedly did not go to school due to insufficient access — there were two teachers for over 200 children — and lack of means. Parents unable to afford necessary equipment (e.g. tractors, motors for boats) were also more likely to rely on their children to assist with fishing or agriculture. The cost of customary rites, such as those related to marriage and funerals (e.g. officiator fees, dowry) was also noted as another reason.

31. While many families near Lake Volta know their child will work on the lake, others are given false information on the location or the type of work the child will be doing. In some cases, the parents may never reunite with their children again as they do not know where they are, due to their young age, the fact that they were moved or re trafficked, or because the child is unwilling to reconnect with parents who had “sold” them.

32. Once in the fishing village, the child lives with the receiving family. The fishing communities visited by the Special Rapporteur were in remote areas with little road access, or access to services (e.g. health, education). Receiving families in these communities are usually poor themselves, so that children are at risk of malnutrition, poor living conditions, sickness, and little if any education. The small fishing boats are usually old rudimentary wooden rowing boats, most of which have no motors. Interlocutors noted that it was often the poorest fishing families without motor boats that used child labour, since the work for those with motor boats was easier and faster, thereby making it unnecessary to use hazardous child labour.

33. Fishing activities present multiple dangers for children, including physical injuries or death due to tree stumps in the water, dangerous fish, diving and untangling of nets underwater. The latter can result in drowning when children get trapped in nets which travel with water currents, or which cannot be seen at the bottom of the lake due to the muddy waters. The paddling and hauling of boats can cause permanent physical damage to a young child when it is too demanding, in some situations even death. Children are at risk of physical abuse, which includes beatings with boat paddles or ropes.

34. Young children of 4 or 5 years of age are usually preferred as they are docile and more willing to accept the new “family”. At that age, they begin by scooping water from the boat, then move to paddling as they get older and later to diving. Workdays can begin in the middle of the night and end at 8 p.m. Some girls are also sent to fishing villages. They are used to do household chores, mend fishing nets, smoke fish, and are often subject to rape and sexual slavery.

Responses and challenges

35. A number of projects have been developed for sending communities in order to stem the practice of child exploitation in the fishing sector. During her field visits, the Special

Rapporteur had the opportunity to observe two such projects, namely the Tree of Life project, and a child protection programme which is being rolled out in six communities in the Volta region by IOM and UNICEF. Both seek to raise awareness of communities at risk, improve understanding of child development, and protect against child trafficking and the worst forms of child labour. The implementation of these programmes relies on a network of trained local volunteers. The Ministry of Gender, Children and Social Protection also implements awareness-raising activities using a Committee Model Approach, whereby local communities which have been trained, in turn expand and raise awareness in neighbouring communities.

36. Those programmes have had a measure of success in that they have contributed to prevention, but also to rescue operations of affected children and the establishment of “slavery-free” fishing communities. In one fishing community visited by the Special Rapporteur, 74 children had been rescued from slavery in 2012. Under the leadership of the community chief, the village was subsequently declared a child slavery-free community. In another fishing village, a policy of no child slavery was adopted due to the awareness-raising activities of local volunteers and members of the community’s teacher-parent association. To be sustainable however, the Special Rapporteur stresses the need to support the important work being done by these networks of local volunteers with logistical, material and financial support (e.g. for transportation, training materials, stipend). In some communities where the lack of access to education was a key issue, projects to combat the worst forms of child labour focused on establishing a school, equipping it, and ensuring sufficient teachers.

37. The Special Rapporteur found that the Government social protection programmes (e.g. cash transfer, microcredits) were benefited by some residents of the sending and fishing communities she visited. However, it was noted that the payments were not received at scheduled intervals, making it difficult for families to plan, and that there was confusion regarding the criteria for receiving and calculating the amount of the benefits.

38. While the Police Human Anti-Trafficking Programme Fund was established to provide assistance and support services to victims of human trafficking, those activities have never been adequately implemented due to insufficient funds. This has resulted in a chronic gap in the Government’s response to child labour in the fishing and in other sectors, namely, the lack of adequate government shelters and care services to assist victims once they are rescued.²³ As such, it is largely NGOs who assist children through the first months following their rescue. In addition to material needs (e.g. shelter, food, education), children are generally provided with counselling services, family reconciliation or alternative care arrangement (foster parents), and livelihood or other assistance to the family (e.g. microcredits). The duration of children’s stay at a shelter will often depend on the situation they have been exposed to, trauma suffered, how long they have been trafficked, and their medical condition. Girls often stay longer due to the trauma and medical problems suffered as a result of sexual abuse. However, local NGOs in this field can often be in a precarious financial situation as their activities are dependent on stable donor funding. It is therefore critical that the Government ensure State protection and care for the most vulnerable persons in society by providing adequate resources towards assistance for victims. Some interlocutors noted that despite legislative provisions (in human trafficking and domestic violence laws) stipulating that those services be rendered free of charge to the victim, the current practice is to request a fee (approximately 100 cedis) for those services, as well as to launch a formal complaint for the purposes of a prosecution. Further challenges relate to

²³ Further details available from Manda Sertich and Marijn Heemskerk, “Ghana’s Human Trafficking Act: successes and shortcomings in six years of implementation”, *Human Rights Brief*, vol. 19, No. 1 (2011), p. 6.

the lack of data on cases brought forth by the police, prosecutions for human trafficking and the worst forms of child labour, and the need to strengthen law enforcement and NGO legal aid programmes.

B. Porter/kayayee

39. Kayayee is the name given to girls or young women in Ghana who work in city marketplaces as a head porter, i.e. carrying the loads of market vendors and shoppers in buckets or baskets balanced on their head for a fee. Mainly undertaken in the past by young men pushing carts as a temporary livelihood strategy (during high unemployment following Ghana's independence), the practice was overtaken in the 1970s by young women willing to accept lower fees.²⁴ Their situation has worsened over time, as the growing number of kayayee has forced wages to plummet further; average daily earnings are estimated at 10 to 30 cedis (US\$ 3–9).²⁵

40. Estimates on the number of girls and women working as kayayee are difficult to ascertain, in part due to the rapid rate of spontaneous urbanization and the often seasonal nature of the work, as they tend to migrate during the dry season in the north. While one estimate places the number of kayayee at nearly 8,000, others estimate that there are tens of thousands of kayayee in Ghana.²⁶ They are between 10 and 35 years of age, although the vast majority are younger than 25. Most girls are functionally illiterate and between 10 and 14 years old when they first migrate to work as kayayee.²⁷

41. An urban slum phenomenon, the majority of kayayee migrate to Accra and other cities in the south from rural areas in the country's northern regions. They belong chiefly to the Mamprusi group and Muslim communities, though a minority come from other ethnic backgrounds, regions and religions.²⁸ Uneven regional development and lack of employment opportunities, which have fuelled poverty, are the overriding reason for the practice. Family violence, escape from forced or bad marriages, and better access to services in the city than in areas of origin, have also been noted as motivating factors.

42. Most girls appear to migrate voluntarily, on their own, to work as kayayee. However, there are indications that organized networks are increasingly recruiting girls from poor families²⁹ on false promises of good jobs or an education in the city. Once in the markets, they are subject to exploitation. Without sufficient support and resources, many are reduced to living on the streets and sleeping in the open in the markets where they work, or in the most polluted and dangerous slums of the city. Kayayee are vulnerable to forced evictions, disease, work injuries, physical harm including sexual violence, unplanned pregnancies, illegal abortions and human trafficking. They often have to accept the "protection" of older street boys or self-appointed protectors, which they pay for through sex or a monetary sum. In some cases, girls can also be lured or coerced into child prostitution.

43. During her visit, the Special Rapporteur had the opportunity to meet with a group of approximately 80 young women and children working as kayayee or accompanying them, in one of the markets in Accra. The majority indicated that they had come to the city to do

²⁴ UNFPA, *Good Practices*.

²⁵ Ibid.; and People's Dialogue on Human Settlements & Ghana Federation of the Urban Poor (GHAFUP) Ghana and Kayayo Youth Association, available from www.pdghana.org.

²⁶ Manda Sertich and Marijn Heemskerk, "Ghana's Human Trafficking Act ...", p. 2.

²⁷ UNFPA, *Good Practices*.

²⁸ Ibid.

²⁹ See A/HRC/7/6/Add.3, paras. 56–61; and Manda Sertich and Marijn Heemskerk, "Ghana's Human Trafficking Act ...", p. 2.

that work in order to survive, help their families at home, or enable their children to go to school. Many had small children accompanying them, ranging from toddlers to 6 to 8 year-olds. The latter, often a family member (e.g. younger sister or cousin) would accompany the kayayee in order to carry her baby throughout the day — thereby freeing the kayayee to do her job. Most slept out in the open in the marketplace, usually in groups for fear of being attacked, raped at night or having their children kidnapped. Very small children, under 2 years old and barely dressed in rags or completely naked, played and slept directly in the mud and garbage of the market floor. A “queen mother” accompanied by a man introduced themselves as representatives and protectors of the kayayee in that market. For that, the kayayee appeared to be expected to provide a fee, to cover the “expenses”.

44. Some interlocutors expressed the view that while some might view kayayee as victims of exploitation, they earned more income and were able to access more services than at home, so that it represented a better alternative to staying in their areas of origin.

Responses and challenges

45. A number of initiatives by the Government, civil society and international organizations in Ghana have tried to address both the causes and consequences of work as a kayayee, especially with regard to children. Urban informal work, such as portering, has been listed for instance as one of the worst forms of child labour to be eliminated. In order to diminish the need for women and girls to migrate to the south, the Government has also developed some livelihood and skill development projects in the northern regions, including in the context of programmes such as LEAP, and implemented other social protection and cash transfer programmes. However, as those social programmes still have very limited population and geographic reach, many do not have access to them. It was also noted that livelihood projects implemented in northern communities, such as soap-making, often failed to provide a sufficient income, such that girls kept returning to urban areas to supplement it. The seasonal nature of work of kayayee, who generally migrate to work in the city during the dry season, further makes it difficult to ensure continuity in programmes such as skills training provided in the host city.

46. NGOs and international organizations such as IOM, UNFPA and UNICEF have also implemented programmes, often in partnership with the Government, to address short and long-term vulnerabilities, and improve girls’ lives within their native communities. Those diverse programmes promote, inter alia: alternative livelihoods; awareness of reproductive health, HIV and AIDS, and risks of migration; legal literacy; monitoring in host cities and development in communities of origin.³⁰

47. Government interlocutors expressed concern regarding the increasing number of kayayee and other forms of “streetism” in Ghana’s expanding cities — a phenomenon largely described as a purely economic rather than a social problem, to be solved through economic development initiatives. The Special Rapporteur regrets that due to that perspective, too little attention has been paid to the gender, child protection and other human rights dimensions of the issue.

C. Sexual exploitation and abuse

48. The sexual exploitation and abuse of children and adults in Ghana take many forms. The most blatant manifestation is the growing number of women, girls and increasingly also boys, being used for commercial sexual exploitation across Ghana, including within

³⁰ For success and lessons learned, see UNFPA, *Good Practices*.

the tourism industry. One study estimated that in Accra alone, there were over 120 brothels where young girls were forced into prostitution, while many others were sent abroad for the same purpose.³¹

49. In other cases, sexual exploitation takes place as a by-product or consequence of children working in the worst forms of child labour, including in the mining, fishing and agricultural sectors. While some boys are also affected, girls sent to work in the households of fishing communities around the Volta region are frequently sexually exploited and used by fishermen and older boys. In the mining sector, it is common for girls as young as 10 years of age to be sexually exploited by mine workers who support them financially in exchange for sex, and by *galamsey* (i.e. informal mining) gang masters who traffic them into sexual slavery.³² Urban street workers (e.g. vendors, *kayayee*) and domestic workers most of whom are children, are also at risk of sexual assault, exploitation, or of being trafficked or sold into sexual slavery.

50. Children who live on the streets, estimated in one study at 50,000, can be victimized by sexual predators, forced into survival sex (i.e. exchange of sex for material necessities or protection), or subjected to commercial sexual exploitation.³³ *Trokosi*, a form of religious/ritual servitude still practised in parts of the country, includes the use of the child for sexual purposes by a fetish priest.

51. Poverty, migration to urban areas in precarious conditions, and child neglect or abandonment have also resulted in the forming of sexually exploitative relationships, which might not be considered commercial sexual exploitation per se. The Special Rapporteur had the opportunity to meet a group of 50 girls in that situation during an awareness-raising session on reproductive health being conducted at a community centre in Accra by a local NGO. Nearly all the girls, who were between 12 and 18 years of age, came from single-parent households headed by the mother and lived in a precarious social and financial situation. Most often the separation of the parents (often due to domestic violence or alcoholism) or the death or abandonment by the father had left the family in a state of destitution. The experiences and stories narrated by the girls revealed a pattern of dependence on boyfriends and multiple sexual relationships which helped them meet their material needs. A significant number had also borne children from those relationships, thereby limiting their availability to engage in those relationships and placing them at risk of commercial sexual activity, unless they were able to find an alternative form of livelihood. Sexual abuse and exploitation in its various forms not only continue to have an impact on the lives of children into adulthood, but in some cases may become more pronounced, as they may be forced to adopt increasingly risky survival strategies to sustain their dependants and themselves.

Responses and challenges

52. A number of NGOs, such as International Needs, have begun to address the situation of girls at risk or who are already victims of sexual exploitation, especially in urban areas. Some provide comprehensive programmes offering awareness-raising sessions (e.g. on reproductive health, domestic violence), apprenticeships, educational and livelihood support, as well as family counselling and financial assistance (e.g. microcredits, stipends) to assist parents or guardians. Most girls benefiting from the programme range from 12 to

³¹ Manda Sertich and Marijn Heemskerk, "Ghana's Human Trafficking Act ...", p. 2.

³² Free the Slaves, *Child Slavery, Child Labor and Exploitation of Children in Mining Communities*, available from www.freetheslaves.net/ghana/.

³³ See United States Department of Labor, *Ghana: 2011 Findings ...*, p. 253; and A/HRC/WG.6/14/GHA/2, para. 32.

18 years of age. Despite such initiatives, the Government and other stakeholders have paid considerably less attention to sexual exploitation and sex trafficking than to child labour.³⁴

53. Traditional cultural and livelihood practices, such as fostering,³⁵ which have in the past been viewed positively, have given way to negative manifestations under conditions of poverty, breakdown of the family and community ties, and urbanization. In many cases, the exploitative child labour that takes place under the guise of these practices, as well as the sexual abuse and exploitation that accompany them may go unrecognized or ignored due to extreme poverty or shame.

54. A number of legal gaps leave children and youth vulnerable to sexual exploitation. The Criminal Code of 1998 prohibits the procurement of any person under 21 years of age, who is not a “prostitute or of known immoral character”. Children who have already been victims of commercial sexual exploitation are therefore unprotected and their “moral standing” subject to scrutiny.³⁶ The Code also fails to provide specifically for offences relating to pornography and pornographic performances by a child under 18.³⁷

55. Protection against sex trafficking and exploitation of adults is comparatively weak, as most efforts have been devoted to combating child exploitation and labour trafficking.³⁸ Forms of sexual exploitation not considered commercial are also often complex to address. In addition to better social protection systems and improvements to the status of women, it is necessary to improve access to higher education, health (including reproductive rights) and livelihoods, and set in place positive measures to combat discrimination of girls and women in law and in practice.

56. Other challenges include police abuse of female sex workers’ human rights, a widespread problem requiring improved training of police officers and better understanding of their human rights and laws relevant to commercial sex workers; and the lack of adequate government support and assistance services (e.g. shelters) for victims of exploitation,³⁹ including sexual exploitation.

V. Further issues requiring attention

A. Domestic servitude and slavery

57. Although the use of child labour in domestic service has been long-standing, especially in the Ashanti and Greater Accra regions,⁴⁰ there are no reliable data on the extent of the problem of domestic servitude among children in Ghana. Children, between the ages of 11 and 16, often enter into domestic slavery either through the tradition of “fostering” or recruitment by traffickers among poor rural communities who promise work for the child in the city in exchange for shelter and food, and at times a minimal income. Increasingly, the tradition of fostering has been used as a pretext to commercialize child domestic servitude and has become the domain of traffickers.⁴¹ Children working in this

³⁴ Manda Sertich and Marijn Heemskerk, “Ghana’s Human Trafficking Act ...”, p. 3.

³⁵ Fostering is the practice whereby parents send children to live with extended family members to enhance their opportunities and education.

³⁶ United States Department of Labor, *Ghana: 2011 Findings ...*, pp. 254–255.

³⁷ *Ibid.*, p. 255.

³⁸ Manda Sertich and Marijn Heemskerk, “Ghana’s Human Trafficking Act ...”, p. 3.

³⁹ See A/HRC/WG.6/14/GHA/3, paras. 29 and 35.

⁴⁰ United States Department of Labor, *Ghana: 2011 Findings ...*, p. 253.

⁴¹ The tradition of fostering is also used to deceive families and lure children into other sectors, such as

sector are particularly at risk of physical and sexual abuse, long working days of 8 to 12 hours, insufficient rest, and have little or no access to education, amounting to one of the worst forms of child labour as per ILO Convention No. 182. In many instances, they are also subject to other indignities such as not being provided with any sleeping area, and not being permitted to use the same toilet. Their situation is typically characterized by material and financial dependency, as they work for bed and board only, or when payment is given, it is provided to the parents (typically upon receipt of the child or after a period of work by the child). In some cases, the children run away and once in the street need “protectors” who beat, use them sexually or for other types of slave labour.

58. According to information received, it is predominantly girls and women from poor regions of the country (e.g. the northern region) who work as domestic servants in metropolitan areas. While girl children are preferred because they are perceived as more easily controlled, boys and adults can also become victims of domestic servitude.

59. Domestic servitude or slavery is often characterized by exploitation; the fact that it takes place primarily in and around the household of the perpetrator; a relationship of economic (or other dependency) on other persons such that the victim cannot end the relationship on its own; and restrictions on freedom of movement and communication so that the victim becomes virtually invisible and socially isolated.⁴²

60. The Government of Ghana has listed domestic service in the category of the worst forms of child labour, developed a related national action plan, and put in place anti-human trafficking and labour laws. However, implementation of those laws and policies, which has been weak, is further challenged by the fact that those abuses take place in private homes and the informal sector, which labour authorities seldom monitor.⁴³

B. Ritual servitude

61. The practice of *trokosi* is a form of ritual or religious servitude, which has existed for centuries in some areas of the country, whereby a family gives one of their children, usually a young girl between 6 and 10 years of age, to a traditional fetish shrine in atonement for their family members' sins.⁴⁴ According to interlocutors with whom the Special Rapporteur met, the practice continues to exist in some parts of the country, despite legislation and awareness-raising efforts which have succeeded in diminishing the prevalence of the practice.

62. Through the ritual of *trokosi*, the fetish priest becomes the custodian of the girl that has been given to the shrine. Once she has reached puberty the *trokosi* is given in marriage to the shrine's priest who is entitled to sleep with her in order to consummate the marriage between her and the gods. In this capacity and as her custodian, she belongs to the priest, who can beat her and use her for sex, in addition to the ritual duties, domestic chores and farming work she must perform. She is expected to work long hours, for which she does not receive any payment. Her family is to provide for her food and any other necessities.⁴⁵ In some cases she is not permitted to wear clothes, except for a loin cloth. Although the girl lives in a shrine that is part of a community, she does not mingle or participate in its activities, and is considered evil.

mining, fishing and cocoa.

⁴² See A/HRC/15/20, paras. 17–18 and 23–26.

⁴³ Unabridged, “Child slavery in Ghana: the scope of the problem” (21 July 2009), available from <http://emilyrgeorge.wordpress.com/2009/07/21/child-slavery-in-ghana-the-scope-of-the-problem/>.

⁴⁴ While boys are occasionally given to shrines, the practice predominantly sacrifices girls.

⁴⁵ See A/HRC/7/6/Add.3, paras. 42–50.

63. Having been raised to accept her life as a trokosi from a young age, girls are not generally in a position to be able to refuse. Moreover, once given to the shrine, it is not acceptable for the parents to change their minds, and reintegration into the original community and family is difficult — as she is generally no longer accepted by them. If the trokosi has daughters, they will also have certain obligations to the shrine. In some cases, where the family is willing and able to pay for a special ceremony, the trokosi can be released from servitude after several years, although she will continue to perform some of the rituals at the shrine. While she is technically allowed to marry, in practice men will be unwilling to marry a former trokosi. Should she die, the family is expected to replace her with another girl.⁴⁶

64. The Government of Ghana and the Commission on Human Rights and Administrative Justice have expressed strong opposition to the practice of trokosi, which is considered a form of ritual or customary servitude prohibited by the 1998 Criminal Code, and liable to a minimum of three years' imprisonment.⁴⁷ However, according to information received, local authorities in some districts remain reluctant to enforce the law against ritual servitude fearing popular backlash or negative spiritual consequences for themselves, while some elected politicians fear alienating key constituencies. Some intellectual and traditionalist groups have defended trokosi as an indigenous religious tradition that provides girls with a form of apprenticeship, or maintain that the practice is part of Ghanaian culture and should not be prohibited by law.⁴⁸ According to interlocutors, although the practice has diminished it continues to persist in shrines in certain areas, such as the Volta and Greater Accra region, indicating that it must continue to be monitored and further action be taken to enforce the law, and release and assist the remaining trokosi. Beyond legal enforcement alone however, which risks driving the practice further underground, more efforts must be made to engage with traditional communities with a view to addressing the deep-seated cultural beliefs supporting the practice.

C. Servile marriages

65. Servile marriage, which affects both children and adults, is usually characterized by the inability to escape the marriage due to lack of economic or social support (often due to cultural or religious beliefs); social or legal norms which fail to safeguard property, custody or other rights; the presence of sexual and physical abuse, and domestic servitude.⁴⁹ Servile marriage occurs most often as a result of forced and early marriage, and affects girls and women disproportionately due to gender inequalities and prejudices.⁵⁰

66. According to UNFPA, Ghana has one of the highest child marriage rates in the world, with an estimated average of one out of four girls being married before their eighteenth birthday. While the national average is 25 per cent, due to regional disparities rates of child marriage can be as high as 39 and 50 per cent, such as in the Upper East and Upper West areas of the country. Child marriage is most prevalent among girls who are the least educated, poorest and living in rural areas.⁵¹

⁴⁶ Ibid.

⁴⁷ United States Department of Labor, *Ghana: 2011 Findings ...*, p. 254.

⁴⁸ See A/HRC/7/6/Add.3, paras. 42–50; and Equality Now, “Slavery in Ghana: the trokosi tradition”, available from www.equalitynow.org/node/185.

⁴⁹ A/HRC/21/41, paras. 13–18.

⁵⁰ Ibid., paras. 14–15.

⁵¹ UNFPA factsheet, *Child marriage ...*

67. According to interlocutors, forced early marriage is associated with the tradition of fostering, which has over the years been transformed into an exchange. The child, usually a girl, is betrothed in early childhood (e.g. 4 years of age) to an older man (e.g. 40), with whom she goes to live at the age of 10 or 12. This effectively ends her schooling. However, due to legislation, this tradition is largely being driven underground.

68. Once married only an estimated 13.6 per cent of girls use contraception, and of these, few feel that their demands for contraception have been satisfied, resulting in a high adolescent pregnancy rate of 66/1,000 women.⁵² In addition to cultural, religious and socioeconomic factors such as poverty, interlocutors noted that children are often married early because they start to “misbehave”, or because of the financial benefit it brings to the family. The issue is especially acute in more remote areas, where there may be insufficient access to schools and girls may get pregnant early.

69. While forced marriage is criminalized and the legal age for marriage is 18 years of age (and 16 with parental consent or approval by a pertinent authority), early marriages continue to be performed as the law is not adequately enforced. Moreover, as they are not permitted by law, these marriages are unregistered, placing the woman in a position where she has few matrimonial rights or forms of legal redress. The practice whereby the groom’s family pays a dowry to the bride’s family, which can lead to her treatment as property, continues to be widespread in Ghana, and polygamy, which is practised especially in the three northern regions of the country, is accepted under customary law. Abuses within polygamous unions often include early marriages, which are unregistered, and the different status of the different wives, which renders some vulnerable to mistreatment. Experts on the practice noted how the inability to sustain the many children resulting from polygamous marriages resulted in the need to marry the children at a young age, so that early marriage becomes an offshoot of polygamy.

70. Servile marriages are further perpetuated by widespread domestic violence, considered acceptable by a significant percentage of women and men,⁵³ and the absence of a spousal property regime in the country. Although the enactment of the Domestic Violence Act 732 (2007) proscribes this type of violence and provides for assistance to victims, its implementation has been problematic. Areas of concern include the lack of capacity of the staff of the police domestic violence support unit; the absence of women’s shelters (there is only one, run by an NGO); the need, in practice, for the victim to pay for the medical examination, which is necessary for a successful prosecution; and the attempts to arrive at “settlements” between the perpetrator and the woman, either through spot settlements by the police or referral to an alternative dispute resolution mechanism by the Court.⁵⁴

71. Also of deep concern, despite various attempts made over the years to introduce a spousal property regime, as required by the 1992 Constitution, the Property Rights of Spouses Bill continues to encounter delays in Parliament⁵⁵ — a situation which perpetuates dependency and fails to affirm these important rights for women within marriage.

VI. Conclusions and recommendations

72. The Government of Ghana has taken significant steps to enact legislation and develop action plans, together with domestic and international stakeholders, to

⁵² Ibid.

⁵³ See A/HRC/7/6/Add.3, paras. 35–41.

⁵⁴ Ibid., paras. 80–88; and A/HRC/WG.6/14/GHA/3, paras. 27–28.

⁵⁵ A/HRC/WG.6/14/GHA/3, para. 13.

combat the worst forms of child labour and child slavery in Ghana. It has also adopted some measures to try to address issues such as domestic violence, human trafficking, harmful traditional practices and poverty. However, implementation of those measures has been inconsistent and ineffective, due in part to inadequate allocation of resources. As such, poverty and exploitation of children and adults remain persistent and urgent problems, law enforcement efforts are weak, and government victim assistance and support services virtually non-existent.

73. Children and youth in Ghana are especially impacted by high levels of poverty, unemployment, abuse and parental neglect, leaving them vulnerable to exploitation in its various manifestations. Unequal regional development and the lack of effective access to adequate education, health and other services, as well as livelihoods in parts of the country, are noted as key reasons for sending children to work, or for migration to urban areas — often under precarious conditions exposing them to human traffickers, exploitation and life in urban slums that are growing rapidly.

74. Adults are also impacted by situations of exploitation and slavery. Yet, too little attention has been given to their protection. Equally, domestic human trafficking and slavery, which are prevalent in Ghana, have been given insufficient attention and resources.

75. In the light of the findings in the present report the Special Rapporteur makes the following recommendations to the Government of Ghana.

International conventions

76. Ratify and/or adopt implementing legislation with regard to: 1926 Slavery Convention; 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; Optional Protocol to the Convention on the Rights of Child on the sale of children, child prostitution and child pornography; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime; and ILO Convention No.189 (2011) concerning decent work for domestic workers.

Institutional approaches

77. Establish systems to ensure a better flow of information from the bottom up, including through better representative and participatory approaches, in order to ensure that legislation, policies and programmes reflect the concerns and challenges on the ground and provide more effective responses.

78. Revise legislation from the human rights perspective, including establishment of compensation and further integration.

79. Strengthen human rights analysis and address the causes and consequences of contemporary forms of slavery and exploitation, including poverty, discrimination, harmful traditional practices, and lack of effective access to economic and social rights.

80. Address the country's human development deficits, including those contributing to the exploitation of children and women, and establish conditions enabling them to benefit from economic development.

81. Adopt a life cycle approach to contemporary forms of slavery and exploitation which is inclusive of adults as well as children; develop stronger legal, regulatory and social measures for the protection of adults and youth.

82. Expand and professionalize State social protection and welfare programmes to provide adequate coverage for the most vulnerable persons in society, through improved targeting, adequate budgetary allocations, and monitoring and evaluation systems.
83. Increase efforts to address slavery, servitude and human trafficking at the domestic level, including in the sex tourism industry, and improve understanding of how traditional practices (e.g. fostering) are misused for trafficking purposes and contribute to contemporary forms of slavery.
84. Invest in data collection, research and reporting activities on issues related to social vulnerability, exploitation, trafficking and slavery, in order to improve programmes, monitor progress, and increase government accountability for results.
85. Improve effective access to social and economic rights including: livelihoods; transportation, roads and information in rural areas; and services such as education and health, which were noted as critical factors contributing to exploitation and contemporary forms of slavery.
86. Take urgent steps to ensure adequate support and assistance to victims of contemporary forms of slavery and human trafficking. Assistance should be timely, adequately resourced, provided by trained staff, and comprehensive. Strengthen support networks, referral systems and cooperation with affected communities and civil society organizations providing victim support services.
87. Mandate a special commission to investigate: (a) the dire situation of children and youth in Ghana, including the underlying issues of poverty, child abuse and neglect, substance abuse, and early marriage and pregnancies; and (b) its consequences for the human and economic development of the country, with the aim of reducing the exploitation of children and child slavery. In this context, provide disaggregated information on the nature and scope of the problem (e.g. as it affects girls, boys, different age groups, regional areas); how administrative lacunae relating to birth registration, identity papers, a formal address, etc. may have an impact on vulnerability and access to rights; ensure the participation of affected groups; and make recommendations to address both short and long-term vulnerabilities in a timely manner.

Funding, coordination and enforcement

88. Allocate adequate funding, material and human resources to ensure effective enforcement efforts in combating contemporary forms of slavery and human trafficking of both adults and children, including by providing relevant training and equipment and increasing the number of labour inspectors, investigations and prosecutions.
89. Develop measures to strengthen capacity to conduct inspections and enforcement activities within the informal working sector, including within private households and urban street environments.
90. Institute effective mechanisms for collecting statistics on investigations, prosecutions and convictions for contemporary forms of slavery as forbidden by law.
91. Strengthen coordination, exchange of information and reporting obligations among law enforcement officials that are supported by adequate resources, institutional incentives and indicators of staff compliance.
92. Provide adequate resources and strengthen relevant units within key ministries, including the Ministry of Labour and Employment, and the Ministry of Gender,

Children and Social Protection to ensure that they can fully carry out their mandate, and coordinate effectively with other government counterparts, including in relation to policy and programme development and implementation.

Worst forms of child labour in artisanal fishing sector

93. Intensify efforts to combat child exploitation in artisanal fishing — as has been done in the mining and agricultural sectors — in partnership with affected communities, local enforcement officials, civil society and international organizations. In this context, take measures to establish effective channels for reporting suspicious cases, and increase monitoring activities, rescues and prosecutions. Target programmes to affected communities, both sending and receiving, including in and around the Lake Volta region.

94. Include in prevention programmes: education and sensitization activities targeting those likely to facilitate, or fall victim to, human trafficking and the worst forms of child labour in the fishing sector; improved access to education in affected communities; targeted expansion of social protection programmes to communities at risk; livelihood, microcredit and community development programmes which can eliminate the need for child labour in both receiving (e.g. motors for boats) and sending communities (e.g. improved livelihoods for female-headed households, better access to roads); adequate support to and expansion of good practices (e.g. “slavery-free communities”, network of community volunteers doing awareness-raising and monitoring in neighbouring communities).

Portering/kayayee

95. Undertake focused research to determine the scope and specificities related to the phenomenon of kayayee, with a view to informing strategies and programmes.

96. Develop programmes and policies to address the situation and needs which take into account, inter alia, the situation of both child and adult kayayee (and dependants accompanying them); the human rights, gender, seasonal and urban dimensions of the phenomenon; and that are informed by participatory approaches, which include communities of origin, affected girls and women, local authorities and other stakeholders in host communities and markets.

97. Strengthen prevention and alternative livelihood programmes, including by increasing awareness of gender risks related to migration; access to services (e.g. health, education, etc.) in areas of origin; dialogue on cultural and traditional customs impacting on the phenomenon; and developing livelihood programmes providing a competitive source of income for families and girls and women at risk.

Sexual exploitation

98. Amend the Criminal Code to ensure protection from sexual exploitation of all children without exception, including children who have already worked as prostitutes.

99. Adopt effective legal measures against the use, offering or procurement of children for illicit activities.

100. Improve targeting of prevention, and legal and social protection programmes to groups at risk of sexual exploitation, including persons who live or work on the streets; have migrated to urban centres under precarious conditions; work in the informal sector; and children who have been abandoned, neglected, or who live in impoverished households and communities.

101. Develop and implement a strategy, together with law enforcement authorities and business stakeholders, to address the growing sex tourism industry.
102. Adopt effective measures to improve access to education, enable girls to stay in school longer, and enhance sustainable livelihood opportunities.
103. Adopt policies and laws to protect the human rights of all sex workers, including adults, and strengthen law enforcement efforts against those engaged in commercial sexual exploitation.

Domestic servitude and slavery

104. Undertake field research and scoping exercises to determine the nature and extent of child labour in the domestic service sector, particularly in urban areas.
105. Increase public awareness of child domestic servitude as one of the worst forms of child labour, and improve measures to identify, investigate and prosecute those responsible. In this context, strengthen the capacity of child protection and labour inspection services to conduct inspections in the informal working sector and private homes.
106. Ensure that adult domestic workers (and youth) are provided with adequate legal and social protection against domestic servitude and slavery, information on their rights, and assistance to victims.

Ritual servitude/trokosi

107. Engage with affected communities, through sustained dialogue and sensitization activities on the negative consequences of the practice of trokosi, the traditional, cultural and religious beliefs underpinning the practice, and the legal provisions prohibiting it.
108. Continue efforts to monitor the prevalence of the practice, rescue the remaining trokosi, provide assistance to victims, and prosecute those responsible.

Servile marriage

109. Adopt into law a spousal property regime consistent with international standards and the equal rights of spouses, as a matter of priority.
110. Publicly acknowledge and commit to addressing, together with civil society and affected communities, the causes and negative consequences of early and forced marriage (e.g. poverty, discriminatory practices and beliefs affecting women, high adolescent pregnancy rates, maternal mortality). In this context, develop a nationwide public sensitization campaign on the issue which engages in community-level dialogue, and which targets or includes men and boys (as well as women), traditional leaders, the media, influential women and men in society, law enforcement officials, and teachers from primary school level onwards.
111. Publicly denounce all forms of violence against women and girls including wife beating and female genital mutilation, and take necessary measures for the effective implementation of the Domestic Violence Act, including by allocating adequate funding, educating law enforcement officials, and providing timely assistance to victims. Develop public awareness campaigns on the issue; persons vested with public authority (e.g. government officials, traditional authorities, teachers) must not invoke any custom, tradition or religious consideration to justify domestic violence.
112. Adopt strategies for the empowerment of girls and women by facilitating access to education through to high school; offering life skills, literacy and livelihood

programmes; and strengthening health care and social services and support. Take measures to facilitate the return to school for girls after pregnancy and offer alternative educational programmes for girls that take into account their financial and domestic obligations. Target these programmes, in particular, to girls and communities most at risk of child marriage and early pregnancies.

113. Adopt effective measures to enforce the obligation to register all marriages, and raise awareness of legal obligations and benefits.
