

# Promoting the Welfare Needs of Ghanaian Children through Policy Interventions and Programs—Reflections of UNCRC Provisions

George Hikah Benson<sup>1\*</sup>, Sulemana Adams Achanso<sup>2</sup>, A-R Mohammed<sup>3</sup>

<sup>1</sup> Associate Professor, Director Centre for Conflict, Human Rights and Peace Studies of the University of Education, Winneba, Ghana

<sup>2</sup> Ph.D., Senior Lecturer, Dean University for Development Studies, Ghana

<sup>3</sup> Ph.D., Senior Lecturer, University for Development Studies, Ghana

\* Corresponding Author E-mail Address: ghbenson@yahoo.com

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## ABSTRACT

The United Nations Convention on the Rights of the Child (UNCRC) to date, remains the most relevant and comprehensive international instrument on Children's rights. However, its implementation has suffered drawbacks stemming from administrative, cultural, economic, and ideological diversities of member-states; thus slowing down the promotion of Children's welfare in many respects. That stated, many countries of both Global North and South are stepping up their efforts concerning child rights and welfare promotion in recent times. This study examines child welfare promotion in Ghana through structural, legal, social, and policy interventions by the state, in keeping with UNCRC provisions. The case study design model mainly employed an exploratory qualitative research approach that involved 20 participants and was underpinned by an interpretivist philosophical paradigm. The study argues that the government's social intervention activities, as well as, its institutional and legal reforms have come to impact positively on the promotion and protection of child welfare. These gains notwithstanding, the implementation processes are still plagued with challenges of inadequate funding of programs as underpinned by a lack of political will. Against this backdrop, the study urges governments to back their numerous action plans with adequate financial, technical, and human resource provisions for the realization of Convention goals; while stiffer punishments are meted out to violators of child rights. This study provides member-states, governmental agencies, child policymakers, and civil society basic insights into child rights and welfare promotion, in keeping with the tenets of UNCRC provisions.

*keywords:* child rights, Ghana, needs, promotion, implementation, UNCRC, policy interventions, and child welfare

## 1. Introduction

The acceptance and the promotion of Child rights within international human rights discourse took centre stage at the global level at a rather slow, winding, and disappointing pace (Kosher et al., 2016; Meadow et al., 2007). Indeed, several factors account for this misnomer and injustice. Foremost, it was occasioned by the remarkable ineptitude of state apparatus to the plight of children, then by the self-conceited and cruel attitude of the adult world towards children and finally stemming from the dereliction of parents who regarded children as part of their possessions who have no exclusive rights nor status of their own (Hart, 1991). These

reasons amongst others hugely precipitated the piecemeal nature of the evolutionary journey of child rights within the communal, national, and international domains. The wheels on which these tortuous experiences were carried to unfoldment, were regrettably weak, wobbling, and of remarkable remoteness.

The global phenomenon necessitated Hart's (1991) remarks to the effect that from hindsight evidence and undisputed records, children at the time were not given any better attention even in the Western World is well noted for fundamental human rights advocacy. Indeed, Alaimo (2002) and many other writers did aver that children in the Global North were also exploited during the pre-industrial era; whilst in Asia and Africa, children as young as five years were subjected to child labor under violent and undesirable conditions. Hart (1991) equally observed that the Western World at the time hardly gave children any form of formal education nor did they accord children special rights and even so, did little to protect them from harm and exploitation, to say the least. The situation according to Meadow et al. (2007) was in the worst state in Africa and Asia where children were abused, exploited, and sold out as slaves, who worked on plantations in the best parts of the day. In the event, Meadow and colleagues insinuate that most of these enslaved youngsters lost their human dignity and identity.

This phenomenon perhaps explains why even in contemporary times, children are still subjected to physical corporal punishment at the least provocation, in many Asian and African households and schools (UNICEF, 2012). Moreover, there is a depth of reliable information regarding how adults in these jurisdictions plow naïve children into child trafficking, child 'streetism', and commercial sexual businesses. The prevalent harmful sociocultural practices in the words of Audu et al. (2009) have dire consequences for future generations. In many countries within the Global South including Ghana (the study location), current happenings concerning child labor and child trafficking which are on the ascendancy, fits well into this narrative despite state interventions (UNICEF, 2014).

These challenges notwithstanding, Audu et al. (2009) aver that child rights conceptualization pleasantly emerged in the later parts of the 19<sup>th</sup> century, intensifying by the mid- 20<sup>th</sup> century following the socio-politico-economic advancement of nations. It was within this era that civilized states, vigilant international states, and non-state organizations granted children the required status and rights in life and protected them from threats and harmful conduct by the adult world (Hart, 1991; Kosher, et al., 2016). Consequent to this development, large volumes of legal documents and Conventions on child rights including the UNCRC came into existence, granting vast child rights in the areas of health, education, welfare, and the growing needs of children, just to list these few (Barr, 2021; Zoltan, 2021). This paper assesses the level of success in respect of the implementation processes of the 1989 Child Rights legal document (UNCRC) in Ghana, being the first country in the world to ratify the Covenant in 1990. To that end, the paper apart from outlining the historical evolution and features of the UNCRC, also discusses the successes and challenges of its implementation in Ghana, with the help of primary, secondary, and tertiary data.

## **2. Theoretical Framework of the Study**

This study gets guidance and inspiration from the 'Interest Theory of Rights' (ITR). The theory is about the normative foundations of rights. For the start, the theory posits that rights are grounded in interests, underscored as aspects of people's well-being; and that interests do not necessarily ground rights unless they are of sufficient importance to override counter-considerations to ground duties (Moller, 2012; Webber, 2013). Kramer argues that the interest theory consists of two propositions thus (Kramer, 2013; Kramer et al., 1998):

1. For X to hold a right, it is necessary, though not sufficient, that the right protects some aspect of X's situation that is typically beneficial for a being like X.
2. For X to hold a right, it is neither necessary nor sufficient, that X is competent to demand or waive the enforcement of the right.

Throwing more light on Kramer's propositions, proposition 1 holds that the basic idea of the interest theory is that rights are in existence to make right holders such as children, to be better off, thereby fitting into the idea of child welfare as investigated by this study. For instance, because it is in the interest of a child to acquire knowledge for his/her development, the child has the social right to education. Proposition 2 on the other hand, suggests that one having a right (in this case a child) does not depend on the right-holder having highly developed mental competencies. What therefore is required is that the right-holder has interests and that the group of potential right-holders may even extend to non-human entities such as animals and organizations. However, the interest theory does not claim that all interests necessarily create rights. Having an interest is necessary, but not a sufficient condition for having a right.

Expounding further on the theory, Raz (1984) submits that individual rights are grounds for rights and rights are grounds for duties, duties being peremptory reasons for action. He further avers that rights, which are dynamic, generate duties whose content may vary depending on circumstances. To that extent, a right exists only if the interest of the right-holder-- in this case an aspect of the well-being of a child-- is of sufficient importance to hold others to be under a duty (Raz, 2010, Raz, 2007). Situating this within the context of UNCRC, several aspects of children's well-being/welfare, create corresponding duties on third parties such as states and parents, necessitating action on their part for that matter (Eekelaar, 2006). However, Raz (1988) contradicts Kramer when he says rights are not always fundamentally grounded on the personal interest of the right-holder. Interests become valuable instruments when they are seen to be promoting the welfare of others.

The gap in this theory is that it does not outline what conditions are sufficient to give one a right, making it only a moral concept without legal depth. As Wenar (2005) observes, inheritance rights might sometimes cause the right-holder more trouble than benefit as interests theorists want us to believe.

In situating 'Interest Theory of Rights' within the context of UNCRC, Archard (2004) submits that children have a plethora of interests, which the adult world is obliged to provide and safeguard. To that extent, anything and everything that aids the welfare and development of children who constitute our future must be addressed with precision and with legal backing. Following the ratification of the UNCRC, a chunk of children's interests have since found space in many international legal documents and national legislations (mainly in the form of national constitutions). Most of these legal documents and scholarly works bear testimony to the 'the best interests of the child' principle as embedded in Article 3 of the United Nations Convention on the Rights of the Child. However, proponents of the 'Interest Theory' argue that the Article 3 provision is not the prime mover of the 'Interest Theory'. In this denial, Sund & Vackermo (2015) who are leading proponents of the 'Interest Theory', have separated children's interests into two categories---legally qualified rights as spelled out in national legislations and non-legal rights, which people are under a moral obligation to meet, protect and promote. Nevertheless, Sund and Vackermo (2015) observe that when provisions of the Convention (1989) are enforced to the letter within both international and national courts, the scope of child rights will gain accuracy, as the responsibility of state and parents would be spelt out in no ambiguous terms.

Writing further, Archard (2004) and Held (2006) have also argued that the principle of 'the best interest of the child' fails to provide the analytical tool that enhances the legal rights of

children. For them, chains of children's interests are rather fully embedded in the basic elements of the 'interest theory', which offers a better approach to addressing issues on child well-being interest. These elements on the main include the following: obligations of the state towards children's welfare and rights, duties and responsibilities of parents towards their children, and corresponding sanctions against the law and breakers of children's rights. To that extent, Fortin (2003) posits that child rights have varied levels and strengths, premised on how those in socio-political authority choose to formulate and implement policies concerning child rights.

The 'Interest Theory' underpins this work so long as the study is an evaluation of how child rights as enshrined in the UNCRC legal document, are implemented in Ghana. The researchers argue that the postulations of the theory in their generality enhance the child rights discourse and to some extent improve the weaknesses of the 1989 Convention provisions.

### **3. The Legal Framework of the United Nations Convention on the Rights of the Child (UNCRC)**

This part of the paper encompasses a synopsis of relevant UNCRC provisions. For the start, it is worth noting that the origins of child rights within the human rights discourse as alluded to by Kosher, Ben-Arieh, and Hendelsman (2016), is without historical depth. In affirming this assertion, Aries (1962), Stier (1978) and Hart (1991) aver that before the 16<sup>th</sup> Century, children were without special rights as they were considered as properties of their parents and guardians. To that end, child labor became even more prevalent during the industrial era, involving children as young as 5 years (Alaimo 2002; Aries 1962; Svevo-Cianci, et al., 2010). In an attempt to bring children in keeping with the *status quo*, children who were not given special statuses regarding their welfare, education, and development, were also subjected to mental and physical torture (Kosher et al., 2016).

Issues on Child rights were only given a serious global outlook and therefore conceptualized and packaged from the mid-20<sup>th</sup> Century onwards, reflecting societal changes in terms of technological and socio-economic advancement (Alaimo, 2002; Hart 1991). Based on these developments, the agenda regarding the status of children shifted to one of promotion and the protection of child rights, which parents, guardians, employers, society and governments were obliged to uphold (Alaimo 2002; Freeman, 2017; Kosher et al., 2016). Consequently, many European countries including Britain and France, enacted laws that guaranteed a host of child rights in the areas of education, healthcare, shelter, recreational facilities, and freedom from forced labor, *inter alia* (Ben-Arieh et al., 2014; Cohen, 2002; Hallett & Prout, 2003; Kosher, et al., 2016). However, it was only at the end of the 20<sup>th</sup> century that many more nations began to formulate legislations in that respect, granting children legal personality, autonomy and participatory rights (Chemy & Shing 2008; Perterson-Badali & Ruck 2008; Ruck & Horn, 2008).

About this same time, child rights legislations and frameworks took centre stage at the global, beginning with the League of Nations Geneva Children's Right Declaration of 1924 and later, the United Nations General Assembly 1959 Declaration of the Right of the Child, reiterating the essence of each child having a happy childhood (Cohen, 2002; Kosher, et al., 2016). These precursors influenced the ratification of the United Nations Convention on the Rights of the Child (UNCRC) between 1989 and 1990 under the auspices of the United Nations (Ben-Arieh, 2005; Kosher, et al., 2016; Ruck & Horn 2008).

### 3.1. Principal Provisions of the UNCRC Legal Document

The unfavorable and inequitable conditions under which most children live across the Global North-South divide, warrants a framework of special additional rights for children (Lansdown (1994; Perterson-Badali & Ruck, 2008; Troope, 1996). One that addresses the challenges and concerns of children in accordance with their unique circumstances as contained in the UNCRCR international legal document (African Charter on the Rights and Welfare of the Child (ACRWC), 1959; Bell, 2008; Universal Declaration on Human Rights (UDHR), 1948).

For the start, the UNCRC defines a child as a human being under 18 years of age. The international legal document is in three main parts, consisting of the preamble, substantive articles, and ascension to the Convention. Provisions regarding the harmonious well-being of the child are spelt out under Articles 4, 5, 11, 18, and 19 of the first part, which parents are enjoined to respect and provide for (Alderson 2008; Barnes 2009). The substantive part referred to as the 'Three Ps', outlines the range of child rights and responsibilities of member-states in that respect (Part I, Articles 1-41 and Part II, Articles 42-45), whilst the last part underlines matters of membership and implementation of UNCRC provisions (Part III, Articles 46-54). Additionally, two Optional Protocols on the 'Involvement of Children in Armed Conflict' and the 'Convention of the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography' respectively, came to be incorporated in the document in 2000; having being adopted by the UN General Assembly.

First, the right to life and survival, the best interest of the child, the development, participation rights, and the equality and non-discrimination principles are contained in Articles 2, 3, 6, and 12 of the UNCRC. For example, the 'best interest of the child principle' (Article 3 subsection 1) provides that state agencies such as social welfare institutions, courts of law, administrative authorities, and legislative bodies; should always take the child's best interest into account in their operations and dealings. The right to education, food, clean water, shelter, recreation, amongst others; are captured under the principle of the right to 'life and survival'; whilst the 'principle of participation (Article 12 subsection 1), enjoins member-states to offer children the freedom to participate in matters that affect them directly (Freeman, 2017; Freeman; 2000; Lansdown 2001; UNCRC, 2004). Within this context, children would attain full potentials towards their growth and socio-economic development (Bradshaw et al. 2011; NGOCRC, 2014; Rogers & Wrightsman 1979; Ruck & Horn 2008).

Member-states of the Convention are under the obligation to respect, protect, and fulfill UNCRC principles and rules; whilst under Article 2, ratifying states are obliged not to directly or indirectly aid or abet child rights infringement. Finally, Articles 43-54 require governments, international governmental organizations, as well as, nongovernmental organizations to engage in harmonious relationships in enhancing the protection, implementation, and monitoring of child rights, as enshrined in the UNCRC document (Nowak, 2005; Kosher, et al., 2016).

The UNCRC legal document is relevant in many respects, its strength on the main being manifested in the promotion and advancement of child rights across the globe since the inception of the Convention, as member-states are legally bound to implement provisions of the UNCRC Charter. To this end, all member-states have come to enact child rights legislations that are in consonance with UNCRC provisions. The Ghanaian experience is the enactment of the Children's Act of 1998 (Act 560) by the Ghanaian. Further, the Convention through its member-states has successfully implemented time-tested multidimensional solutions to children's lived experiences, serving as a guide on child rights (Bradshaw et al. 2011; Children Bureau, 2016; Theobald, et al., 2011). That stated, the implementation processes are still befuddled in controversies, reflective of individual commitment of member-states to



Convention provisions (Cox, 2000; Fottrell, 1999; Riddell, et al., 2021; Sirkko, et al, 2019; <https://www.unicef.org>)

#### **4. An Assessment of the Implementation Processes of the UN Charter on the Rights of the Child in Ghana**

Upon becoming a ratifying member-state of the UNCRC in 1990, Ghana has implemented various policies and programs towards the achievement of Convention goals, and to that extent; providing civil, political, social, cultural, and economic rights to the Ghanaian child.

##### **4.1. Definitions**

###### **4.1.1. The Child as Defined in the Ghanaian Context**

Both the 1992 Fourth Republican Ghanaian Constitution and the Children’s Act of 1998 (Act 560), define a child as a person below the age of eighteen (18) years (in line with UNCRC’s definition).

###### **4.1.2. The Criminal Responsibility and Reasonability of a Child in Ghana**

The criminal responsibility of a child is pegged at twelfth (12) years in Ghana. As stated in the Criminal Code of Ghana, a child below 12 years of age is presumed not to have enough reasonability and capacity to infringe the penal laws.

###### **4.1.3. Legal Marriage Age in Ghana**

In Ghana, the legal minimum age for marriage is eighteen (18) years and above, as stipulated under Section 14 of the 1998 Children’s Act of Parliament (560). Under Section 14, provisions cover civil, customary, Christian, or Mohammedan (CAP 129) marriages. However, under Ordinance (CAP 127 Section 59), marriages can only take effect after the essential validity, procedural, and the twenty-one (21) year minimum age requirements are met; and parental consent sought.

#### **4.2. Acts of Parliament and Policies and Programs of the Government of Ghana on Child Rights**

##### **4.2.1. Acts of Parliament**

###### **4.2.1.1. The Children’s Act, 1998 (560)**

The Act, which was passed in 1998 by the Ghanaian Parliament, is in six (6) sections---Part I (The Rights of the Child); Part II (Quasi-Judicial and Judicial Child Abduction); Part III (Parentage, Custody, Access, and Maintenance); Part IV (Fosterage and Adoption); Part V (Employment of Children); and Part VI (Institutionalized Care and Miscellaneous Matters). The Act was passed by the government of Ghana in line with its commitment to the implementation of UNCRC provisions, as required of all member-states. Within the context of this study, Parts I, II, III, V, VI, and I are of

The Act defines a Child in Article 1 as a person below the age of 18 years. First, the welfare principle as stipulated under UNCRC is replicated in Article 2 (1, 2) where the best interest of the child shall be paramount in any matter that concerns a child, which interest the court, all persons in Ghana, institutions, bodies, parents or guardians shall respect and uphold. Articles 3,5, 6, 7, and 8 capture the non-discrimination, right to grow up with parents, parental duties and responsibilities, right to parental property, and right to education and well-being clauses.

Second, another important UNCRC principle that the Act sought to fulfil is the provision of the right to education and welfare, where no person or institution shall deprive a child access to education, immunization, adequate diet, clothing, shelter, medical attention, or any other thing that is required for a child's development (Article 8 (1)). Largely, successive governments in Ghana have drawn and implemented several policies such as Capitation Grant, School Feeding Program, and Free Senior High Education (SHS), amongst others that aim at fulfilling Article 8 provisions in Ghana. Third, under Part 1, disabled children are to be treated with dignity and granted special care in line with Protocol provisions; as children in general are protected from torture and degrading treatment (Article 13). Fourth, Provisions in Article 87 prohibit the exploitation of children in terms of child labor and deprivation of health and education opportunities.

#### **4.2.1.2. Education Act, 2008 (778)**

In brief, the Act stipulates the establishment of an educational system in Ghana that is capable of producing individuals with the requisite knowledge, skills, attitudes, aptitudes, and values that make them functionally productive citizens, insuring the socio-politico-economic development of the country. In essence, the Act initialed the inclusion of Early Childhood Education for children between 2 to 4 years in the formal educational system.

#### **4.2.1.3. Domestic Violence Act of 2007 (732)**

The Act seeks to address issues of violence against women and children in Ghanaian homes, on the main. The underlining effects of domestic violence permeate through deep social roots, in particular as it interrelates with child rights abuses, child poverty, family welfare, and health concerns such as sexually transmitted diseases, *et cetera*.

Following the passage of the Act, a National Policy and Plan of Action was developed within a ten-year scope from 2009 to 2019 (NGOCRC, 2014). A desk was established within the Ministry for Gender and Social Protection to address domestic violence-related cases in keeping with Act 732, as part of the recommendations of the national policy. Other interventions since the inception of the Act include foremost, the setting up of the Domestic Violence Management Board, which has so far rescued, rehabilitated, and provided shelter for victims. The Unit also prosecutes crime perpetrators and sensitizes the public on the ills of domestic violence. Additionally, the establishment of the Domestic Violence Fund has gone a long way to assisting victims in the areas of skill training, medical bills, and rehabilitation, amongst others. Moreover, the establishment of a Domestic Violence and Victim Support Unit (DOVVSU) within the Ghana Police Service has paid off well, as it has so far actively, effectively, and efficiently investigated, mediated, and prosecuted domestic violence-related cases against children and women in particular, amidst its challenges and shortfalls.

#### **4.2.1.4. The Human Trafficking Act, 2005 (694)**

This Act as passed by the Parliament of Ghana seeks to prevent and reduce the incidence of human trafficking and prescribes punishment for the crime. Further, the Act captures the rehabilitation and reintegration of trafficked persons as well. Reports from outlets of various media fraternities suggest that women and children are the most violated of the phenomenon of human trafficking.

Following the enactment of Act 694, the Human Trafficking Secretariat as well as the Management Board for Human Trafficking have been established under the auspices of the Ministry for Gender, Children and Social Protection (MoGCSP) to manage, advice, and implement policies that are in line with provisions under Act to combat human trafficking strategically in the country. In addition, the Anti-Human Trafficking Unit within the Ghana

Police Service as established has so far effectively investigated and prosecuted high-profile human trafficking cases and rescued several victims who are mostly children.

#### **4.2.1.5. Persons with Disability Act, 2006 (715)**

Act (715) of 2006 among other things, grants disabled children equal treatment regarding access to public facilities and protection as established under the UNCRC document and its addendum Protocols. Other rights guaranteed to children with a disability under Act 715 of the Parliament of Ghana include the right to family life and social activities; non-exploitation and non-discrimination against children with disabilities; access to special education in technical, vocational, and teacher training institutions; and the integration of the needs of persons with disability (Articles 1, 2, 4, 7, 17, 21, and 23). Under Article 31, the Ministry of Health is charged with the formulation of health policies that shall provide free general and specialist medical care, rehabilitative operation treatment, and appropriate assistive devices for persons with total disability. Moreover, Articles 42 and 43 establish a National Council on Persons with Disability under the direction of a Governing Board to propose and evolve policies and strategies that enable persons with disability to participate in the mainstream national developmental agenda. The penalty for the contravention of provisions of the Act especially Articles 1, 2, 4, 6, or 7, is a liability on summary conviction to a fine or term of imprisonment (Article 8).

#### **4.2.1.6. Outlawing of Female Circumcision Criminal Code (Amendment) Act, 2007 (741) and the Practice of ‘Trokosi’ in Ghana**

Criminal Code, 1960 (Act 29) was amended with the coming into effect of Criminal Code, 2007 (741), aiming at curbing incidences of female genital mutilation of young girls in the country, especially within Muslim communities and the Northern parts of Ghana. The practice, which is at variance with UNCRC rules, has health implications and offends the sexual rights of women and the girl child. The amended 2007 Criminal Code widened the scope of responsibility for the offence and changed the reference ‘female circumcision’ in the 1960 Criminal Code to ‘female genital’ to reflect the actual nature of the offence.

The 1998 Criminal Code Section 314 (A) (1) (b) outlaws the practice of ‘Trokosi’ in Ghana. It is the practice where young virgins are sent away by relatives to serve fetish priests as deity slaves in shrines to atone for the sins of family members. Despite its abolishment in Ghana, Benson (2021) argues that practices of Trokosi still exist in just a few parts of the Volta Region of Ghana, while authorities look on haplessly.

### **4.2.2. Programs and Policies of the Government of Ghana on Child Rights**

#### **4.2.2.1. The Free Compulsory Universal Basic Education (FCUBE) Policy**

Education is regarded as a necessary tool and prerequisite in our quest to reduce or eliminating poverty, improving the incomes of families, empowering the disadvantaged in society, and advancing the socio-economic development of nations (Epke, 2012). For these reasons, nations and international organizations such as the United Nations as well as international treaties including UNCRC (1989), UN Declaration of Human Rights (1948), and the International Covenant on Economic, Social and Cultural Rights (1966), have declared education as an indispensable human right, especially for children (Ibrahim, 2021). To this end and as a notable member of the UNCRC, the government of Ghana has been making important interventions in the educational sector through the implementation of several policies. Among these interventions foremost is the ‘Free Compulsory Universal Basic Education’ (FCUBE) policy as proscribed in the 1992 Ghana Constitution under the Directive Principles of State Policy (Article 38 (2) of Chapter 6).



In keeping with the government's commitment to making education accessible and compulsory for Ghanaian children, successive governments have formulated and implemented several pro-education policies, which the researchers intend to outline just briefly. The focus of the researchers is limited to the Fourth Republican dispensation. First, the National Democratic Congress (NDC) government under the presidency of Jerry John Rawlings made several interventions in the form of building more schools within rural Ghana in particular, to increase the enrolment drive; while the development of teachers was also enhanced.

Second, the presidency of John A. Kufuor under the New Patriotic Party (NPP) government saw several social interventions in the area of child education. Like his predecessor, he worked towards increasing child enrolment through the provision of infrastructure and the implantation of education-driven policies. To begin with, his administration introduced the Capitation Grant, which took up the payment of basic fees from parents at the basic ladder of education, conscious of the rising poverty levels in the country. Further, he introduced the School Feeding Program that provided a hot meal a school-going day for pupils/students at purposively selected basic schools throughout the country; especially within rural settings where poverty is endemic and serves as a barrier to child education. These flagship interventions brought a lot of relief to parents and aided children from poor backgrounds to access formal education with much ease.

Third, the second NDC government under Prof. J.E.A Mills and his successor John D. Mahama introduced the 'Free School Uniform', 'Free Exercise Books', and 'Free Computers Distribution' programs between 2010-2016 at all levels across the country's educational system. The objectives of such policy interventions as stated earlier were to make education accessible and less costly for children of school-going age, especially among poor families in the country.

Fourth, the second NPP government under the Nana Akuffo-Addo administration did introduce the laudable flagship program the 'Free Senior High School Program' throughout all second-cycle schools in the country in September 2017. The import of the program is to absorb the feeding and boarding fees of all students at the level, including books. An astronomical increase in enrollment of students has since been experienced even though there have been implementation challenges. Largely, all these interventions by successive governments have reduced the *hitherto* low educational levels in the country while the literacy population ratio is constantly on the ascendancy.

#### **4.2.3. National Institutions on Child Rights Promotion**

##### **4.2.3.1. The Ghana National Commission on Children (GNCC)**

Act 2006 (701) that created the GNCC repealed the 1979 Ghana National Commission on Children Decree (AFRCD 66). Currently, the GNCC has been converted to a Department of Children under the supervision of the Ministry of Gender, Women, Children, and Social Protection (MoGCSP). Responsibilities within the department's ambit include the implementation of child-related policies, programs, and strategies as directed by MoGCSP. In addition to these duties, the department also undertakes research work and coordinates the implementation of child rights under UNCRC provisions. Moreover, it monitors the operations of child-focused agencies in the country and compiling status reports on child rights implementation processes that are submitted to the UN Committee on Child Rights.

##### **4.2.3.2. The Ministry of Gender, Women, Children, and Social Protection (MoGCSP)**

The ministry was first created in 2001 by the Kufuor administration to undersee issues of women and children, who form the most vulnerable class within the population. The ministry has created many desks that monitor the implementation of government policies on children's

rights, education, and development such as the School Feeding Program. It also collaborates with many other ministries and government agencies such as the Domestic Violence and Victim Support Unit-Ghana Police Service (DOVVSU), Ghana Commission on Children (CRIN), Commission of Human Rights and Administrative Justice (CHRAJ), and the Department of Social Welfare and Development (DSW) in advancing the development of children and the protection and promotion of child rights.

### **4.3. Implementation of Child Rights in Ghana: Contextual Challenges**

Ghana's pioneering status puts it in a unique position that guides its commitment to the realization of children's rights and welfare within not only the African continent but also the generality of the comity of states. To that extent since 1990, successive governments in Ghana have enacted legislation as well as formulated public policies (as outlined above) to ensure adherence to UNCRC provisions and the protection and promotion of child rights in Ghana.

Indeed, evidence, as reported in this study reflects the landmark implementation of child-centered policies and programs that have so far enhanced the cause of child rights in the country, in keeping with UNCRC provisions on child rights. This is in itself suggestive of the fact that Ghana as a member-state of the UNCRC, has chalked remarkable achievements regarding child rights promotion and protection within societies in Ghana, which is worthy of global recognition and appraisal. That stated the real state of child rights in Ghana is much more nuanced.

Whereas there is a robust existence of legislative frameworks in Ghana on child rights, the implementation, and enforcement processes are still lagging, explaining why the plethora of legislations, policies, and programs have done little to prevent the violation of child rights. That for the researchers is a major challenge. Nonetheless, other factors account for this state of affairs of which four stand out boldly in the course of this investigation---the impact of socio-cultural values on UNCRC championed child rights, weak political will, implementation challenges, and financial or logistical constraints.

#### **4.3.1. Influences of Socio-Cultural Values**

For a very long time, child rights and child rights violations have dominated debates on the subject matter of 'universality' and 'relativity'. According to Bourdillon (2006), the relativists' concept of child rights is rooted in Western notions of childhood. For these reasons non-Western societies of which Ghana is one, hold different views on childhood and can hardly, therefore buy into the Western notion of childhood and child rights. Within this context, whereas child rights violations are heavily frowned upon in Western societies, there receive minimal attention in non-Western societies as a result of cultural complexities. For example, while corporal punishments of any form are 'frowned' upon in the Western context, they are acceptable in the non-Western context as a critical tool for correcting erring children within the socialization process.

Cultural norms in many Ghanaian social settings, not only influence the use of corporal punishment in child upbringing but also see it as a necessary part of the socialization process which is remote from child abuse (MoGCSP/UNICEF Ghana, 2018). Perhaps explaining why Western notions of child rights are seen as impositions that must be resisted naturally in non-Western societies. Child rights violations in Ghana and elsewhere in Africa and some parts of Asia are not just limited to corporal punishment, but child labor and servitude. In many Ghanaian households, instances of child labor are justifiable as long as the child must contribute his/her quota towards the sustenance and survival of the family in terms of cash and kind. For such households, the phenomenon is dictated by harsh socio-economic circumstances

and cannot, therefore, be an issue of child rights violation as held within Western notions. To that extent, sociocultural norms of child upbringing in some parts of Ghana limit and undermine the process of child rights promotion and protection as enshrined in the UNCRC document.

#### **4.3.2. Lack of Commitment towards Child Rights Prioritization as a Result of Weak Political Will**

Weak political will and the non-prioritization of child welfare and development and other attendant factors have impacted negatively on the implementation and enforcement of child rights in Ghana, the numerous legislative and policy frameworks notwithstanding. Because of a lack of political will and short-sighted priority agenda setting, political leadership in some instances has failed to commit adequate resources to state agencies that are legally mandated to work towards child rights promotion in the country. Yet, Pillay (2014) argues that child rights promotion stands to experience giant leaps, should governments commit adequate resources to the operations of state agencies responsible for child rights.

It is against this backdrop that Afenyo (2019) submits that the DSW in particular and the Local Government System in general, have weak capacities in monitoring and enforcing child rights because there does not exist a strong political will that will support and fund child rights agencies in the country. Laird (2002) writing earlier on this subject matter, corroborated this assertion when he highlighted the issues of chronic understaffing, low-skilled personnel, and underfunding of the Department of Social Welfare and other government agencies that have the constitutional or legal mandate to protect child rights. Following this, the output from these agencies is maximally ineffective. Summing up, the researchers argue that until government addresses these issues effectively, the continuous enactment and formulation of numerous legislations and policies may hardly meet the set goals.

Lastly, it is worth noting that laws and policies in themselves mean just little if they are not well coordinated and effectively implemented, thus calling on governments to shift their focus from the enactment and formulation of numerous legislations and policies to one of vigorous enforcement of the plethora of legislations, policies, and programs already in existence. Findings of this study from both secondary and primary (qualitative approach) sources support these conclusions.

### **5. Methodology and Discussions of Findings**

#### **5.1. Methodology of the Study**

##### **5.1.1. Research Design**

The research design is the structure and strategy by which the relationship between variables and the study is investigated (Creswell, 2003). This study adopted a case study design in respect of an examination of the efficacy and level of implementation of UNCRC policies and principles among member-states, using Ghanaian experiences. The design in adoption affords an in-depth and comprehensive study of one or more instances of the phenomenon in its real-life context that reflects the perspective of the participants and gives the assurances of acceptable and reliable information (Gall, Gall, and Borg (2007). This design model is holistic, empirical, interpretative, emphatic and an integrated method that values the different standpoints and interpretations that researchers and participants have; thus giving credence to its adoption by the researchers in this particular investigation as it offers a unique example of real people in real life situations (Cohen et al., 2018 and Yazan, 2015). In terms of philosophy, the study is underpinned by interpretative philosophy where individuals constantly seek an understanding of the world in which they live and work. On this pedestal, individuals based on

their interpretative worldview, comprehensively and holistically develop the subjective meaning of their experiences in varied and multiple forms (Creswell, 2014).

### **5.1.2. Research Approach**

This study combined two research approaches for effective and appropriate data collection given the area of study. First, it adopted content analyses of existing literature from books, journal articles, newspapers, policy documents, international Convention documents, reports, electronic media publications, internet and textbook sources for secondary data gathering. Second, it also employed a qualitative approach, which includes measures and techniques that produce non-statistical records including words, symbols pictures, and other non-numerical records for primary data gathering (Cohen, et al., 2018). In qualitative approach methods that involve interactive and participatory methods of data collection, the researcher must necessarily build a strong rapport with the participants to get their full cooperation during discussions (Creswell, 2003). The researchers of this study followed this pattern in the conduction of interviews and were also motivated by the fact that the qualitative approach is an emergent process-oriented social phenomenon that is useful for describing and creating understanding for subjective interpretations that produce in-depth information about issues under investigation (Creswell, 2003).

### **5.1.3. Data Collection Methods/ Research Instruments**

In-depth interview guides, observation, and focused group discussions were the instruments employed during the survey that took six (6) months. The three (3) researchers themselves conducted the face-to-face interviews together with four (4) research assistants using interview guides (open-ended questions) that were researchers-constructed, enabling participants to express their views and perspectives on the subject matter freely. The researchers and two human rights experts in the Centre for Conflict, Human Rights and Peace Study of the University of Education, Winneba, determined the content validity of the instruments. The test-retest reliability coefficient value of the instrument was 0.80. Additionally, structured observation checklists and a camera were used to capture direct field observation of attitudes, while focus group discussions were held with three groups on three separate occasions.

### **5.1.4. Population, Sample Size, Sampling Techniques, and Procedures**

The study population consisted of government officials, non-governmental organizations, officials of state agencies linked to the implementation of Child rights policies in Ghana, parents, children, and members of the civil society within the Greater Accra Region of Ghana. The Ghana Statistical Service report for the 2022 Population Census puts the population of the region at 4 million people. The researchers targeted individuals involved in UNCRC policy implementation in Ghana, as well as, people knowledgeable in Child rights. Using the purposive sampling technique, twenty (20) participants were drawn from within the Greater Accra Region of Ghana as the sample size, who are not only primary stakeholders but also knowledgeable people on the subject matter (Creswell, 2014; Lodico & Voegtler, 2010). The researchers on the basis of cost, time and convenience, determined the sample size of 20 as it also offered statistical power with regard to data collection (Merriam, 1998). Hanlon and Larget (2011) suggest that the sample size of 20 is representative of the population in our particular circumstances, in as long as the statistics will be close to corresponding values from the population.

### 5.1.5. Data Analysis

The data analysis procedure is the process of evaluating data using analytical and logical reasoning to examine each component of the data provided (Fraenkel and Wallen, 2006). To that extent, the researchers in their investigation systematically collected data that was thematically analyzed by organizing the data into various themes and categories based on the research questions, to make sense of the perspectives of the participants (Maarouf, 2019; Rajasekar, et al., 2013). For effective analysis, the researchers adopted Braun and Clarke's (2006) 6-step framework of thematic analysis. The steps include data collection, data familiarity through the reading and re-reading of the transcript, listening to audio recording, identification of ideas and concepts through label generation, definition and the search for coherent and meaningful themes, and the weaving of analytic narrative and vivid data extracts that inform the findings.

To guarantee the validity and reliability of data in a qualitative investigation, Ghauri and Gronhaug (2005) and Huck (2007) suggested that appropriate evaluation instruments, items, and processes that repeatedly reflect the content with precision and consistency, should be used. The researchers initially gave the instruments to two experts in the field of human rights for their perusal and approval in terms of content validity and reliability. To further determine the reliability, clarity and authenticity of the instruments, a pre-test was carried out using Cronbach's alpha reliability analysis. Cronbach's alpha analysis, which is used to design and test new surveys or assessment instruments encompass measures that are employed to confirm the internal consistency and reliability of closely related survey items. Cronbach's alpha quantifies the level of agreement on a standardized 0 to 1 scale, rating 0.70 and above as good, 0.80 and above as better and 0.90 and above as best. The closer the coefficient is to 1.0, the greater the internal consistency of the variables in question. In other words, high Cronbach's alpha values indicate that response values for each participant across a set of questions are consistent. Conversely, low values indicate the set of items do not reliably measure the same construct. Using version 22 of the Statistical Package for Social Sciences (SPSS), the Cronbach alpha reliability coefficient ( $r$ ) of the instrument employed in this study was computed at 0.82, indicative of the fact that the instrument was reliable on the grounds that the acceptable alpha cogent range is from 0.70 to 0.95 (Tavakol, et al., 2008)

Finally, in addition to using descriptive statistical tools in analyzing the data, qualitative data that was transcribed verbatim from coded themes and patterns using Nvivo 12, were analyzed both inductively and deductively (Anderson, 2007).

### 5.1.6. Ethical Considerations

To ensure high-quality research work, data was collected using appropriate ethical codes to generate or gain the cooperation and confidence of participants. This process as submitted by several experts including Habib (2014), Saunders & Thornhill (2012), Showkat and Parveen, (2017), and Stevens (2013), is an effective groundbreaking process when a researcher is soliciting the maximum cooperation of participants. To that end, ethical principles of informed consent, anonymity, confidentiality as well as rights of withdrawal and feedback were observed.

Before then, the researchers obtained approval (introductory letter) from the Centre for Conflict, Human Rights and Peace Studies of the University of Education, Winneba for fieldwork (UEW-10/03/2021) and the Ministry of Gender, Women, Children and Social Protection (MoGCSP). Further, for reasons of confidentiality, the permission of parliamentarians, a minister of state, government officials, heads of agencies, and all other participants was sought before the commencement of the survey. The anonymity and



confidentiality of participants were guaranteed except for 5 participants who voluntarily opted that the researchers could disclose their identities, explaining where pseudonyms were used to report the findings. In no specific order, the participants were designated as P1-P20. Moreover, before every session, time was spent discussing the research processes with participants, thus allaying any anxieties and fears in the researcher’s attempt to develop trust between the researcher and the participant.

Indeed, all participants as such were those who agreed to participate and volunteer information during the interview and group discussion processes, reporting their experiences and perspectives as informed by the responsive practice principles of safety, choice, collaboration, trust, and empowerment (Anderson, 2007). This minimized the possibility that any individual would be triggered or distraught by their involvement in the research.

### 5.1.7. Positionality

The study acknowledged and addressed issues of positionalities relating to the conduct of the survey. The lead researcher is a professor in Conflict, Human Rights and Peace Studies and hence is not an outsider. However, the views and perspectives of researchers were bracketed before engagement, so that researcher bias is avoided.

The categories of interviewees are shown in Table 1 as follows:

- (a) A representative each from 5 state institutions--- Ghana Education Service (GES), MoGCSP, DOVVSU, CRIN, and DSW; (b) Three political figures--2 Members of Parliament and a minister of state;
- (b) One participant from the civil society organization in the area of gender and children advocacy;
- (c) A queen mother from among the traditional rulers;
- (d) One Christian and one Muslim gender and children advocates;
- (e) Two parents and three children.

Table 1.  
*Categories of Participants*

Category	Number interviewed	Gender	
		Male	Female
State Institutions Reps.	5(25%)	2	3
Political Figures	3 (15%)	1	2
Civil society organizations	1 (5%)	-	1
Parents	2 (10%)	1	1
Children	3(15%)	1	2
Academia	1 (5%)	1	-
Media	2 (10%)	1	1
Religious Women Organizations	2(10%)	-	2
Traditional rulers	1 (5%)	-	1
<b>Total</b>	<b>20 (100%)</b>	<b>7</b>	<b>13</b>

*Source: Fieldwork, 2021*

### 5.1.8. Socio-Demographic Characteristics of Participants

Table 2 is a reflection of the age categories of the 20 participants who were used in the study. The categories correspond as follows: 10-18 (3); 19-40 (10); 41-60 (5) and 60 years and above (2). Table 3 shows the educational status of participants as follows: no formal (1); basic (2); secondary (5) and Tertiary (12).

Table 2.

*Age Distribution of Participants*

Age	Frequency (N=20)	Percentage
10-18	3	15
19-40	10	50
41-60	5	25
Above 60	2	10
<b>Total</b>	<b>20</b>	<b>100</b>

Table 3.

*Educational Status of Participants*

Education		
No formal education	1	5
Basic	2	10
Secondary	5	25
Tertiary	12	60
<b>Total</b>	<b>20</b>	<b>100</b>

Source: Fieldwork, 2021

## 5.2. Data Presentation, Analysis, and Discussion

This study examined how policy interventions and child-related legislations enacted by the Ghanaian government in keeping with UNCRC provisions have enhanced child welfare needs in the country. The study was guided by the following three research objectives:

1. Ascertain the impact of domestic legislations and policy interventions put in place by the Ghanaian government, in response to UNCRC provisions on child welfare needs.
2. Determine the efficacies of Ghanaian-grown policies and legislations vis-à-vis child welfare promotion.
3. Identify the challenges that are associated with the implementation of UNCRC provisions in Ghana.

Consequently, appropriate questions were generated from three themes that informed the interview-design, in particular. Data was gathered from a sample size of 20 participants, which findings as presented below, are discussed under the guidance of the following research questions:

### 5.2.1. Key Findings

- Many UNCRC-oriented policies and legislations have been implemented by the government of Ghana that have impacted child rights promotion in the country, positively.
- Major policy interventions by the Ghanaian government in line with UNCRC provisions include the Free Compulsory Universal Basic Education (FCUBE), Capitation Grant, and School Feeding programs. Moreover, sixty-percent of participants lauded the creation of state agencies by the government that champion child rights in Ghana.
- Regarding the spate of child rights promotion in Ghana, 15 (75%) participants agreed they were highly satisfactory; 3 (15%) said they were not satisfactory, while 2 (10%) were undecided. From the responses, it is easily deduced that child rights promotion in Ghana are yielding positive results.
- In spite of the fact that child rights promotion in Ghana are yielding positive results, there are still implementation challenges that include inadequate funding of programs, non-commitment of stakeholders, and weak institutional and legal frameworks.

- Notwithstanding the many achievements that Ghana has made in the area of child welfare promotion, child rights abuses such as Child Trafficking, Child labor, and Child molestation are still prevalent in the country. Whilst 40 percent of participants located the blame on the ineffective implementation of laws by the police and other state agencies, 35 percent said government lacked the political will to sanction perpetrators of these crimes, 20 percent concluded parents and guardians are to blame for the menace, and 5 percent mentioned other factors. Some of the factors include high poverty levels, high crime levels, and high illiteracy levels.

### 5.2.2. Hypothesis

There is no significant statistical difference between Ghana and many other member-states of the UNCRC in respect of implementation challenges of Convention provisions, and the experiences are similar to other International Convention Agreements. The hypothesis of this study was formulated and tested at a 0.05 level of significance.

The findings of this study, which are supported by numerous research works, revealed the achievements, challenges, and failures of the implementation processes. In the same vein, the results of this modest study are consistent with an emerging stream of research, which found that the implementation of UNCRC provisions is befuddled by challenges among member states.

### 5.2.3. How Effective Has the Implementation Processes of UNCRC Provisions Been in the Ghanaian Context?

The responses from the participants, which corroborated findings from secondary and tertiary data explained above under Part IV: III are discussed below. In addition to the main question, there were other follow-up questions, in keeping with the objectives of this study. First, all the participants representing 100% unanimously agreed on the implementation processes of child rights in Ghana in respect of UNCRC Charter provisions, as averagely effective and satisfactory, given that a large number of the stipulations have already found space in legal enactments including the 1992 Ghana Constitution and the Children's Act of 1998. Far-reaching child rights-oriented policies have been formulated and implemented by the government of Ghana so far, while appropriate state agencies have also been established in keeping with child rights promotion and protection as enshrined in Article 3 (1) of the UNCRC Charter. Article 3 (1) encapsulates the 'best interest of the child' principle that emphasizes the need of member-states to promote the welfare, survival, and development of children.

Regarding the level of effectiveness with which the government has so far implemented UNCRC provisions on child rights, an official (P11) had this to say, *"So far, I have visited many countries across the globe, and I must submit that, Comparatively, Ghana has done a fantastic job about the implementation of UNCRC provisions. Perhaps out of 100 %, I stand to give us 60% if I were asked to grade our performance and accomplishments as member-states of UNCRC. Having said that though, I do concede that as a country that is so committed to the goals and objectives of a Convention we were the first to ratify, there is still room for improvement."* The findings suggest that the majority of Ghanaians are satisfied with the progress Ghana has made with the implementation of Convention provisions by state authorities.

The interviewees discussed a long list of Acts of Ghana's Parliament, government policies, and programs under implementation in respect of child rights. The first Act to come under scrutiny was the Children's Act, of 1998 (560). Of the 20 participants, 9 (45%) of them acknowledged its continuous relevance, 3 (15%) decried its relevance in the face of high-profile child abuses in both rural and urban settings, 5 (25%) called for its amendment, while 3 (15%) had no

knowledge about the Act and therefore declined to comment. The comments of 11 (55%) participants on the Education Act, 2008 (778) that promote children's education in Ghana in line with UNCRC regarding child development *via* education, corroborated the assertion of Nowak (2005) that child welfare and development remain a cornerstone of child rights. Seven participants representing 35% said the Act has been insufficiently implemented since several children in rural Ghana still do not have access to education mainly because their parents cannot afford to support their studies (Cox, 2000). Regarding the passage of the Human Trafficking Act, 2005 (Act 694), all (90%) but 2 participants agree the Act has lived up to expectations since child trafficking has reduced drastically in Ghana in the past few years, while many victims have so far received rehabilitation and reintegration from agencies that are created under Act 694. When quizzed further, only 5 (25%) participants suggested that sanctions under the Act were not biting enough and failed to deter potential violators, while 13 (65%) agreed sanctions were adequate. Two (10%) participants were undecided.

Concerning government policies and programs that are in keeping with the Free Compulsory Universal Basic Education (FCUBE) namely, Capitation Grant, School Feeding Program, Free School Uniform, and Free Senior High Education Program; participants were unanimous about their relevance even though according to some participants their implementation is somehow still problematic. Thirteen (65%) participants lauded the creation of MoGCSP, and other state agencies like DSW and the Ghana National Commission on Children by the government, since they agreed these institutions were championing child right-related issues in tandem with Articles 43-54 of the UNCRC provisions (Cox, 2000).

#### **5.2.4. To What Extent Have the Rights, Welfare, and Development of Children in Ghana Seen Promotion Since Ghana Ratified and Became a Member of the UNCRC?**

When the second major question was put to the participants regarding the spate of child rights promotion in Ghana, 15 (75%) participants emphatically said they were highly satisfied; 3 (15%) said they were not satisfied while 2 (10%) were undecided. Their responses are captured in Figure 1. The three participants within the unsatisfactory column while citing the upsurge of child 'streetism' and child labor in the country of late, argued that as a nation we still have a long way to go regarding the gains made so far accruing from the implementation of Convention provisions (Ben-Arieh, et al., 2014; Cox, 2000). That notwithstanding, an overwhelming majority of 15 participants applaud the gains made so far. As may be deduced from this picture, most Ghanaians think children's welfare and development have seen transformation since Ghana committed itself to implementing the UNCRC Charter. This falls into place with the thinking of Perterson-Badali & Ruck (2008) who argue that the attainment of full child rights at the global scale is to turn to the UNCRC Charter, the embodiment of all child rights.

Participants were quick to cite the educational rights accorded Ghanaian children following the ratification of UNCRC as a very positive sign that deserves commendation, giving the mental, social and economic empowerment of the many people who got the opportunity under the circumstances that are in keeping with Tisdall (2015) assertion. The literacy ratio of Ghana has since appreciated considerably in the last three decades, per the Ghana Statistical Service report of 2021. In addition, society has not only come to know and accept the rights of children but has also strived to uphold child rights as stated under the UNCRC; where they are no longer regarded as part of the possessions of their parents but co-architects of tomorrow's world (Chemy & Shing 2008). Furthermore, the establishment of state agencies such as DOVVSU, the Children's Commission, and the DSW by the Ghanaian government in response to UNCRC provisions, has enhanced the growth and development of children in Ghana. Moreover, the government has enacted appropriate laws that promote and protect child rights, while violators

of child rights are correspondingly punished, which is in keeping with Theobald’s (2011) assertion that violators of child rights are hardly punished. These were the assertions and views of the participants.

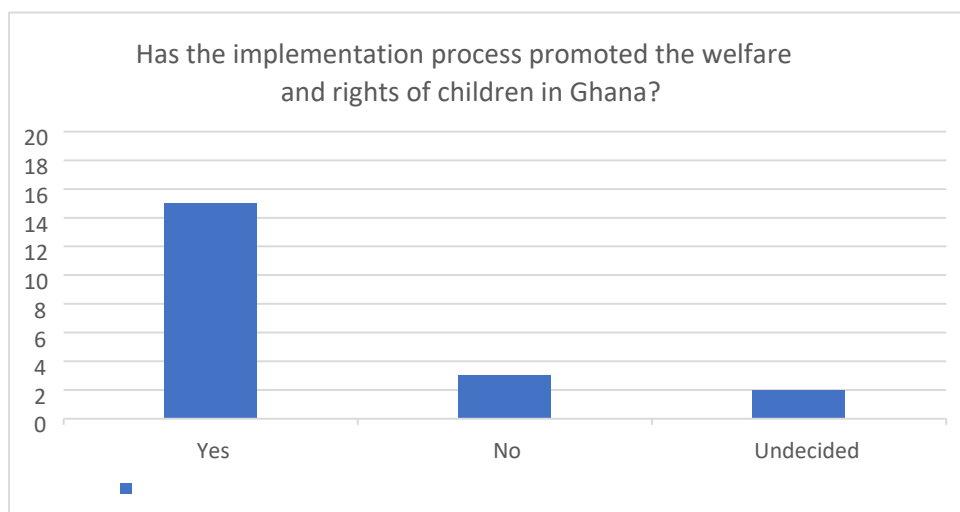


Figure 1. Promotion of Child Rights in Ghana  
Source: Fieldwork, 2021

In affirming child rights promotion in Ghana since 1990, one participant (P3) had this to say, *“Now I am so delighted and proud to mention that children in Ghana are no longer regarded as pieces of property as was in the immediate past, but a special group with rights since Ghana became a member of UNCRC. To affirm this assertion go around the country and you would see for yourself the kind of education that is accorded our children at all levels of the educational structure. We did not get this in our time. Not at all, our generation never saw this coming within such a short while. Today’s education has improved lot of children in their overall development and growth. Further, when people violate the rights of children, the state takes action against perpetrators of the crimes. We are grateful Ghana was the first country to ratify the UNCRC Charter. And I call you to witness that we have lived up to expectation as a member-state of this great international forum”*.

#### 5.2.5. What Factors Have so Far Hindered the Full Realization of Child Rights in Ghana in Line with UNCRC Objectives?

The third question was on the challenges. Participants recounted the many challenges that befuddle the implementation of UNCRC provisions in Ghana. Of these, the lack of political will to fund activities that inure to the promotion of child rights came top; corroborating Pillay’s (2014) submission, that many governments in the Global South are reluctant to fund programs that enhance the development and welfare of children. In addition, agencies and institutions that are established to pursue issues of child rights promotion and to punish violators of child rights often have weak capacities and can hardly perform effectively (Afenyo, 2019; Laird, 2002). The participants further averred that sociocultural norms in Ghana have hampered the promotion and protection of child rights as echoed by Bourdillion (2006). They also asserted that gaps still exist where implementation processes are weak, usually resulting from the minimal commitment or non-commitment of stakeholders to the processes. Finally, public education on child rights in the country is woefully lacking (Riddell, et al., 2021). A head of one of the agencies (P6) bemoaned the situation, *“Government upon government have paid lip services to child rights promotion in Ghana, probably like most member-states do. This is reflected in the low and inadequate funding of programs and policies in the area of child rights*



*promotions*". Another who is a member of the clergy (P1) said, *"Aside from government funding programs inadequately, corrupt activities and incompetence on the side of implementers of child rights and law enforcers have gravely affected child rights promotion"*. A third participant who is a lawmaker (P11) blamed some government agencies such as National Commission for Civic Education (NCCE), the Commission on Human Rights and Administrative Justice (CHRAJ), and Metropolitan, Municipal, and District Assemblies (MMDAs) thus, *"These constitutional creatures have not effectively educated the citizenry of this country on their fundamental human rights as mandated, in particular child rights. As a lawmaking body, we have also failed to monitor the implementation of the laws we enact. We are only in a rash to push out laws expecting them to implement them stricto sensu, without a follow-up. Unfortunately, things don't work that way"*. Maundeni (2010), has equally placed the implementation challenges of Convention provisions in Botswana on institutional failures.

#### **5.2.6. What Accounts for the Numerous Child Rights Abuses in Ghana Despite the Successes in Child Welfare Promotion?**

Notwithstanding the many achievements that Ghana has made in the area of child welfare promotion, participants maintained that many child rights abuses are still prevalent in the country. Some of the listed abuses include child trafficking, child labor, child molestation, rape, genital mutilation and domestic violence against children, amongst others. In identifying the factors that account for these abuses, 40 percent of participants traced the blame to the ineffective implementation of laws by the police and agencies of state, 35 percent said government lacked the political will to sanction perpetrators of these crimes, 20 percent revealed parents and guardians have contributed to the prevalence, and 5 percent listed other factors. It was thus revealed that participants were sharply divided on this question, as factors were multifaceted. A participant who expressed her frustration on the government had this to say, *"Indeed, government has to blame for this. Many times, children are defiled and abused by top people in society. However, they are left out the hook because they are usually the wealthy and highly connected individuals in society. Just a call from a politician on their behalf will get them out of police grip, anytime they are arrested for these acts"*.

Another participant who bemoaned the menace on poverty commented thus, *"For me, the high poverty levels in this society account for all these. A poor and ailing parent does not have the luxury to exclude his child from engaging in hard labor work since that will earn a meal for the entire family"*. A participant thought the high crime levels in the country currently account for most child abuses. He said, *"Day-in day-out in this country, we learn from both print and electronic media that children are been kidnaped and killed for ritual purposes just to get rich overnight"*. This goes to confirm Bourdillion's (2006) assertion that most child rights abusers are the criminals in society. High illiteracy rates in the country was also mentioned as one factor that accounts for child abuses in the country. *"You can hardly convince an illiterate not to send his son to the farm every evening he returns from school. For him, the only way out is to have his son work on the farm to raise his school fees"*.

#### **5.2.7. Where Do We Go from Here as a Nation in Respect of Child Rights Promotion?**

On the way forward, participants suggested that policies and programs of government must be backed with 'political will' where adequate financial, technical, and human resources are provided towards the realization of Convention goals and objectives (Svevo-Cianci, et al., 2010). Furthermore, there is the need to step up public education on matters of child rights as contained in UNCRC by state institutions including the Commission on Human Rights and Administrative Justice (CHRAJ) and the National Commission for Civic Education (NCCE).

Moreover, participants argued in line with Theobald (2019), that the early years of children are critical periods for realizing children's rights such as those provided under UNCRC.

Other participants have charged enforcement agencies of child rights to stand up to the task at all times as suggested by Freeman (2017). One of them who is a parent (P19) summed it up during a focus group discussion like this, *“Courts and enforcement state agencies such as the Police Service must ensure that the enterprise of violating child rights in this country is extremely unpalatable. When the laws are enforced to the letter, people who indulge in child abuse will be compelled to stop”*.

It was also revealed that implementation challenges could be improved if government releases adequate funds to support agencies that are in charge of the implementation processes; as well funding the numerous laudable programs it creates only to watch them collapse out of lack of funding. The fight against crime in society will minimize child right abuses in the country, while the reduction of poverty through the implementation of good economic policies would equally help in minimizing child right abuses.

Finally, stiffer sanctioning regimes and effective monitoring measures by state agencies would curb child rights abuses in the country. A participant in her desperation shared these hard words, *“For purposes of deterrence, let abusers pay the full price anytime they abuse our vulnerable children, even if it will take us to castrate them”*.

#### **5.2.8. Test of the Hypothesis**

There is no significant statistical difference between Ghana and many other member-states of the UNCRC in respect of implementation challenges of Convention provisions, and the experiences are similar to other International Convention Agreements.

In testing the hypothesis, 12 participants representing 60% argued that all countries faced similar challenges in the implementation of UNCRC provisions, 5 participants representing 25% said the level and effectiveness of the implementation processes vary from country to country, while 3 participants representing 15% were undecided (Freeman, 2017). In respect of the experiences vis-à-vis other international conventions, 10 participants representing 50% alluded to the fact that the experiences were similar globally, 5 participants representing 25% said the experiences were similar, while 5 other participants representing 25% declined to give their answers.

From the statistics, therefore, the majority of the participants believe that member-states go through similar implementation challenges (Riddell, et al., 2021). One participant (P8) had this to say, *“With these global challenges and the fact that the world has become a global village, you would not expect any significant statistical differences among states in the implementation of provisions of international agreements. Taking a clue from the payment of United Nations dues by member-states, there is no year that countries do not default on their payments. Sometimes, it is not just about non-commitment of countries but the global challenges have slowed down the implementation of international law agreements among states”*.

The survey also revealed that regular peer-review processes among top governmental functionaries are good grounds for addressing UNCRC implementation lapses. A participant who ones worked in a governmental international organization advised, *“Regular peer-review processes among top policymakers are not only needful but effective ways through which implementation gaps can be effectively addressed. In these fora, participants would have the opportunity to review their experiences on a country-by-country basis, sharing and adopting the best-practices”*.

### 5.3. Conclusion and Suggestions

The paper did highlight some of the relevant policies and legislations that the Ghanaian Government has put in place since becoming a signatory to the UNCRC, in keeping with Covenant provisions and furtherance of child rights, welfare, and development. Largely, the state of Ghana has made giant strides in respect of child rights and welfare promotion and protection within the global context. Notwithstanding all the well-meaning socio-economic and legal interventions that the government has introduced, the entire picture of the state of children's welfare and rights is one of incompleteness, though. Indeed, Child rights violations are still ongoing, even as agencies and institutions charged with their protection and promotion are doing their best under trying financial, logistical, and inadequate personnel challenges.

The researchers have argued that to achieve both national and UNCRC goals, policy formulation and legislation enactments should be backed with commensurate commitment and effective implementation of already existing policies, laws, and programs that seek to promote and protect child rights and welfare in Ghana. Secondly, the enabling socio-cultural environment that currently exists in Ghana in terms of child rights promotion should be backed with a strong 'political will' that genuinely supports and funds child rights issues and implementing agencies such as the Social Welfare Department. Thirdly, state agencies that are mandated to punish violators of child rights must be seen to be implementing the sanctions to the 'letter'; whereas intensive public education efforts are championed, especially within rural settings where socio-cultural underpinnings often influence child rights violations. To that extent, the dangers of reducing child rights promotion to public discourses only would have been eliminated. Finally, at the global level, member-states of the UNCRC must provide opportunities that enhance the early identification of child abuses, prioritize the area of research where preventive strategies that combat child abuses within societies are institutionalized, and establish institutions that can tackle issues of child rights promotions or abuses headlong (Riddell, et al., 2021).

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