



American Journal of Social Work

<https://www.scirea.org/journal/AJSW>

November 21, 2023

Volume 1, Issue 1, 2023

<http://dx.doi.org/10.54647/ajsw3211001>

A value-critical policy analysis of Ghana's Human Trafficking Act (Act 694) as amended: Implications for Social Welfare Practice

Kingsley Saa-Touh Mort¹, Mac-Donald Akolbire Adabere², Abdul-Hamid Karim^{3,*}

¹Department of Social Work University of Ghana P.O. Box LG 419, Legon, Ghana
kmort@ug.edu.gh ORCID: 000-0000-001-6325-5279

²University for Professional Studies, Accra, Ghana, mac-donald.adabere@upsamail.edu.gh

³Attorney General and Ministry of Justice, Accra, Ghana, Abdul.hamidu@mojagd.gov.gh
ORCID: 0009-0003-9841-8965

*Corresponding author

Abstract

Human trafficking is a global problem that affects several millions of people. This paper presents the Chambers and Wedel (2009) value-critical approach to social policy and program analysis of the Human Trafficking Act, 2005 (Act 694) of Ghana, herein referred to as “the Act.” The analysis establishes alignment between the goals and objectives and a fit between the design and the social problem. However, several benefits and services including the provision of trafficked centres, admission of victims to centres, the conduct of assessments to determine risks to safety, assessing immediate and long-term needs, provision of material needs to victims, and the provision of services such as counselling, rehabilitation, adult literacy, and a programme aimed at skills development and training are limitedly implemented consistent with the requirements of the law. This is because the financing mechanism in the

Act remains inadequate towards fulfilling the objects of the law and the political will remains a missing piece. This paper contributes to the understanding of United Nations Sustainable Development Goals (SDGs) of promoting gender equality and decent work and economic growth. The paper calls for greater public awareness and resource allocation to issues of human trafficking in Ghana.

Keywords: Human Trafficking Act of Ghana, trafficking in persons; human trafficking; value-critical approach, implications for social welfare

Introduction

Human trafficking is an international problem affecting millions of people around the world (Aronowitz, 2009; Johansen, 2006; Shelley, 2010; Zimmerman & Kiss, 2017). Even though figures vary, the United Nations Office on Drugs and Crime (UNODC) estimate that every year, millions of men, women, and children are trafficked in countries around the world (UNODC, 2020). The United States Department of State (2022) for example, estimates that about 600,000 to 800,000 victims annually are trafficked across international borders worldwide. According to the Global Slavery Index (GSI) about 40.3 million individuals across the globe are in modern day slavery (GSI, 2018). Of this figure, females constitute 71% while males account for 29%, with nearly 24.9 million people estimated to be in forced labour while another 15.4 million are in forced marriage. Similarly, the International Labour Organization [ILO], 2022) and the International Organization on Migration [IOM], 2021) global estimates indicate that nearly fifty (49.6) million people on any given day are in situations of modern slavery. They indicate that these people are either forced to work against their will or are in a marriage that they were forced into. Likewise, the Global Report on Trafficking in Persons [TIP,] 2022) reinforces these observations that forced labour in 2020 was equal to that of trafficking for sexual exploitation, at 40 percent each. The prevalence of modern slavery is highest in the region of Africa, with 7.6 victims for every 1,000 people in the region (ILO, 2017).

The Worst Forms of Child Labour, Convention 1999 (ILO, No. 122), and the Sustainable Development Goals (SDGs) remain international efforts to stem the tide of human trafficking. Article 1, “Clause a” of the Worst Forms of Child Labour [WFCL] for example, stipulates that “all forms of slavery or practices similar to slavery, such as the sale and trafficking of

children, debt bondage and serfdom and forced or compulsory recruitment of children for use in armed conflict.” The SDG Target 5.2 requires all countries to “eliminate all forms of violence against all women and girls in the public and private spheres including trafficking and sexual and other types of exploitation.” Similarly, SDG Target 8.7 requires countries to “take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms” while SDG Target 16.2 indicates that calls on all countries to “end abuse, exploitation, trafficking and all forms of violence and torture against children.”

There exist research and legal analysis on the Act (Mohammed, 2022; Sertich & Heemskerk, 2011; Atuguba, 2005). However, these studies examined the consistency of Ghana’s Human Trafficking Law to international laws, protocols, and conventions. The Act places a lot of responsibility on social workers, and other stakeholders. but the prior studies did not focus attention on these stakeholders. The overriding interest of this study is to undertake a value-critical policy analysis of the Act.

Social problem analysis of human trafficking in Ghana

In December 2005, Ghana passed the Act and in 2009 amended it with Act, 784, with the principal aim to address human trafficking. Trafficking of persons particularly, children in Ghana is illegal under Act (694) and related laws, which specify offences of trafficking in persons in the country. The Act (694), consistent with the Palermo Protocol, sets out to prevent, suppress and punish trafficking in persons, especially women and children which is the main international legal framework to combat trafficking (Sertich & Heemskerk, 2011). The National Plan of Action [NPA] for the elimination of human trafficking in Ghana (2017-2021) recognizes human trafficking as modern-day slavery, an unpardonable crime, and a grave violation of human rights (Amissah, 2019; United Nations International Children Fund [NICEF], 2017). The Act is a direct response to concerns regarding the phenomenon of human trafficking. The unanswered question is, how does the Act help address the phenomenon of human trafficking in Ghana since passing the law? Rein (1983:83) states that:

The task of policy analysis is to bring evidence and interpretation to bear on decision making and social practice. This task involves not only the presentation of evidence about the consequences of pursuing alternative actions but also an interpretation of what it is we are

doing in society, why we are doing what we do, and what we might do differently given our puzzlement and worry about what we do.

Sertich and Heemskerk (2011) empirical study of the implementation and efficacy of Ghana's Human Trafficking Act for the Enslavement Prevention Alliance – West Africa (EPAWA) found a few prosecutions of both domestic and international human trafficking cases, but particularly finds inadequate protective measures for trafficking survivors. Ghana between 2015 and 2017, was categorized under Tier 2 Watch list, but now in Tier 2 category, which means governments do not fully meet the Trafficking Victims Protection Act (TVPA's, 2000) minimum standards but are making significant efforts to bring themselves into compliance with those standards (United States Department of State, 2022).

It is worthy of note that the laws of Ghana promise adequate protection to children from trafficking. The 1992 Constitution of Ghana requires that Parliament to enact laws that protect children against exposure to physical and moral hazards and work that adversely affects their development. The 1992 Constitution of Ghana defines a child as anyone below the age of 18 years (Republic of Ghana, 1992).

Problem definition of human trafficking in Ghana

According to the National Plan on the Elimination of Human trafficking, the phenomenon, is noted to affect the physical, psychological, and emotional development of victims, hinders a nation's development, undermines human resource development, and promotes criminal conduct and corruption (UNICEF, 2017). The Ghanaian family system is mostly centered on the extended family, where parents can send their children to live with uncles, aunties, and other relatives to improve the welfare of children educational development and other aspect of a child's life but now this system is used in abusing people (Dzramedo, et al., 2018). Children who are usually trafficked are mostly from the remote areas of Ghana where there is not access to education and other relevant facilities that will help for development.

Research suggests that the demand for cheap labour, the raising of children through extended family members and relatives, the practice of forced marriages and child fostering amidst porous borders, weak law enforcement and political commitment have been identified as factors largely contributing to trafficking particularly children in Ghana (Yadoglah, 2018; Thomas, 2016). Atuguba (2005) indicate that the Human Trafficking Act, is weak on concrete strategies and steps necessary to prevent trafficking in persons as the Act fails put in place

measures to address the root causes of trafficking in persons including inequality, poverty, and all forms of discrimination.

In addition, the trafficking in persons (2022) report on Ghana, indicates that the Government of Ghana does not fully meet the minimum standards for the elimination of trafficking even though it is making significant efforts. The 2022 report acknowledges that the Government of Ghana has trained law enforcement, judicial officials, community leaders, and service providers, and held public awareness raising activities. However, the 2022 report alleges that the government of Ghana has done little to prosecute or convict any alleged sex traffickers and has identified fewer victims. The report further states that there is a lack of adequate resources for law enforcement, which continues to hinder investigations and prosecutions, and that shelter capacity for victims remains insufficient. The report again highlights the problem of corruption in trafficking crimes, which is not adequately addressed by the government. While Sertich, and Heemskerk (2011) suggest a limited number of prosecutions of both domestic and international human trafficking cases, as well as inadequate protective measures for trafficking survivors in Ghana. Similarly, the United States Department of State (2020) strongly evince that prosecution in Ghana has the advantage of sending out a strong signal that the country is determined to fight trafficking in persons.

Causes and consequences of human trafficking

In Ghana, internal trafficking of children is one of the biggest challenges. Many Ghanaian children are trafficked from their home villages to work in the fishing industry. They represent cheap labor. Children are also trafficked to dive and untangle the fish nets. The driving forces behind child trafficking extend beyond the fishing industry; there are deep-rooted traditions that help explain the prevalence of this crime. In Ghana, it is common for children to participate in apprentice work. Ghanaian parents and their children believe that going away to work is a route to a better life. So, the demand for cheap labour, sexual services and certain criminal activities are among the root causes of trafficking, while poverty, the absence of economic opportunities, and social attitudes and norms are other contributing factors (UNODC, 2020).

Ideology and values of human trafficking in Ghana

The next step in the social policy analysis is to identify the underlying ideology. Chambers and Wedel (2009) provide that ideology is a statement about what is preferred and how things should or ought to be. In Ghana, a lot of emphasis is placed on the family particularly, the extended family system which bonds people to one another by ties of consanguinity, marriage, or adoption (Nukunya, 2014). Nukunya further explains that the extended family is valued because individuals exercise extensive reciprocal duties, obligations, and responsibilities to relations outside the immediate or nuclear family. Given the significant role the extended family system play, people have exploited it thus rearing the ugly practice of human trafficking. Poor families often given their children out to relatives and extended members with the belief that these children will be adequately catered for only to learn later that their children have been subjected to forced labour, exploitation and all kinds of unacceptable practices that duly passes for human trafficking.

In relation to human trafficking, Bronfenbrenner's ecological systems theory is utilized. Bronfenbrenner's Ecological Systems Theory can be seen when evaluating causal factors for human trafficking and human rights violations. Poverty, a history of abuse and neglect, substance use issues, political instability, homelessness, and marginalized identities have been discussed as causal factors for the occurrence of human trafficking victim. Causal factors should be contextualized within the ecological systems model, which assists social workers in identifying areas for intervention and prevention for at-risk populations.

Gainers and losers

From this context I identify potential gainers and losers of human trafficking in Ghana.

Losers

From the aspect of the causes and consequences we could see that the people who lose the most are victims of human trafficking, parents, families, and communities. This is because victims involved may die, contract sexually transmitted diseases, feel depressed and lonely. The parent or guardian of the one being trafficked may gain but will still have a loss. Also, the nation Ghana losses considering the amount of money it requires to be spend on victims of trafficking. Ghana further stands to lose being profiled as a nation associated with trafficking.

Gainers

The traffickers who commit the act unnoticed are the principal gainers of trafficking. Besides, unscrupulous employers in the fishing industry as well as those who utilize the services of children and adults in the situation of forced labor. There have been instances of many Ghanaians being trafficked to the Gulf region. The actors involved stand to gain in the phenomenon of trafficking.

Methodology

The Chambers and Wedel (2009) value-critical approach to policy analysis is utilized as the methodology for undertaking this study. Chambers and Wedel (2009) adapted Martin Rein's value-critical method of analysis to meet the specific needs of social work and human service practitioners. Browne et al. (2019) explain policy analysis as a valuable research method and discuss three key orientations to policy analysis: traditional, mainstream, and interpretive. In this study, the Chambers and Wedel (2009) utilize the value-critical approach to analyze social policies.

Chambers and Wedel's (2009) value-critical approach suggests three practical criteria for evaluating the features of social policy or programs: First, the fit of the policy or program to the social problem, second, criteria that are uniquely useful for a single policy element; and third the traditional values of policy analysis developed by economists which speak to the issue of adequacy, equity, and efficiency. This analysis excludes the economic context from this value-critical analysis, as it falls beyond the scope of in its application of this legislation. While the economic context is not unimportant, it is not contextually suitable to value-critical analysis. What makes analysis value-critical is the framing of an underlying social problem as the policy analysis referent (Chambers & Wedel, 2009).

The value critical framework, as discussed by Chambers and Wedel (2005), emphasizes the importance of value perspectives in policy analysis. This approach allows for and encourages value laden judgments as an integral part of policy analysis in contrast to the value neutrality of the behavioral model advanced by Dolstein (2003). According to Chambers and Wedel, the analyst expects that value conflicts will exist between those operating from different frames of reference as well as conflict within the policy analyst's own frame of reference. This framework acknowledges the significance of these differing value perspectives and allows the

social worker to approach the policy process prepared to analyze policy using value-based criteria.

The first step of the Chambers and Wedel (2009) value-critical approach involves identifying the mission, goals, and objectives of a policy. The process is analytical as well as descriptive in approach. The step also involves the application of an evaluative criterion that helps to determine whether the goals and objectives of the policy measure to some standards. The first major standard concerns itself with outcomes, not services, clarity and measurability, manipulability, and the inclusion of performance standards and target specifications. Second, it also examines the implications of the goals and objectives in relation to adequacy, equity, and efficiency. The third part of the evaluation of the goals and objectives attempts to find a fit between the social problem and the social policy in respect of social problem analysis: problem definition, and variables (consequences) in causal analysis.

Step two examines the forms of benefits and services offered in the policy. These could be in the form of personal social services; expert services, hard benefits such as cash, goods, and commodities, positive discrimination, credit and vouchers, subsidies, government loan guarantees, protective regulations, supervision of deviance and power over decisions. The evaluative criteria employed to determine the specific kind of benefits assesses whether these benefits are stigmatizing, target efficiency, cost-effectiveness, substitutability, consumer sovereignty, coerciveness/intrusiveness, complexity, and cost of administration. The implication of the evaluation assesses the adequacy, equity, and efficiency. It further examines the fit of the benefit/service form with the social problem analysis.

Step three sets out to understand the eligibility rules for receiving benefits and services. Broadly, they include means/asset test, administrative rule, private contract provision, prior contributions, professional discretion, judicial decision, and attachment to workforce. The criteria specific to eligibility rules examine over/underutilization, overwhelming cost, stigma/alienation, disincentive for work, incentives for procreational and marital breakup and or generational dependence. It looks out for a fit with social problem analysis; problem definition/target group specifications. The implications of eligibility rules examine adequacy, equity, and efficiency.

Step four of the framework examines the administrative and service delivery. In this step, the policy analyst examines for one or more of the following issues: Centralization, federation, case management, referral agency, indigenous worker staffing, racially oriented agencies, administrative fair hearing, due protections for client's procedural rights and citizen

participation. The evaluation criteria specific to administrative/ service delivery looks out whether there is one or more of the following: An articulate program/policy design, integration/continuity, accessibility, accountability, client/consumer empowerment, consumer participation in decision making, coping with racial, gender and ethnic diversity. Attempt is made to find out if there is a fit with the social problem analysis and the implications examine adequacy, equity, and efficiency.

Step five of the framework explores the methods of financing stated in the policy or law. It particularly looks for one or more of the following: prepayments and insurance principle, publicly regulated private contracts, voluntary contributions, tax revenue appropriation, fees for service and private endowment. The evaluation criteria specific to financing examines one or more of the following: continuity in funding, stability in broad economic change; inflation/depression and demographic change. The step explores a fit with the social problem analysis and the implications examine adequacy, equity, and efficiency.

Step six reviews specific interactions among the foregoing elements, unintended effects, and unique environmental conditions. Lastly, recommendations are made on the strength of all the data from the five steps.

Findings

The Human Trafficking Act, 2005 (Act 694, as amended Act 7)

Mission, goals and objectives

Flowing from the Act, the mission is expressed in the preamble “The best interest of the child shall be paramount in assistance given to the rescue rehabilitation and reintegration of a trafficked child.” The goal of the Act, “is to prevent, reduce and punish human trafficking for rehabilitation and reintegration of victims of human trafficking.” This is a clear assurance of the state of Ghana’s attempt to respond to a phenomenon described as modern-day slavery, an unpardonable crime, and a grave violation of human rights (UNICEF, 2017).

The objectives of Act 694, that is, how the goal will be achieved are as follows:

- i. Reduce the high rate of trafficking;
- ii. Prohibit human trafficking;
- iii. Rescue trafficked persons;

- iv. Trace the families of trafficked persons;
- v. Rehabilitate and reintegrate trafficked persons with their families;
- vi. Train and build the capacity of persons connected to rescue, rehabilitation, and reintegration;
- vii. Establish a Human Trafficking Fund;
- viii. Establish the human trafficking management board;
- ix. Confiscate movable and immovable property of traffickers because of the gains from human trafficking activity;
- x. Construct reception shelters for trafficked persons in the districts;
- xi. Arrest by police or private persons without warrant on reasonable suspicion of a person having committed the offence of trafficking; and
- xii. Punish those involved in human trafficking.

Evaluative criteria on mission, goal and objectives

To address the problem of human trafficking, the Government of Ghana has translated the goal of the Act, into operating programmes through the establishment of the Human Trafficking Management Board. The goals and objectives as identified in the Act are clear and in fact, no ambiguity in the language used to define the phenomenon of human trafficking in Ghana. The objectives are also measurable and satisfy both manifest and latent functions. To a large extent, the objectives are specific, measurable, realistic but not time bound.

The goals are adequate and once implemented would help reduce human trafficking in Ghana. However, a complete eradication of human trafficking in Ghana, would be difficult because the phenomenon lends itself to socio-economic and cultural factors. In addition, Objectives 4, 5, 6, 7 and 10 require a lot of funding to implement. Over the last decade, the budget of the Ministry of Gender, Children and Social Protection has suffered regular cuts, thus limiting the efforts of the Ministry and its agencies to make human trafficking a top priority issue. In terms of equity, the goals, objectives, and mission are fair and seek to create social equilibrium to a section of society subjected to treatment which is in direct contrast to the laws of Ghana.

Forms of benefits and services

Table 1.1: Showing the Forms of benefits and services in the Act

Rights and Benefits	Who is eligible	Institution or Authority responsible
A trafficked person who is in this country unlawfully may remain in this country throughout the period of legal investigations and prosecuting a trafficker until the completion of the legal process	Trafficked person	Country
A trafficked person who is non-citizen shall stay in a reception centre provided by the Ministry of where basic material support shall be provided until repatriation	Victim	Ministry
Non-publishing of human trafficking proceedings under the Act that reveals the identity of the trafficked person except with the leave of the court	Trafficked person	Court
Right to pursue civil right claim for damages in addition to criminal charges	Victim	State Attorneys
Resourcing from the fund	District Assemblies	Fund administrator
Rescue of a trafficked person	Victim	Any Government Agency/ Authorized Officer
Provision of shelter and basic material support	Victim	Ministry
Provision of employable skills	Victim	Ministry
Start-up capital	Victim	No identified person
Provision of employment opportunities	Victim	Ministry
Skills training, to include formal education for young victims, care, and protection for victims of human trafficking	Victim	Ministry
Financial Assistance	Victim	Fund administrator
Training of security services to combat human trafficking	Personnel	Security services

Police assistance,	Victim	Police
Legal representation	Victim	Management Board
Temporary care of a trafficked person	Victim	Ministry/District Assembly
Counseling of a trafficked person	Victim	Ministry
Tracing of family of trafficked persons	Victim	Ministry/Police/Organization
Compensation	Victim	Court

Source: Author analysis of the Act

The benefits and services offered under the Act can be categorized in three different forms. First, are claims of rights that victims of human trafficking are entitled to. Under the claim of rights, the authorities responsible do not indicate specific institutions or authorities. The Act mentions the country, ministry, or the court as the institutions responsible. The Act, for example, provides that a trafficked person who is in this country unlawfully may remain in this country throughout the period of legal investigations and prosecuting a trafficker until the completion of the legal process. Many victims are most likely not to know this and invoke their rights.

Second, the Act provides direct benefits to victims of human trafficking. Some of these direct benefits include provision of employment skills, employment opportunities, care and protection, shelter, education, compensation, and start-up capital. Since the passage of the Act in 2005, the Government of Ghana is yet to operationalize these noble objects as stated in the Act, even though there have been several cases and victims of human trafficking requiring these direct benefits as mentioned in the law.

Third, direct services to victims of human trafficking are entitlements they guaranteed under the law. These direct services include legal and counselling services, security, and overall police assistance, as well as other related professional services that may become necessary that victims or survivors are entitled to.

Evaluative criteria on forms of benefits and services

The law provides relevant benefits and protection in the form of rights as well as tangible services that clearly targets victims of human trafficking. The provisions mainly respond to the question of establishing a fit to the social problem analysis. Beneficiaries are not stigmatized in accessing benefits and services as the law directs a protective mechanism of

establishing a reception centre where the material needs of victims are to be catered for by professionals. There is a conscious effort to provide target efficiency of professionals and resources through the reception centres in a cost-effective way. There is interplay of interrelationships between rights, benefits package and tangible services accruing from more than a single program as the law contemplates private actors to provide services at the district level.

Eligibility rules or entitlements under Act 694 as amended

Private contracts

The law contemplates government provision of services to citizens under the law in collaboration with organizations outside government framework. For example, the rescue of trafficked children as provided for in Article 14 (1). Again, Article 15(2) also requires organizations operating in a district to be consulted in the process of protecting the welfare of trafficked persons which require prior contract.

Administrative rules

The Ministry of Gender, Children and Social Protection referred to in this Act as the Ministry is mandated to pass a Legislative Instrument (LI). The law therefore provides in section 41 that the Ministry must develop rules on the practical implementation of the Fund as established in section 24 (2). The Ministry in Article 18 subsections 1, 2 and 3 require the provision of victims with employable skills which require creating rules and procedures for beneficiaries to access.

Administrative discretion

District Assemblies under Article 15(2) has access to funds from the human trafficking fund to protect welfare of victims under their jurisdiction. Further, articles 34 subsections 2 and 3 provides for administrative discretion in respect of trafficked persons being allowed to stay in the country after the legal processes.

Professional discretion

Victims are required to receive professional services like counselling, health care, and or legal representation. The professional decides when providing service to victims of human trafficking.

Judicial decision

In respect of confiscation of property's provided for Article 40, subsection (2), the court may take judicial decision-making and order it considers appropriate by directing that the proceeds of the confiscated property are paid into the fund.

Evaluative criteria on eligibility rules

The eligibility rules as set out in the Act, does not in any way inhibit the Ministry for Gender, Children and Social Protection's ability to bring the needed services and benefits to victims of human trafficking. It, however, requires a legislative instrument to be passed on how to expand benefits and services to be given to victims. The rules as set out in the law does not in any way stigmatize victims of human trafficking. So far, the rules do not explicitly promote any negative impact on victims of human trafficking. The sources of the fund are rather weak, irregular, and unstable. The Human Trafficking Fund will be an additional burden on government finances and revenue.

Administration and service delivery

At the apex of the administrative arrangement set out under this law, is the minister for Gender, Children and Social Protection formerly the Ministry for Women and Children Affairs. The Department of Social Welfare is the lead agency in the Ministry responsible for administering services and benefits to victims of human trafficking. The basic approach in the law is one of collaboration, liaising with other government agencies. The law anticipates participation from the citizenry in respect of arrest as provided or in articles 13 (1, 2 & 3) and 9(3). Section 28 of the law provides for the Human Trafficking Management Board. The Board is appointed by the Minister with authority of the President. The responsibility of the board is to see to the day-to-day running of human trafficking issues in the country. This is a

chairman of the board and secretariat of the Management Board. The Management Board meets at least every quarter.

The rules as set out in the law provides program and policy design to cater for the needs of victims of human trafficking. The peculiar challenge is regarding implementation. Further, the law provides the process of integrating victims of human trafficking as earlier observed in the rights and benefits entitlement.

- i. The Minister or Deputy Minister;
- ii. Attorney General;
- iii. One representative of the ministry of local government;
- iv. A representative of the ministry of interior;
- v. A representative of the ministry of health;
- vi. A representative of the ministry of education;
- vii. A secretary from other ministries;
- viii. A representative from the Ghana Journalist Association;
- ix. One representative from the police, immigration, customs, and the office of national security coordinator;
- x. Director of Social Welfare;
- xi. A representative from the labour department and
- xii. One person from the private sector nominated by the minister and three other persons one of whom is a woman.

Evaluative criteria on administration and service delivery

The rules as set out in the law provides articulate program and policy design with capability of catering for the needs of victims of Human Trafficking. The institutions constituting the Management Board is diverse, representative, and empowering. Some of the board members are accessible while others. The peculiar challenge is about implementation. Further, the law provides the process of integrating victims of human trafficking as earlier observed in the rights and benefits entitlement.

Financing method

The major source of financing in this Act is the establishment of a Human Trafficking Fund. Other sources of financing as provided for in this Act include voluntary contributions to the

fund from individual organizations and the private sector. The amount of money that Parliament may approve for payment into the Human Trafficking Fund. Grants from bilateral and multilateral sources. Proceeds from the confiscation of property connected with trafficking. Money from other sources approved by the Minister responsible for Finance. Accounts and auditing of the Fund.

Evaluative criteria of the methods of financing

It appears from the surface that with the multiple sources of funds, it will be enough to run the law. But the sources are quite irregular and unstable. The goal is to rescue, rehabilitate and reintegrate victims. It appears there is fairness provided by the law as it seeks to confiscate property of traffickers to cater for victims. But in instances where these traffickers have no property, both movable and immovable, it will be quite unfair in that regard. The Human Trafficking Fund appears to be unsustainable as the sources of funding are unstable and irregular. If the fund has a percentage from the Consolidated Fund of Ghana, and or from the oil resources or one of our natural resources, then it will be addressing sustainability.

Step Six: Interaction among the elements

Interaction among the elements according to Chambers and Wedel (2009) framework deals with the general assessment of the policy after evaluating all the steps in the policy analysis process and giving an outlook on the success story or failure of the policy. The Act comprises of three (3) components: (1) Prevention of human trafficking, (2) Reduction of human trafficking and, (3) Reintegration of trafficked persons and other related matters. The interaction among the elements is mostly governmental interaction. The law amply provides for state level agency interaction. For example, in the composition of the Human Trafficking Management Board, the representatives include attorney General, Ministry of Interior, Ministry of Health, Ministry of Education, Ministry of Gender, Children and Social Protection, Director of Social Welfare, Labour Department, Ghana Journalist Association or a representative from private sector, the Immigration Service and the office of the National Security as well as the Police.

The Act entitles victims or survivors to the policy principle of co-entitlements. It is another level of interaction provided for in the Act. It is applicable to the extent that when a victim of

human trafficking benefits from counselling services, he or she is automatically entitled to rehabilitation.

The United States Department of State (2022) reports that the government of Ghana, initiated prosecutions of 18 alleged labour traffickers and continued prosecutions of four alleged labour traffickers, compared with prosecutions of 37 defendants in 2019. The courts convicted 13 labour traffickers in 2020, an increase compared with convictions of 10 traffickers in 2019. The government did not report prosecuting or convicting any alleged sex traffickers, compared with prosecutions of 15 defendants and convictions of three sex traffickers during the previous year. Of the 13 traffickers convicted, the courts sentenced nine traffickers between five years' and 18 years' imprisonment, which followed penalties prescribed under the 2005 human trafficking law. In 2019, the Government of Ghana initiated prosecutions of two defendants for operating a labour recruitment firm without a license; but the government did not report if it continued the prosecutions in 2020. The government did not report any investigations, prosecutions, or convictions of government officials allegedly complicit in human trafficking crimes; however, official corruption and complicity in trafficking remained concerns, inhibiting law enforcement action during the year.

Discussion

In this value-critical analysis of the Act, there is enough justification that there is a fit between the law and the social problem for which the law was passed. The Act as amended is well aligned with its goals and objectives as well as the service mission and practice scope of the social work profession in relation to meaningfully addressing the concern for ethical practice at the individual and policy/program levels. The text of the law is clear and not ambiguous and passes the litmus test of specificity, measurability, realistic and time bound. The government has established a secretariat to drive the agenda of anti-human trafficking in Ghana. The major concern remains the fact that the Ministry of Gender, Children and Social Protection has suffered regular cuts, thus limiting the efforts of the Ministry and its agencies to make human trafficking a top priority issue.

The Act as amended is not detailed on strategies for service provision to victims of trafficking in Ghana. The Act makes comprehensive provision for benefits and services to victims of trafficking but weak on strategies. This finding corroborates the findings of Atuguba (2005) that the Human trafficking Act is weak on concrete strategies and there is need for steps to be

taken necessary in the prevention of trafficked persons. Social work practitioners in implementing the Act through programmes and projects should first look in the direction of the transportation sector as a target for the identification, report, and determination of trafficked persons. As part of the strategies, it is imperative to have syllabus on human trafficking fused into the training curriculum for security services and the schools of social work in Ghana. Generally, the average Ghanaian is not well educated about human trafficking. The public transport services schools at the basic, junior, and senior high level as well as Universities must be targeted for a sustained awareness creation as one means of stemming the tide. Social workers need to advocate and create awareness on the implementation procedures and requirements of human trafficking. To this end, social workers need to provide public assessment reports on the state of human trafficking in Ghana as means of awareness creation.

The recommended principles on prevention of trafficking in persons require that the state must put in place measures to address the root causes of trafficking in persons including inequality, poverty, and all forms of discrimination. Flowing from this, the Act is replete with the services for victims of human trafficking. Service provision right from the local level to the national level is crucial to stamp out trafficking in Ghana. The law requires several professionals to provide these services. There is therefore an urgent need for the establishment of centres for trafficked people across the country to enable professionals provide the needed services required under the law. In addition, the trafficking reports of US Department of State on Ghana consistently raise difficulties of prosecutions in Ghana. To help achieve higher prosecutions, social welfare officers and labour inspectors have a duty to enhance surveillance and make reports to the police for the purpose of increased prosecutions.

Conclusions

Ghana passed Act 694, as amended (Act 784) and a Legislative Instrument (LI, 2219) to address the practical implementation of human trafficking in the country. Ghana through the Act, as amended (Act 784), has made great strides to comply with the minimum standards to eliminate trafficking. In July 2009, the Parliament of Ghana, passed a law amending the definition of trafficking to give human trafficking uniformity with the language of the 2000 UN Trafficking-In Persons (TIP) Protocol. Despite limited resources and its inability to comply, the country has increased law enforcement strategies among the security services to

identify, investigate and prosecute traffickers. The Act, amended in 2009, satisfies the evaluative criteria of adequacy and equity in respect of the fight against human trafficking in the country. The amended law criminalizes sex and labor trafficking. However, the laws fail to identify socio-cultural mechanisms to deal with the problem. Another downside to the fight against human trafficking in Ghana is the fact that the Government of Ghana, does not provide sufficient resources, facilities, land and marine vehicles, or funds to law enforcement agencies for investigations of trafficking cases.

Implications for social work practice

Human trafficking remains one of the gravest human rights abuses in modern society however, social work literature has ducked little light on this leading human rights abuse (Okech, Morreau, & Benson, 2012; Hodge (2008). This obviously is not to suggest the lack of social work professionals' non-involvement in anti-human trafficking efforts but to make the point regarding the dearth of a strong voice from the profession regarding trafficking issues in Ghana, is indeed a curious omission. In keeping with the social work profession's commitment to social justice, this paper conducts a value critical analysis of the Human trafficking Act as the State's attempt to respond to this social problem.

Advocacy on human trafficking in Ghana

One of the main implications for human trafficking in Ghana in respect of social work practice is the urgent need for advocacy to make a case for more resources to care, prevent, rehabilitate, and integrate victims of trafficking. Increased resources and attention on human trafficking means that the Human Trafficking Management Board will need to resource the Department of Social Welfare to partner other state agencies to increase efforts towards investigating, and eventual prosecution, and sentencing of convicted traffickers under the human trafficking law. Social workers in Ghana, at the macro-level, must advocate to ensure that human trafficking receives the necessary attention from the Ministry of Gender Children and Social Protection. Part of the advocacy by social workers needs to be directed at attempts to end a ban on the recruitment and trafficking of Ghanaian migrant workers particularly females to countries in the Gulf region.

Support victim identification starting at the community level

Identifying victims in Ghana, is one of the most challenging tasks in human trafficking intervention. Social work practice in Ghana should aim at helping develop strategies on where victims of human trafficking are more likely to be encountered. The development of strategies by social workers in collaboration with other agencies and social service providers, particularly actors in the transport sector, NGOs, law enforcement, fishing, mining, and other relevant sectors is critical. Social workers and other actors need to be trained on the various strategies of identifying victims (Ghosh, 2009). Social workers should also actively involve survivors of human trafficking in victim identification efforts. This is because former victims are likely to easily identify those being trafficked. The Human Trafficking Management Board should provide public funded safe havens with trained social workers who can identify, encourage, and screen potential victims and help them get the necessary legal, and psychosocial services. State shelters for victims of human trafficking is highly limited and the few available shelters are mostly run by nongovernmental organizations with limited resources. With the provision of safe havens, it has the potential of freeing victims to discuss their issues confidentially with little fear of stigmatization, discrimination, deportation, and or punishment in the case of foreign nationals. Consistent with the Children and Family Policy of Ghana, which sets out to protect children and families, it is important that the implementation of the policy targets support for victims of human trafficking as the current environment does not empower victims to report and seek help from the Ghana Police and such other agencies; thus, self-identification of victims is difficult.

Training for actors in the chain of service provision to victims of human trafficking

Another implication of human trafficking for social work practice in Ghana is the need for the training of the security services and the Ghanaian populace on techniques in trafficking cases, particularly, including surveillance and evidence collection. Social work courses should include comprehensive content on the topic of human trafficking and the possibility of even offering short courses to key actors and agencies in response to human trafficking. There is need for social workers in Ghana, to champion education on the standard operating procedures to identify victims and refer them to services; implement the procedures in all the sixteen (16) regions, particularly border regions. The Act identifies more than twelve (12)

agencies to serve on the Management Board. The implication of this practice is that cooperation between law enforcement and prosecutors on case development is urgently required to achieve the fight against the phenomenon. In addition, what this further means is that data collection on human trafficking in Ghana needs to be improved in respect of statistics.

Improving strategies for service provision to victims of trafficking

Social work practice in Ghana must aim at developing effective strategies to provide services to victims of human trafficking. As observed by Atuguba (2005) that strategies for service provision are very weak. Against this backdrop, social workers through the Human Trafficking Board should work at improving service provision in relation to housing or shelter; food; medical, mental health, interpreter/translator services, transport services, criminal justice victim advocacy; legal services; social services advocacy; literacy education; and more importantly employment assistance. Services to victims should be made available from the moment they are identified. While resources have been developed to provide better care for victims of trafficking, there is still a significant need for specialized housing to meet the rehabilitation needs of victims of human trafficking. Given the gendered nature of trafficking, service provision is often focused on women and girls particularly those subjected to sexual exploitation. Not enough focus of resources has been made available to assist female victims of other forms of exploitation. For example, the situation of women who have children and victims of trafficking could be challenging. But service provision targeting male victims is equally important given the increasing numbers of male victims of human trafficking. There is need for a provision in the law to incorporate the development of specialized housing that is staffed with trained multidisciplinary and multilingual teams to assist foreign-born victims of trafficking.

Ethical approval and consent to participate

This is an analytical study. The Ethics Committee for the Humanities in the University of Ghana confirms that no ethical approval is required.

Data availability

Data sharing is not applicable to this article as no new data was created in this study.

Conflict of interest statement

The author has no conflict of interest to declare that is relevant to the content of this article. I further declare that I have no relevant financial or non-financial interests to disclose.

References

- [1] Amissah, H. (2019). Combating Human Trafficking: An Assessment of the National Policies on Eliminating Human Trafficking in Ghana (Doctoral dissertation, University of Ghana).
- [2] Aronowitz, A. A. (2009). Human trafficking, human misery: The global trade in human beings. Greenwood Publishing Group.
- [3] Atuguba, R. A (2005). Human trafficking in Ghana: A review of legislation. International Labour Organization [ILO], Action Programme Against Forced Labour and Trafficking in West Africa, 1-53.
- [4] Browne, J., Coffey, B., Cook, K., Meiklejohn, S., & Palermo, C. (2019). A guide to policy analysis as a research method. *Health promotion international*, 34(5), 1032-1044.
- [5] Chambers, D. & K. Wedel (2009) *Social Policy and Social Programs*. Boston, MA: Pearson Education, Inc
- [6] CNN Freedom project (2021). Witnessing child labor on Ghana's Lake Volta. Available online <https://edition.cnn.com/2021/07/03/africa/gallery/lisa-kristine-lake-volta-spc-intl/index.html>
- [7] Dobelstein, A. W. (2003). *Social welfare: Policy and analysis* (3rd ed.). Scarborough, ON, CA: Thomson, Brooks, and Cole
- [8] Dzramedo, J. E., Amoako, B. M., & Amos, P. M. (2018). The state of the extended family system in Ghana: Perceptions of some families. *Research on humanities and social sciences*, 8(24), 45-51.
- [9] Gheyle, N., & Jacobs, T. (2017). Content Analysis: a short overview. Internal research

note, 1-17.

- [10] Hodge, D. R. (2008). Sexual trafficking in the United States: A domestic problem with transnational dimensions. *Social Work*, 53(2), 143-152.
- [11] Index, G. S. (2018). Global findings. *Global Slavery Index*.
- [12] International Labour Organization. (2017). *Global estimates of child labour: results and trends, 2012-2016*.
- [13] International Labour Organization (1999). *The Worst Forms of Child Labour, Convention 1999 (ILO, No. 122)*
- [14] Johansen, R. (2006). *Child trafficking in Ghana. Perspectives*, 1, 4-7.
- [15] Mohammed, A. K. (2022). Is Ghana's Law Against Human Trafficking a Success? *Criminal justice review*, 47(1), 53-76.
- [16] Nukunya, G. K. (2003). *Tradition and change in Ghana: An introduction to sociology*. Ghana Universities Press.
- [17] Okech, D., Morreau, W., & Benson, K. (2012). Human trafficking: Improving victim identification and service provision. *International Social Work*, 55(4), 488-503.
- [18] UNODC (2020). *Global Report on Trafficking in Persons (United Nations publication, Sales No. E.20.IV.3)*
- [19] Organization, I., Free, W. & Migration, I. (2022). *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage, Walk Free. Australia*. Retrieved from https://policycommons.net/artifacts/3443538/gems-2022_report_en_v8/4243526/ on 22 Apr 2023. CID: 20.500.12592/7jc0z9
- [20] Republic of Ghana (1992). *The Constitution of Ghana*, Assembly Press
- [21] Sertich, M., & Heemskerk, M. (2011). Ghana's human trafficking act: Successes and shortcomings in six years of implementation. *Human Rights Brief*, 19(1), 1.
- [22] Shelley, L. (2010). *Human trafficking: A global perspective*. Cambridge University Press.
- [23] *The Trafficking in Persons (Prevention) Act, 2010, No. 12 of 2010*.
- [24] Thomas, M. (2016). *Child trafficking in Ghana: an examination of the cultural impact*. Prospect: *Journal of International Affairs at UCSD*. 2011.
- [25] UNICEF. (2017). *National plan of action for the elimination of human trafficking in*

Ghana.

- [26] United Nations Development Programme (UNDP), (2021). Ghana, our work on SDGs in Ghana. Retrieved from <https://ghana.un.org/en/about/about-the-un>
- [27] United States Department of State (2022) ‘Trafficking in Persons Report’, US Department of State Publication, July. Available online at: <https://www.state.gov/wp-content/uploads/2022/10/20221020-2022-TIP-Report.pdf> (accessed 15 March 2023).
- [28] Yadoglah, J. A. (2018). Factors Influencing Child Trafficking: An analysis of cases reported in Ghana.
- [29] Zimmerman, C., & Kiss, L. (2017). Human trafficking and exploitation: A global health concern. *PLoS medicine*, 14(11), e1002437.