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CHILD RIGHTS IN THE INFORMAL MINING SECTOR: PERSISTENT ISSUES IN GHANA

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CHILD RIGHTS IN THE INFORMAL MINING SECTOR: PERSISTENT ISSUES IN GHANA

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Background

Artisanal and small-scale mining, popularly known in Ghana as *galamsey*, is a widespread informal mining activity in Ghana, most prominent in the forest and mining communities in the south of the country. It is gradually gaining momentum in some parts of northern Ghana as well.¹ Its prevalence and livelihood-supporting characteristics for both indigenes and migrants make it almost impossible to curb, in spite of its negative consequences on the environment.² Recent studies have shown that informal mining operations are not entirely detrimental, although some level of regulation is needed to ensure efficiency, protect the environment from further degradation, and protect the rights of vulnerable populations like children.³ Up to 20 million jobs are created worldwide by informal mining, and up to 100 million people depend on it for survival.⁴ The African Mining Vision,⁵ widely accepted by many African countries, provides a wider policy framework to streamline activities in the informal mining sector. Ghana has adopted the African Mining Vision and is in the process of designing and implementing its own Country Mining Vision.⁶ A number of problems afflict the informal mining sector and the communities in which they operate. These include the exploitation of children, land tenure issues, environmental degradation, the dissipation of traditional social structure, the emergence of anti-social behaviors due to rapid unregulated inflow of populations, and the destruction of water bodies. *Galamsey* is labour-intensive, has little mechanization (common tools used include shovels, hoes, pick-axes and wheelbarrows),⁷ and rarely has re-capitalisation schemes due to extreme inefficiency in the operations.

For these reasons, children become a cheap source of labour in *galamsey* operations, a trend which has been captured as modern day slavery in recent development literature.⁸ *Galamsey* operations occur mainly in rural areas, where school drop-out rates for children are high and poverty is endemic. Poaching children into the operations of artisanal and small scale mining is therefore a common phenomenon.⁹ Children (all persons below the age of 18 years), are among the key vulnerable populations whose rights are abused in the informal mining sector.¹⁰ According to a Safe The Children UK report of 2007, over a million children are engaged in mining and quarrying in some 50 countries in Africa, Asia and South America. The vulnerabilities of children are easily exploited by their own parents, guardians and other adults who operate concessions and mining sites.

According to the 2010 Population and Housing Census, some 40% of the Ghanaian population is between the ages of 5 and 17, of which 14% are economically active. Economically active children are persons between ages 5 and 17 who are either employed or unemployed, seeking and available for work. 97.2% of the economically active children are engaged in some economic activity and 2.8% have no economic engagements although they are willing to work.¹¹ Of the children engaged

in economic activities (about 1,034,978), 9.4% live in the Ashanti Region, 28.2% in the Northern Region, and 11.5% in the Brong-Ahafo Region.¹² There are more economically active male children than female children. Although there is no recent data on child labour in Ghana, a 2003 survey reported that about 19% of children are engaged in activities that can be classified as child labour.¹³ The household arrangements in many parts of Ghana that leave many children staying with guardians, other than biological parents, make it possible for many children to be subjected to all kinds of abuses, mostly at the blind side of parents, although parents are sometimes complicit. Harsh economic conditions in many rural, fishing and farming communities also limit the ability of parents to take full responsibility for their children, leaving children with no option than to engage in economic activities for survival; and in many cases, for supporting household expenditure. The problem is compounded in artisanal and small-scale mining communities, where school dropout rates are higher, poverty is endemic, and movement of migrants both in and out of the community affects community relations. Children are readily co-opted into every available economic activity, but especially the highly lucrative *galamsey*.

This situation contravenes all national and international child-rights protocols, conventions and laws.¹⁴ According to the Declaration of the Rights of the Child for instance, ‘the physical and mental immaturity’ of children requires that they be given ‘special safeguards and care, including appropriate legal [and physical] protection’ at all times.¹⁵ The Convention of the Rights of the Child is unequivocal about the need for countries to protect children against all forms of harm and discrimination, and to place the interest of children first under all circumstances.¹⁶ In line with such international conventions and protocols, the Ghana Children’s Act of 1998 (Act 560) prohibits any use of children in exploitative and hazardous labour. Exploitative labour is defined as any work that ‘deprives the child of its health, education or development;¹⁷ whilst mining and all activities that use chemicals and machinery are defined as hazardous labour.¹⁸ Children are also barred from working at night. The rights of children in informal mining communities are heavily infringed upon, since children are openly employed in the *galamsey* business, depriving them of access to education, good health and proper social integration.

Children have rights to ‘education, immunization, adequate diet, clothing, shelter, medical attention,’ and every other thing that ensures their wellbeing and development.¹⁹ It is the collective responsibility of the state, community and parents to ensure that these rights are protected. However, the state of affairs in some artisanal and small scale mining communities in Ghana does not suggest that these stakeholders are living up to their responsibilities; or at least, their efforts at protecting children from hazardous labour are not yielding adequate results. A number of civil society organisations, development consultants and non-governmental organizations are helping to fill some of the void left in protecting the rights of children. The next section summarises efforts by Participatory Developments Associates Ltd. and Free the Slaves in dealing with some of the child rights issues in three districts in the Ashanti Region where there are informal mining activities. This is followed by accounts of other neglected child rights issues that require further action. Some recommendations that might address these problems are also provided.

The PDA and FTS initiative to tackle child rights issues in three informal mining communities in the Ashanti Region

Recognising the heightened vulnerability of children in informal mining communities in Ghana, Free the Slaves (FTS) partnered with Participatory Development Associates (PDA) Ltd. to roll out social intervention programmes to deal with the prevalence of child labour in some informal mining communities in the Obuasi Municipality, Amansie Central and Adansi North districts, all in the Ashanti Region. This project is ongoing, and is scheduled to be completed in 2016. It was piloted in Obuasi in 2011, and expanded to two other districts.

The project mainly focuses on child labour in the informal mining sector because children are largely perceived to be a cheap source of labour. They are mostly used in hazardous activities like carrying loads of gold ore, cracking stones, pounding stones into powder, and washing and extracting gold by using mercury. Children working in and around such mining sites are often subjected to verbal, sexual and physical abuse; and are heavily exploited in ways that affect their development.



Some children working in a small scale mining industry in Obuasi
[Source: PDA field archives]

The three districts were selected for the intervention because there are substantial deposits of gold in the forest areas and also because of the high prevalence of artisanal and small-scale mining activities in these areas. These communities were identified as some of the ‘hotspots’ with regard to the extraction and processing of gold ore. Some of the selected communities were also identified as areas where adult power and influence were prevalent, making it easy for them to lure children and vulnerable populations into mining where they have the opportunity.

The partnership between PDA and FTS seeks to create an environment that protects children from hazardous labour, sexual abuse and child abuse in informal mining communities. The project uses narrative pedagogy, based on earlier research, to build on the knowledge, attitudes and practices of parents and community members in relation to child rights issues and their responsibilities towards the protection of children from harm and abuse. Three child rights related curricula have been developed: one on parenting, another on sexual abuse and a third on child labour. The curricula highlight community experiences of how children are being exposed to harm and abuse, and the challenges faced in protecting the rights of children.²⁰ Learning groups of adult community members have been formed in ten communities, aiming “to equip the groups to come up with their

own action steps, based on strengthened norms of child protection” so as to collectively build resistance to modern slavery.²¹

Although, children are the main target of this intervention, they are not the only stakeholders identified in the target communities. As well as the learning groups, Community Child Protection Committees (CCPC) have been formed due to the fact that children are the exclusive responsibility of adults in the society. These were formed in collaboration with the Municipal/District Child Protection Committees in six of the project communities with the aim of strengthening structures at the community level towards the protection of children from abuse and ending modern slavery.



Learning Groups of adult community members
[PDA field archives]

In order to target the main beneficiaries of the project, i.e. children, Child Rights Clubs (CRCs) have been formed in selected schools in the ten project communities. The CRCs were formed to strengthen the capacity of children to express their opinion on issues affecting them; and to be proactive in reporting cases of abuse and infringement of rights to parents, opinion leaders and institutions mandated to protect children.



Mock voting exercise for some of the CRCs
[Source: PDA field archives]

All three groups seek to challenge slavery and have contributed to withdrawing a number of children from *galamsey* sites so that they can return to their parents and classrooms. There has also been some positive attitudinal change towards child labour.

Although the intervention has been successful in many ways so far, a number of challenges threaten to prevent the project gains from being sustained. First, since the intervention programme has no alternative livelihood support systems to offer parents and children, there is always the possibility that they will return to the mining sites when economic conditions become dire. The lamentations from participating parents and children, and from other stakeholders in the

communities, suggest that complementary livelihood support systems could help these anti-slavery initiatives to have longer lasting impacts on the communities. Second, the project only had the capacity to report extreme cases of child abuse to the police, and lacked the resources that are needed to insist on prosecution or to follow-up on cases.

The Persistence of Child Exploitation

At the root of the problem of child labour are a number of social realities that afflict children and families. The phenomena of child labour and socio-economic stresses are integrated in such a way that tackling one aspect without understanding the wider context can be counter-productive. These issues are cultural, social and economic in nature.

One major issue worth noting is the limited employment opportunities in the project districts, especially the Obuasi Municipal area. Mining, both formal and informal, is the main backbone of the local economy in the Obuasi area, with Anglo Gold Ashanti (a large formal mining company) being the major employer. Informal mining activities attract migrants from other parts of the country into the area, which affects the social structures and systems. Most of these migrants, as well as the indigenes, do not have the requisite skill to work in the formal mining sector. All other sectors of the local economy, to a large extent, are affected by the outcomes of the formal and informal mining activities. This state of affairs has serious repercussions on the citizenry whenever mining activities decelerate, as most of these people do not have the skills to secure other jobs or alternative sources of income.

As is the case in most mining areas, “the expansion of small-scale mining and the increase in migrant labour to these areas have been associated with an increase in [transactional sex] and sexual violence like [defilement and] rape, often involving girls as young as 12 years old”.²² This regularly contributes to increased, unwanted and teenage pregnancies, single parenting and widespread sexually transmitted infections, particularly HIV/AIDS. Most young people in these communities are left on their own to fend for themselves and in some cases contribute to their family income.

Although the Child Rights project has contributed immensely towards reducing child labour in the informal mining sector in the three project districts in general and the 10 project communities in particular, child labour and domestic servitude is widespread in the other sectors of the local economy in the project districts. Domestic servitude which is commonly associated with abuse and exploitation of children is very prevalent, especially with regards to commercial activities in these project communities. In Obuasi for instance, just like many other towns in Ghana, it is very common to find children as young as 10 years old hawking on the busy roads. Income from such activities is a major contributor to the family income, and the children involved in such activities are subjected to various degrees of abuse should they fail to meet their targeted daily sales.²³ Children who are unable to meet this target are mostly denied food and in extreme cases, physically assaulted. Some children skip school to engage in these income generating activities especially when there is an urgent need for money at home. Children who are made to sell at night are unable to concentrate in class due to fatigue, which consequently affects their performance at school.

Recommendations

The PDA/FTS Ghana Child Rights project has made significant strides towards improving the knowledge and attitudes of community members despite the challenges that were identified in its implementation. These challenges can be addressed through continued collaboration with others and the approach extended to other sectors of the economy to build on the knowledge and capacities of the citizenry, and to otherwise strengthen their resistance to modern forms of slavery.

Land tenure arrangements need to be streamlined to protect farmlands from being taken over by small scale miners without adequate compensation. Agriculture should be made attractive through mechanization and exploration and dissemination of best practices. When agriculture is lucrative, people would willingly engage in it as a substantive occupation or a livelihood support option. This would help dissuade the youth from thinking that small scale mining is the only viable form of employment in the mining communities.

In order to diversify employment in informal mining communities, efforts should be made to provide alternative livelihoods for parents and guardians. These could include skills training (such as soap making, pastries and batik) for heads of households who do not have any employable skills so that they can engage themselves in alternative livelihood and income generating activities. As part of agricultural development, skills training could be aimed at manufacturing and fabrication of agricultural implements and machines like cassava processing machines and corn mills. If every village is made to have at least a cassava processing machine and corn mill, this would increase people's occupational and life supporting options. This will enable them take good care of their families so that their children do not become exposed to child labour, modern slavery, sexual exploitation and other forms of abuse. Parents should also be able to access micro finance after skills training to start income generating activities.

Windfalls of revenue accrue to those who engage in small scale mining. It is difficult, therefore, to say that these livelihood support options cited above can provide as much income as those that can possibly be gained from small scale mining, at least at face value. Therefore, local government and law enforcement agencies should be empowered – financially and logistically - to enforce laws that prohibit the use of children in hazardous activities. Providing alternative livelihood support options can only be effective if it is backed by enforcement of regulations that make it difficult for children to be openly involved in the hazardous aspects of mining.

As a long term measure, good quality and relevant basic education should be provided by government and the government's policies on compulsory education should be enforced. Adequate incentives should be given to parents and children to make the best of the free universal basic education implemented by the government. Education has been found to have the ability to take households out of generational poverty. Children in school who are vulnerable to abuse should be provided with social support such as counselling and reassurances that the society has their welfare at heart. Adolescents and young people who are out of school should be encouraged and supported to learn trades that are likely to continue to be in demand like dress making, hairdressing, carpentry, welding and fabrication, electronic and mechanical engineering.

End Notes

- ¹ ‘Government combats illegal mining in Bole’, April 22, 2015, <http://citifmonline.com/2015/04/22/govt-combats-illegal-mining-in-bole/#sthash.GtmX1tA1.dpbs> (Last accessed on October 1, 2015); See also Ontoly, Jonathan and Isaac Agyeman (2014), ‘Environmental and rural livelihoods implications of small-scale gold mining in Talensi-Nabdam districts in Northern Ghana’, *Journal of Geography and Regional Planning*, vol. 7, No. 8, pp. 150-159; and Tom-Dery, D., Z. J. Dagben and S. J. Cobbina (2012), *Effect of illegal small-scale mining operations on vegetation cover of arid Northern Ghana*, *Research Journal of Environmental and Earth Science*, vol. 6, No. 6, pp. 674-679
- ² “‘Galamsey’ operators back in WR, *Daily Graphic*, August 11, 2015, p. 32.” See also Tom-Dery et al (2012), ‘Effect of illegal small-scale’; Ontolyn and Agyeman (2014), ‘Environmental and rural livelihood implications’; Hilson, Gavin and Abigail Hilson (2015), ‘Entrepreneurship, Poverty and Sustainability: Critical Reflection on the Formalization of Small-Scale Mining in Ghana’, International Growth Centre Working Paper.
- ³ African Union (2009), *African Mining Vision*, p. 26ff; Hilson and Hilson (2015), ‘Entrepreneurship, Poverty and Sustainability’.
- ⁴ African Union (2009), *African Mining Vision*, http://www.africaminingvision.org/amv_resources/AMV/Africa_Mining_Vision_English.pdf (last accessed October 5, 2015), p. 26
- ⁵ The African Mining Vision is a policy draft designed and accepted by the African Union aimed at achieving ‘transparent, equitable and optimal exploitation of mineral resources to underpin broad-based sustainable growth and socio-economic development’. See African Union (2009), p. v.
- ⁶ ‘Ghana in talks with UNDP to reform mining sector’, February 4, 2015, <http://citifmonline.com/2015/02/04/ghana-talks-undp-reform-mining-sector/> (Last accessed October 3, 2015). For further details, see Ghana mining portal website, <http://www.ghana-mining.org/ghanaims/MiningVision/tabid/256/Default.aspx>; and the African Mineral Development Centre (2014), “a Country Mining Vision Guidebook: Domesticating the African Mining Vision”
- ⁷ The introduction of heavy earth moving machinery by the Chinese in recent times have led to some revolution in the galamsey business in many parts of the country, especially in the Ashanti Region, which has more destructive power on the environment.
- ⁸ Koette, Johannes (2009), ‘Human trafficking, Modern Day Slavery, and Economic Exploitation’ SP Discussion Paper No. 0911, <http://siteresources.worldbank.org/SOCIALPROTECTION/Resources/SP-Discussion-papers/Labor-Market-DP/0911.pdf> (last accessed October 6, 2015); Sedex Information Exchange (2014), ‘Modern Day Slavery’ Briefing paper, <http://www.sedexglobal.com/wp-content/uploads/2014/04/Sedex-Briefing-Modern-Day-Slavery-April-2014-Final.pdf> (Last accessed October 6, 2015)

- ⁹ FTS, PDA and SSF (2014), ‘Child Rights in Mining: Pilot project results and lessons learned’, Obuasi, Ghana, <https://www.freetheslaves.net/wp-content/uploads/2015/03/ChildRightsinMiningPilotProjectOverview.pdf> (Last accessed on October 6, 2015); Schalkwijk, M. and W. van den Berg (2003), *Suriname. The situation of children in mining, agriculture and other worst forms of child labour: A rapid assessment* (Port of Spain, Trinidad: International Labour Office)
- ¹⁰ See ‘Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Gulnara Shahinian’, a report submitted at the 18th session of the Human Rights Council of the UN General Assembly, A/HRC/18/30, July 4, 2011
- ¹¹ Ghana Statistical Service (GSS) (2012), *2010 Population and Housing Census: Summary report of final results* (Accra: GSS), p. 8
- ¹² Ibid. p. 70
- ¹³ Ghana Statistical Service (GSS) (2003), *Ghana Child Labour Survey* (Accra: GSS)
- ¹⁴ United Nations Convention on the Rights of the Child, 1990; International Labour Organisations Conventions 138 and 182; and Ghana Children’s Act 1998 (Act 560). See also earlier versions of these in the Geneva Declaration of the Rights of the Child, 1924; and Article 10 of the International Convention on Economic, Social and Cultural Rights.
- ¹⁵ Quoted by Convention on the Rights of the Child, para. 10, <http://www.ohchr.org/Documents/ProfessionalInterest/crc.pdf> (Last accessed on October 2, 2015)
- ¹⁶ Convention of the Rights of the Child, 1989, Articles 2 and 3
- ¹⁷ Children’s Act 560 (1998), Article 87.
- ¹⁸ Ibid. Article 91(3)
- ¹⁹ Article 8 of Children’s Act 560
- ²⁰ See Bruce Joy and R. Annan (2013), “Child Rights in Informal Mining Communities around Obuasi in Ashanti Region, Ghana. Evaluation Report”
- ²¹ Ibid. p. 1
- ²² PDA (2012), “Ghana Child Rights In Mining Project”, FTS-PDA-SSF Collaboration in Participatory and Qualitative Research Field Guide (2nd Draft), January, p. 3
- ²³ From observations, most of these children in the project areas stay with guardians and persons who are not biological parents