

Gaps and Challenges in Ghana's Implementation of the Mechanisms for Cooperation and Referral of Trafficking in Persons (TIP) Victims

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Abstract

Trafficking in persons (TIP) is a global scourge. In Africa, however, it is most prevalent in West and Central Africa. This paper uses Ghana as a case study to examine efforts to curb this menace at the national level. Drawing on the concept of institutional collaboration, interviews conducted among key stakeholders, and a review of policy documents, we found that the major challenges and gaps faced by institutions working to implement mechanisms for cooperation include disparities in definition of terminologies, financial and logistical constraints, underutilization of online reporting systems, inadequate partner collaborations, a gap in the development of operational guidelines and the drafting of training manuals, operational challenges, and high staff turnover. Despite these challenges, we conclude that there has been significant improvement in coordination activities in Ghana among the various institutional actors, led by the Human Trafficking Secretariat. The relevance of this study lies in the fact that it allows for a critical mapping and appreciation of the challenges that developing countries face in tackling TIP, which then gives meaning to global northern-prescribed international ranking systems (the tier system), which are otherwise meaningless within the global southern context.

Keywords: trafficking in persons (TIP), gaps, challenges, mechanisms, cooperation, Ghana

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INTRODUCTION

The surreptitious nature of trafficking in persons (TIP) makes it not only a dangerous activity but something that should be eschewed at all cost (Pati, 2013). TIP is a transnational criminal activity since it transcends national borders (Kangaspunta et al., 2018). Though TIP is a widespread practice globally, within the African continent, it is predominant in West and Central Africa (Darko, 2018). The conducive global economy makes it easy for sexual exploitation, forced labor, domestic servitude, and other forms of oppression to thrive (Bouché and Bailey, 2020). TIP flourishes because of the unequal power relations that exist between the perpetrators and the victims. These perpetrators – recruiters, intermediaries, counterfeiters, transporters, employers, brothel operators, and even friends and family members who are trusted – force victims to live perilously (Bouchard and Konarski, 2014).

The majority of TIP victims are women and children, with women and young girls constituting 70 percent of TIP victims (Bouché and Bailey, 2020). Bouché and Bailey (2020) point out that migrants are more likely to be trafficked when they are found in marginalized and underprivileged situations and need financial support. Similarly, children from impoverished countries are the majority of the victims of trafficking. South Asia, Central America, the Caribbean, and West Africa have a greater percentage of their children living in abject poverty. Half of the detected victims of human trafficking in low-income countries are children and the majority of them are employed as forced laborers (Bouché and Bailey, 2020).

While TIP is increasing, efforts by national authorities to tackle this menace are also on the rise. There are attempts to detect, prevent, and prosecute wrongdoers when they are caught. Nearly every country currently has legislation in place criminalizing human trafficking (Kangaspunta et al., 2018; Obokata, 2019). States have a principal obligation to combat human trafficking (Kangaspunta et al., 2018; Obokata, 2019; Bouché and Bailey, 2020). There are three responsibilities that the African Charter on Human and People's Rights, formulated in 1981, places on member states in the fight against TIP. States devise laws to prevent and indict persons involved in all forms of trafficking in persons. States are under further obligations to implement measures to safeguard the protection of victims of TIP, as enshrined in Articles 6 and 7 of the Charter. Finally, governments are mandated to stop all forms of TIP. Countries of origin and destination of trafficking victims are required to work together to facilitate the implementation of the preventive mechanisms to trafficking in persons (Obokata, 2019).

There are, however, institutional gaps and challenges that hinder preventive mechanisms to trafficking in persons in Ghana. What are these gaps and challenges that make the implementation of national mechanisms for cooperation and referral of TIP difficult? The difficulty with implementation of the preventive mechanisms further creates weak security conditions that enable trafficking in persons to thrive. We explore the gaps and challenges in the implementation of the national mechanisms for cooperation and referral of TIP victims and proffer

some recommendations to build the institutional framework for a more effective response to the incidence of TIP.

The next section outlines our theoretical approach. We focus on the concept of institutional collaboration, and we discuss how institutional collaboration can be useful in achieving the aims of organizations that collaborate. We then describe the methodology adopted to collect the data that forms the basis for our analysis and recommendations. We discuss the factors that influence TIP. This is followed by a dissection of the challenges in the implementation of the national mechanisms for cooperation regarding TIP victims and propose some recommendations to build the organizational framework for a more effective response to the incidence of TIP.

TRAFFICKING IN PERSONS: THE GHANAIAN CASE

According to the National Plan of Action for the Elimination of Human Trafficking in Ghana – 2017-2021, the major form of human trafficking in Ghana is child trafficking for domestic and labor purposes. These children are forced to work in various sectors of the underground economy including but not limited to street hawking, fishing, artisanal gold mining, agriculture, begging, stone quarrying, domestic service, and pottering (Republic of Ghana, 2017a). Most young girls are also trafficked into sex work. Though sex trafficking exists nationally, it is very prevalent in the Volta Region and it is growing in the Western Region of Ghana (US Department of State, 2020). Child trafficking victims come from impoverished backgrounds, and they are young children between the ages of 5 and 16 (ECOWAS, 2018).

Other forms of trafficking in persons in Ghana include trafficking for organ harvest and trafficking for labor exploitation. A smaller but still significant portion of the human trafficking happens for sexual reasons (Darko, 2018). Sex trafficking victims are mostly women and young girls who are pressured into prostitution and sex tourism. Trafficking for organ harvest is the most underreported human trafficking activity (Darko, 2018). It involves human trafficking with the aim of removing certain organs. It also includes transplant tourism where patients travel abroad in search of a transplant with a paid donor, which is mostly illegal (Darko, 2018). Labor exploitation trafficked victims move to a destination area to work, but they are deceived about the actual terms of conditions of the job by their traffickers. The victims are compelled to work in very difficult conditions for little or sometimes no salaries (Darko, 2018). Women and children who are trafficked for labor exploitation purposes are sometimes sexually exploited as well.

According to the US State Department's Ghana Trafficking in Persons Report (2022), the Ghanaian government reported identifying and referring 727 trafficking victims to services in 2021. This was a significant increase over the previous year where 391 victims were identified and referred. Human trafficking victims recorded in 2021 included 657 victims of labor trafficking, 64 victims of sex trafficking, and six victims where the form of exploitation was unknown. Most of the identified victims were children (578), and a majority were Ghanaian nationals (577). Out of

the 150 foreign national victims, the majority were Nigerians, followed by Burkinabe, and Ivorians. Nongovernmental organizations (NGOs) identified an additional 94 trafficking victims, including 87 labor trafficking victims and seven sex trafficking victims, compared with 108 victims in 2020 (US Department of State, 2022).

Ghana is considered both a destination and an origin country for human trafficking victims. According to the US State Department's Ghana Trafficking in Persons Report (2020), women and girls migrating from Vietnam, China, and several West African countries are subjected to sex trafficking in Ghana. Citizens from other West African countries are subjected to forced labor exploitation in Ghana in the agricultural and domestic services. Ghana is also a transit point for West Africans subjected to sex trafficking in Europe, especially in Italy and Germany (US Department of State, 2020).

The Ghanaian government has taken steps to advance policies, programs and legislation aimed at curtailing the trafficking in persons menace. One of these initiatives is the enactment of the 2005 Human Trafficking Act (Republic of Ghana, 2005) that provides a legal framework for preventing human trafficking by seeking to stop and suppress trafficking, penalize persons found to be complicit and start interventions to encourage the protection and well-being of victims. This law makes human trafficking a second-degree crime. The establishment of the Anti-Human Trafficking Unit (AHTU) of the Ghana Police Service in 2008 is another important initiative. This unit conducts investigations into allegations of human trafficking and seeks to prosecute offenders. The Anti-Human Smuggling and Trafficking in Persons (AHSTIP) unit of the Ghanaian Immigration Service was also set up in 2012 to investigate and arrest human trafficking and smuggling offenders, while also building the capacity of immigration officials to detect cases of trafficking and smuggling.

In June 2015, a four-year joint initiative, the Child Protection Compact (CPC) partnership, aimed at addressing child trafficking in Ghana was signed between the governments of Ghana and the United States of America. This initiative aimed at strengthening the government's capacity to identify child trafficking cases, care for and reintegrate victims, effectively investigate and prosecute traffickers, and prevent trafficking from occurring (Westat, 2016). Also, there are a number of NGOs and international organizations working in the fight against human trafficking. Free the Slaves, Partners in Community Development, International Needs Ghana, Sewa Foundation, International Justice Mission, Challenging Heights, International Organization for Migration (IOM), and International Labour Organization (ILO) are just a few of the organizations working in this area, particularly in the prevention, rescue, care, shelter, and rehabilitation of victims.

Given the prevalence of human trafficking activities in Ghana and efforts aimed at curbing this scourge, this paper explores in detail the institutional collaborative efforts made by various national agencies to curb this menace. There are, however, institutional gaps and challenges that hinder preventive mechanisms to trafficking

in persons. What are these gaps and challenges that hinder the implementation of national mechanisms for cooperation and referral of TIP?

CONCEPTUALISING INSTITUTIONAL COLLABORATION

This research draws on the conceptualization of institutional collaboration to make sense of the difficulties that Ghanaian national anti-trafficking organizations face in their fight against TIP. Institutional or organizational collaboration, according to Bryson et al. (2006: 44) is cross-sectoral and involves “the linking or sharing of information, resources, activities, and capabilities by organizations in two or more sectors to achieve jointly an outcome that could not be achieved by organizations in one sector separately.” The pooling of varied assets, including information, resources, activities, and capabilities is instrumental to achieving the end goal.

While explaining what goes into collaborative public management, O’Leary and Bingham (2007: 7) indicate that institutional cooperation can be regarded as:

... a concept that describes the process of facilitating and operating in multi-organizational arrangements to solve problems that cannot be solved or easily solved by single organizations. Collaborative means to co-labour, to co-operate to achieve common goals, working across boundaries in multisector relationships. Cooperation is based on the value of reciprocity.

Reciprocity is of paramount importance if institutional relationships are to be successful. No collaborator in the process should feel shortchanged. There should be a sense of fairness, a sense of give and take in the process of collaboration.

It should also be noted that the extent of cooperation between institutions can range from lax engagement such as mere exchange of information to comprehensive synergistic collaboration (Keast et al., 2009). A distinction can be made across a range of collaborations, from a loose connection for sharing information, expertise and mutual assistance; to coordination, where partners work in closer relationships to alignment of resources and effort toward agreed shared goals and collaboration, characterized by strong and highly interdependent relationships through which partners make systemic changes to the ways they work, developing integrated strategies and sharing a collective purpose (Keast et al., 2009). Multi-agency collaboration entails people working across organizational precincts, but from this categorization such precincts can vary, from simple knowledge precincts in the case of cooperation to full collaboration across boundaries of mission, resources, capacity, responsibility, accountability, and geographical space (Kettl, 2006).

Cooperation among institutions is considered a significant strategy that can be used to overcome turbulence and complexity regarding certain situations (Gray and Wood, 1991). Institutional collaborations have the potential capacity for solving societal problems (Gray and Wood, 1991). Working collaboratively has become the ideal canon for innovation and value addition when it comes to the delivery of public

services (Rigg and O'Mahony, 2013). Nevertheless, this is not always rosy; the reality can be complicated, and value addition may be missing (Rigg and O'Mahony, 2013). Of what importance is institutional collaboration then?

Huxham (1996) offers some answers. He argues that institutional collaboration becomes important when leaders of organizations realize that it will produce a cooperative advantage that will deliver better results for the clients or citizens, which would not have been met had the institution worked on its own. This has been dubbed by some scholars, such as Sullivan and Skelcher (2002), as the optimistic view of collaboration. The pessimistic view, on the other hand, recognizes that compulsion may be the most important key to collaboration, as institutions insist that working together is important for their own selfish interests (for example, to attract funding and investment), even if there is little evidence that it will be successful (Barringer and Harrison, 2000). Huxham and Vangen (2005: 2) also discuss the disadvantages of inter-organizational cooperation, highlighting what they term "collaborative inertia," as a space filled with frustrations where instead of success, there is slow progress and that most organizations fizzle out without accomplishing anything. Rigg and O'Mahony, (2013) refer to this situation as collaborative frustration.

Collaborative frustration occurs when the institutional cooperation fails to achieve results. In other words, when the multi-agency collaboration is not working, it leads to organizational frustration (Rigg and O'Mahony, 2013). Having applied the concept of institutional collaboration to the public sector in a Western country setting (see O'Leary and Bingham, 2007; Rigg and O'Mahony, 2013), we expand the literature by applying it to a cross-sectoral scenario in a global south context. We also focus on the menace of human trafficking, which demands institutional collaboration if it is to be curtailed and lives saved.

RESEARCH METHODS

This research is part of a bigger research project conducted to understand the operations of human traffickers in Ghana. To answer our research question, we relied on a qualitative research design. We used semi-structured interviews and interviewed representatives of Ghanaian government ministries, departments and agencies as well as officials representing civil society organizations (CSOs), NGOs, development partners, and Economic Community of West African States (ECOWAS) officials in charge of TIP issues. Additionally, we reviewed several policy documents. As noted by Akcam et al. (2019), the intricacies of qualitative research comprise a mishmash of interconnected methods, such as reviewing literature, conducting semi-structured interviews, organizing focus-group discussions, and engaging in participant observation. We employed a qualitative research design because we wanted to gain in-depth knowledge about the gaps and challenges in the implementation of the national mechanisms for cooperation and referral of TIP victims.

We engaged key officials at government ministries, departments, and agencies responsible for policy making, oversight and the implementation of policies and

mechanisms for cooperation and referral of TIP victims. We also engaged both local and international nongovernmental institutions such as CSOs and development partners that carry out activities including research, information campaigns, rescue of victims, family tracing, reintegration of victims with families, and prosecution of perpetrators. We adopted the purposive and snowball sampling technique. This sampling approach is important because trafficking is a niche area and only those who are directly engaged with the different aspects of trafficking can meaningfully comment on the mechanisms for cooperation and referral of TIP victims.

Table 1: Institutions and interviewees

Type of institution	Number interviewed
Government ministries	3
Government departments and agencies	4
United Nations Institutions/ Agencies	2
International Organisations/ NGOs	4
National NGOs and Civil Society Organisations	6

Source: Ministry of Education (2019), Ghana.

We conducted the fieldwork between March and May 2021 with a focus on Accra, Ghana’s capital, and the regional offices of CSOs and government departments, especially in regions that report a large incidence of trafficking cases. We selected Accra because it hosts the head offices of all government ministries, departments and agencies. Furthermore, we conducted sub-regional interviews virtually and did a desk review of relevant national policy documents. The research team conducted all the interviews in English and then transcribed them. We employed reflexive thematic coding and analysis technique to analyze the qualitative data. As suggested by Kandilige et al. (2022) regarding reflexive thematic coding and analysis technique, we closely reviewed all the transcribed material, which enabled us to familiarize ourselves with the texts. We coded the words and phrases to chunks of the textual data; we were therefore able to reduce and distill the content of the data. We coded iteratively by revising, reorganizing and relating the coded interview data to questions that were asked during data collection. We then analyzed the data using thematic analysis. This approach involved identifying and grouping closely related codes,

expressions, ideas, and patterns that emerged from the qualitative data. This enabled us to derive the key themes for analysis and do the write up.

We obtained written consent by following a detailed disclosure of the rationale for the research and sharing of an information sheet containing all the relevant materials on the research objectives. For confidentiality reasons, we kept consent forms and interview transcripts separate, at all times, so as not to link interviewees with their responses. We reiterated to research participants that participation in the research (i.e., interviews) was voluntary and that withdrawal from the interviews would not lead to any sanctions. The research team conducted some interviews virtually via the Zoom platform due to residual restrictions from the COVID-19 pandemic. Virtual interviews present both opportunities and challenges. The virtual approach minimized possible risks of infection, reduced travel time to regional locations, and allowed for flexibility in scheduling interviews outside working hours. Potential challenges included the lack of full attention, poor internet connection, and difficulty with gauging body language. To mediate these challenges, we scheduled interviews for off-peak times and conducted these with video cameras of both interviewer and interviewee on. Where possible, researchers conducted interviews face-to-face in locations where participants could speak freely without interruptions or the risk of being overheard by others. We observed all COVID-19 protocols in order not to endanger the health of participants and researchers. We anonymized the data in order to protect the identity of research participants, except for those who gave us permission to identify their official positions.

FACTORS THAT INFLUENCE TRAFFICKING IN PERSONS

Multiple factors inform the prevalence of trafficking in persons in Ghana. The most cited factor is poverty. The inability of families and households to afford the cost of their daily sustenance has compelled some families to become susceptible to labor exploitation and trafficking. However, some practitioners in the field of anti-trafficking services reject the poverty discourses as an excuse by parents:

I don't want to say poverty because that is just an excuse. I know poor people who still stay with their children and give them their best. Greed or selfishness are the key drivers. (Interview, Accra, 22 March 2021).

There are families who are literally unable to feed their children and therefore adopt the “giving away”, “loaning” or “sale” of some of their children as a coping or family adaptive strategy. These scenarios are more common among communities where large family sizes are celebrated. Within the Winneba communities in the Central Region of Ghana, for instance, women who give birth to ten children are celebrated as heroines. As one interviewee notes:

They actually have a tradition whereby a woman is celebrated when she gives birth to ten children. They throw a party for the woman and present her with a goat in recognition. So, this culture encourages some women to give birth to lots of kids, but they are not able to take care of the kids. (Interview, Winneba, 24 March 2021).

In line with the themes of poverty and family size, another official corroborates accounts of the sale of children as a desperate coping strategy:

We do also have some families who decide to get rid of some of the children because they are too many; they believe that the departure of the child will be one less mouth to feed. (Interview, Accra, 23 March 2021).

Factors, including poverty, have resulted in the exploitation of children who find themselves in such situations (Sertich and Heemskerk, 2011). In addition, Ghana is finding it difficult to deal with trafficking in persons, especially child trafficking, because of some benign cultural practices. In Ghana, it is common practice for parents to willingly send out some children to live with external kin apparently as a way of strengthening the bonds of kinship and child development. This practice of fostering is being abused with recent transformations in the structure of the Ghanaian family. Traffickers also hide under the guise of this culturally appreciated practice to ply their nefarious trade (interview with the head of a CSO, 30 March 2021). Transformations in the Ghanaian labor market coupled with poverty have led to migration or relocation of parents and leaving behind children in vulnerable situations but apposite for trafficking (Atuguba, 2005; CIA, 2011). The cultural practice of child fosterage has resulted in graphic cases of sexual violations of some children. For instance, a state prosecutor noted:

There used to be one woman who lived at “Chorkor” [Accra] and what she did was that very young children were sent to her to foster; but she abused them to the extent that some were too young and could not be penetrated. What she did was to smear oil on a bottle and insert it in the private parts of these girls just so to open them up to be able to engage in sexual acts. (Interview, Accra, 23 March 2021).

Ignorance on the part of parents coupled with deceit by traffickers also exacerbate the incidence of trafficking in Ghana. Some parents “willingly” give their children to extended family members and recruiters who promise to train, educate and socialize these children. Lack of awareness of the actual treatment of victims upon arrival portrays such parents as inadvertently acquiescing to the subjugation of their children in trafficking situations. As noted by a key informant:

We have some families who will deliberately negotiate the sale of their child. Then we also have a category of families that are outrightly deceived and they are not aware of what they are signing up for. (Interview, Accra, 22 March 2021).

Our key informant interviews also suggest that closely aligned with ignorance as a factor influencing trafficking in persons are illiteracy, lack of exposure, and poor parenting skills. The low level of education of parents of victims as well as a lack of travel exposure make them gullible to fables on opportunities that are available to their children. In addition, poor or weak parenting skills could also account for the incidence of trafficking. Some parents hold on to old-fashioned modes of parenting and tend to transpose their own experiences of childhood on to their children. This mindset reinforces and perpetuates exploitation and trafficking of victims. In addition, modern means of communication have equally facilitated the opportunities for unscrupulous actors to recruit victims anonymously or with the use of several aliases. Online recruitment and the use of social media as a platform for trafficking activities have both heightened the vulnerabilities of victims and made attempts by law enforcement agencies to arrest and prosecute perpetrators more difficult (interview with the head of the AHTU, Ghana Police Service, Accra, 31 March 2021). Accounts, from interviews within Ghana, suggest that recruiters and traffickers simply destroy SIM cards of fictitiously registered mobile phone accounts once an investigation is launched into their activities by law-enforcement agencies. Grooming of victims on WhatsApp and Facebook is said to be common in Ghana and the ability to shield one's true identity on these platforms drives the further incidence of trafficking.

Moreover, inadequate political will, poor resourcing of agencies responsible for anti- trafficking activities, and weak implementation of existing legislation have all been cited as frustrating the holistic fight against trafficking in Ghana. Though the arrest, prosecution, and conviction statistics have all improved significantly since 2017/2018, there is the analysis that improvement in performance, for instance, from Tier Two Watchlist status to Tier Two, is driven by external pressures and resources and not sufficiently by the national political will. International obligations have informed some concerted actions, but these actions need to occur for the national good rather than as a satisfaction of an externally instituted ranking scheme. Poor resourcing of agencies has also compromised their ability to function optimally in the detection, arrest, prosecution, and conviction of perpetrators and the protection, rehabilitation, and reintegration of victims. Political interference during arrests and the prosecution of suspected perpetrators have undermined the deterrent effect of such actions by anti-trafficking stakeholders. Blatant interference by politically exposed individuals as well as other influential persons from religious and traditional authorities fuel impudence among traffickers. As recounted by the head of the Human Trafficking Secretariat:

Interference also needs to be reduced from all angles, because we have had instances where when you arrest culprits, pastors will come and beg, chiefs, politicians, other members will come and beg. It hinders progress; people always think that when they do wrong, they can run to their pastors. (Interview, Ada, 18 March 2021).

In addition, uneven appreciation of the elements of trafficking by some members of the judiciary sometimes results in either acquittals or unusually lenient sentences, thus failing to capture the severity of the crime of trafficking. This assertion is strongly supported by two accounts – one of the head of the AHTU of the Ghana Police Service and another of the leader of a prominent NGO:

There was a 14-year-old boy who drowned in Yeji. He was about to enter senior high school but got drowned after being trafficked. The case was tried in Central Region's high court and the judge gave the accused person a one-month conviction. That is very sad because the child died out of trafficking. In one case in Tamale, they gave the accused person two weeks. All these convictions are from the high court. For the circuit court, we get the convictions for five years, seven years. In the Volta Region, we got 34 years for a couple who trafficked some children. (Interview with head of the AHTU of the Ghana Police Service, Accra, 31 March 2021).

But, some of the judges have been selected and trained on prosecuting cases of trafficking but others are not. They are not well informed about the cases of trafficking. Sometimes, you go before a judge and s/he will say that "Oh, when we were young, we all did those things." They see this as a normal Ghanaian practice, and this is because they are not well-informed. They don't know the elements we look out for to establish trafficking and they don't seem to understand the kind of ordeal that the victims go through. Also, we normally want a lengthy sentence, which means that you have to go beyond a district court. There are logistics and funding issues associated with this. (Interview with the leader of a prominent NGO, Accra, 25 March 2021).

The issue of inadequate compensation of victims by anti-trafficking agencies compared with inducement by members of the trafficking rings is inimical to the ability of enforcement officers to successfully prosecute cases of trafficking. Traffickers are able to offer out-of-court settlements directly to the victim's family, which sometimes constitutes five to ten times the amount state agencies are able to compensate families with after a successful conviction. This trend leads to victims' families refusing to cooperate with prosecutors during trials of traffickers. As the head of the AHTU of the Ghana Police Service recounts:

The parents of this child did not want to cooperate with us for the prosecution because the accused visited them and was prepared to compensate them. We pleaded with them to support us to prosecute so that we can save and protect other children. We were to give them 2,000 Cedis and the accused person was prepared to give them over 10,000 Cedis. We were in court for two years and that was the outcome [one-month sentence]. (Interview, Accra, 31 March 2021).

Moreover, there was a ten-year time lag between the passing of the Human Trafficking Act (Republic of Ghana, 2005) and the Legislative Instrument (in 2015), which is supposed to give directions on prosecutions and the procedures involved. Our review of the legal documents revealed that this delay had a negative impact on the ability of prosecutors and judges to secure convictions. This setback is captured succinctly in the comments of the leader of a prominent NGO in the field of anti-trafficking in Ghana:

Ghana has the Human Trafficking Act, 2005 but it was not until 2015 when the legislative instrument was passed. So, we had a law without any guidance on how to prosecute anyone. So, because of that we were not having a lot of convictions of human trafficking. This was because it was a new field, and the judges were not trained and the lawyers were not conversant with it. For every law, it is the legislative instrument that shows the areas one can prosecute under and how to go about it. Since we never had that, this affected our data on convictions. You will see that from 2018, Ghana started prosecuting a lot more cases of trafficking. This started from 2017. So, when the police come across cases of trafficking, there is the temptation to stick to their comfort zone and they tend to rely on other laws. Because the guidance on trafficking was not clear, police automatically relied on the Children's Act for cases that involved children. This is because this Act has provisions against child abuse. So, if even a child was in a slavery or exploitation situation, because the prosecutor was ill-informed about the trafficking law, he will be convinced that a crime had been committed, but they would want to avoid the risk of going with the Trafficking Act and failing. So, because they would not want the perpetrator to go scot free, they will rather prosecute under the Children's Act. This, however, leads to shorter jail terms compared with if prosecutors had used the Trafficking Act. The Trafficking Act attracts a minimum of five years and a maximum of 20 to 25 years jail terms. Ghana was blamed for not doing anything to combat trafficking, which is not accurate. We were doing a lot, but we were prosecuting under the wrong law. (Interview, Accra, 23 March 2021).

The factors influencing TIP are numerous. It is therefore imperative that the approach to curb it be multi-faceted and involve various organizations and institutions.

GAPS, CHALLENGES AND RECOMMENDATIONS IN THE IMPLEMENTATION OF THE NATIONAL MECHANISMS FOR COOPERATION AND REFERRAL OF TRAFFICKING IN PERSONS (TIP) VICTIMS IN GHANA

Though we focus on the gaps and challenges regarding implementing the various mechanisms, we also provide recommendations on how to improve institutional cooperation and coordination to end TIP. For trafficking in persons to end, there is a need for cooperation among various institutions and organizations. Ghana has also signed documents of cooperation with other countries and institutions responsible for the control and ending of TIP. Ghana has been successful in the implementation of most aspects of the anti-human trafficking regulations. Much progress has been achieved in the development of measures to prevent trafficking in persons and prosecution but protection for victims is still a challenge (Sertich and Heemskerck, 2011). Since the 2018 progress that Ghana made from Tier 2 Watch List to Tier 2 of the United States Trafficking in Persons Report, the country has stalled in the 2020 report, due to challenges mainly regarding protection for victims of TIP (US Department of State, 2020). The tier ranking system is based on verifiable evidence of steps to prevent trafficking, arrest and prosecute perpetrators, and to rehabilitate and protect victims of TIP. Generally, attempts have been made to eliminate this abhorrent activity but more needs to be done for significant gains to be recorded.

There has been a significant improvement in coordination activities among the various actors, led by the Human Trafficking Secretariat at the Ministry of Gender, Children and Social Protection in Accra. These improvements stem from the approaches identified in both the National Plan of Action for the Elimination of Human Trafficking in Ghana – 2017-2021 (Republic of Ghana, 2017a) and the National Plan of Action for the Elimination of the Worst Forms of Child Labour in Ghana – 2017-2021 (Republic of Ghana, 2017b). The key goals of the National Plan of Action for the Elimination of Human Trafficking in Ghana are to “strengthen Ghana’s capabilities along the holistic ‘4 Ps’ strategy, that is: the prevention of TIP; protection of TIP victims; prosecution of TIP offenders; and partnerships with stakeholders to combat TIP” (Republic of Ghana, 2017a). This is meant to enable the country to respond to human trafficking in a manner that is comprehensive, coordinated, effective, timely, and consistent with international standards. The main objective of the National Plan of Action for the Elimination of the Worst Forms of Child Labour is to “reduce the worst forms of child labour to the barest minimum (<10%), by 2021 while laying strong social, policy and institutional foundations for the elimination and prevention of all forms of child labour in the longer term” (Republic of Ghana, 2017b). However, one of the challenges faced with regards to the implementation of various mechanisms to prevent TIP is that the Secretariat is based in Accra without direct regional representation. There are also human resources and infrastructural needs facing the Secretariat that are hindering the optimal discharge of its duties. In order to be more effective, there should be regional offices of the Secretariat in all

16 regions, especially the vulnerable regions. This will make it easier to protect and prevent TIP and also to prosecute perpetrators.

Another challenge with regards to the implementation of various mechanisms to prevent TIP is funding. While the Human Trafficking Secretariat is allocated minimal funding to coordinate all national activities on trafficking, the two other anti-human trafficking units – at the Ghana Police Service and Ghana Immigration Service – do not have specific and earmarked budgets to operate with. As such, the two units tend to rely heavily on financial and logistical support from NGOs (especially international NGOs). There is an acute lack of appropriate vehicles for rescues and the transportation of victims and perpetrators. These bottlenecks tend to slow down operations and to limit the scope of operations that place, since these two units are essential during rescues of victims. An officer of a development partner noted:

For instance, there is some funding that is being managed by the Human Trafficking Secretariat at the Ministry of Gender but this money is not being given to the police or immigration. So, immigration and the police do not have a specific budget to operate with. They rather tend to get a lot of support from the NGOs to do rescues, but it is difficult internally to run their operations because they don't have the budget. Since the NGOs cannot do rescues with the police, we pay for their involvement. Something needs to change, where each unit runs things from their angle but each of them should have a dedicated operations budget to work with. This takes away the worry of thinking about which cars to use and how they are going to buy fuel to carry out rescues. The immigration and EOCO [Economic and Organised Crime Office] do not have anti-human trafficking cars. It is only the police that has some cars in some regions. They need cars that are appropriate for transporting victims and perpetrators. (Interview, Accra, 24 March 2021).

In addition, Article 20 of the Human Trafficking Act (Republic of Ghana, 2005) made provision for the establishment of the Human Trafficking Fund. The objectives of the fund are to: meet the basic material support of victims of trafficking; provide skills training for victims of trafficking; trace the families of victims of trafficking; deal with any matter connected with the rescue, rehabilitation and reintegration of victims of trafficking in their best interest and for the training and capacity building to persons connected with the rescue, rehabilitation and reintegration of victims. Notwithstanding the crucial role of this fund in the effort to curb the menace of trafficking in persons, the 2020 Report on Trafficking in Persons in Ghana bemoaned the poor commitment on the part of the Ghanaian government to use the allocation of funds to the Human Trafficking Fund (HTF) (US Department of State, 2020). This challenge, coupled with resource constraints, culminated in a lack of adequate support to personnel working in the enforcement of the anti-trafficking law and this

continued to hinder investigations, prosecutions, and protection efforts. Funding is often provided by NGOs and development partners, and it is tied to specific projects and with specific implementation periods. The end of external funding regimes risk undoing progress chalked. Ensuring that there is enough funds to run the operations of anti-trafficking organizations should be of topmost priority to reduce the glaring collaborative frustration that Rigg and O'Mahony (2013) have identified elsewhere. There should be commitment on the part of government to use funds set aside for combating the anti-trafficking menace judiciously.

The government did not expend funds allocated to the HTF to address the lack of sufficient protection services for adult male and child trafficking victims, and it did not take steps to improve protections for Ghanaian migrant workers before departing and while abroad, particularly to the Gulf States. This failure is corroborated by Sertich and Heemskerck (2011) in their assessment of the implementation of the 2005 Human Trafficking Act. The culture of migration is commonplace among the youth, but some embark on irregular migration, which makes them susceptible to being trafficked. The failure of government in addressing some unprofessional attitudes of officials is also a concern, as indicated in successive reports. Corruption assumes the form of some anti-trafficking officials rather facilitating trafficking activities. However, there is the need to properly remunerate, support and motivate officials who work in this field because it is a tedious and emotionally demanding job. Besides, the Government of Ghana is yet to amend the 2015 implementing regulations for the 2005 Ghana Anti-Trafficking Act to remove the option of a fine in lieu of imprisonment in cases where the trafficker is a parent or guardian of the child victim. This caveat has been abused to commute custodial sentences mostly to fines and this defeats the deterrent effect when wealthy kingpins who fund trafficking activities easily pay off fines on behalf of convicted mid-level traffickers. The amendment of the 2015 implementation regulation for the 2005 Ghana Anti-Trafficking Act is very important. There is a need to attach urgency to this amendment so that it is not abused by the system to slap light punishment on the wrists of perpetrators.

In addition, there is a lack of reliable and real-time data on the extent of the severity of human trafficking. There is an urgent need for a comprehensive survey data on trafficking that will properly inform policy making. The reliance on small and targeted qualitative studies conducted by NGOs is insufficient to generalize on the actual scale of trafficking in persons in Ghana. As emphasized by an NGO official, it is difficult to capture the true severity of trafficking without a broader and comprehensive survey data collection:

We need a lot of work on that! The whole system needs to be overhauled. As a country, we don't seem to appreciate the severity of trafficking even though we know the severity of child labor. This is because the Ghana Living Standards survey will always do an assessment of child labor. There is no national survey in terms of child trafficking, so we are all speculating on the prevalence and

severity of it based on our level of exposure. For example, Free the Slaves has conducted a number of studies and these studies are purely qualitative and they are meant to inform programs and they are not academic studies. The general problem with qualitative studies is with inability to generalize. It is only useful for the geographical area or even just the community the study was done on. This is not even representative of the whole region, not to talk of the country. We know that ILO, IOM and Challenging Heights have all done some studies. These nongovernmental agencies do these studies based on their own interest within the communities that they operate in or where they are going to have an intervention. This way, when they are carrying out an end of project evaluation, they can compare the situation to what they found in their initial studies. That is just about how useful these studies are. (Interview, Accra, 23 March 2021).

To truly assess the severity of human trafficking, it is important that steps are taken to facilitate the collection of reliable and real-time data. There should be a national survey to collect data on the practice and to truly assess the extent of the practice so the appropriate remedies can be proffered.

Furthermore, another major gap that needs to be filled urgently when it comes to the implementation of various mechanisms to prevent TIP is the ability to bridge the definitional disparities of the terminologies used by the various actors. As such, a commonly cited gap in the implementation of human trafficking policies in Ghana is related to the definition of what constitutes human trafficking, as stipulated in the Human Trafficking Act (Republic of Ghana, 2005). As suggested by Sertich and Heemskerck (2011), inadequate clarity on what constitutes trafficking impacts on the campaign against the practice, and investigation and prosecution of perpetrators of human trafficking. Also, the interchangeable use of different terms poses a challenge. While some actors use “trafficking in persons”, others use “human trafficking”, yet others use “servitude or slave-like captivities”, while others use “modern-day slavery”, among others. These multiple references have the effect of confusing practitioners in their attempts to make determinations on trafficking cases, collection of data, and prosecution of perpetrators. Some prominent law-enforcement officials cannot define the difference between child labor and trafficking. The gaps in knowledge lead to perpetrators being prosecuted under more familiar laws, such as the Domestic Violence Law or the Children’s Act. These convenient prosecutions yield shorter sentences and also reduce the statistics of the country in terms of reported and prosecuted trafficking cases. For the avoidance of doubt, clear definition of the menace is important in order to properly tackle it. Attention needs to be paid to this and appropriately addressed.

The non-effective use of an online reporting platform system by officials is another challenge encountered during the implementation of various mechanisms to prevent TIP. With support from the IOM and other NGO partners, the Human

Trafficking Secretariat developed an online reporting system called Trafficking in Persons Information System (TIPIS), which is supposed to capture all cases of trafficking across the country and be accessible to anyone online. The data to be collected are on reported cases, rescues, prosecutions, and convictions. However, empirical research shows that officials at the district and regional offices are not utilizing the system regularly, consistently, and correctly. A prime example was given by the head of one of the prominent NGOs:

Unfortunately, the district officers are not doing it [using the system]. We know this because last year we rescued about 80 to 100 children and we did this with the police and social welfare. But during the collation, some of the districts we rescued children from reported zero cases! (Interview, Accra, 23 March 2021).

A way to address this is to provide training for officials to be able to use this platform. Some of the funds allocated to fighting TIP can be channeled to training personnel to be conversant with the online reporting platform.

The way the court systems have been set up also negatively affects the implementation of various mechanisms to prevent TIP. The current court systems tend to handicap the police officers who prosecute cases of trafficking. Police officers can only prosecute at the circuit courts, but state prosecutors do so at the high courts. Any attempt to secure a longer jail sentence against offenders will require prosecuting the case at the high court where officials are, incidentally, not as conversant with the technicalities around trafficking and they do not have a full appreciation for the elements that constitute trafficking. There is also the issue of interference in the prosecution processes by perpetrators offering inducements to victims to dissuade them from cooperating with prosecutors. Communication and coordination between the police and the judiciary are important if they are to effectively deal with the perpetrators. Technicalities around trafficking should be explained to the court system and the operations of the court system should be explained to the police to foster synergistic operations.

While Ghana has a detailed Standard Operating Procedure (SOP) that was developed under the CPC, but equally applicable to adult victims, practitioners perceive this document as being too voluminous. There is, therefore, the need to possibly segment the document into user-friendly thematic chapters or the production of an abridged version of the SOP as a quick reference document while in the field. In addition, regular periodic training is required to be conducted to build the capacities of the major stakeholders from government, civil society, NGOs, and international partners. Such training should include simulation exercises among actors in the field of trafficking.

There has been an appreciable improvement in collaboration among different agencies in Ghana, but there also still exists some competition for control, dubbed “turf wars”, among key agencies. This mostly unhealthy competition exposes the

entire system to vulnerabilities that are exploited by traffickers and their criminal networks. Some officers belonging to sensitive investigative and prosecutorial agencies are compromised, which tends to facilitate the ability of traffickers to operate without being prosecuted. On other occasions, there is external pressure applied from the political class on security agencies to terminate prosecutions. This assertion is corroborated by what one official from an NGO had to say:

So, we rescue the children and those who are supposed to deal with the case let perpetrators go unpunished. Also, much as we complain about the police, who puts pressure on the police to let the perpetrator go? Our lawmakers who discuss the issues are the same people who will quickly intervene and say that, "I am a member of parliament, so please drop the case." When the pressure comes on us this way, sometimes the NGOs that are working to protect the victims rather become the enemies of society. (Interview, Accra, 24 March 2021).

There should be an understanding that the victims are the priority, irrespective of who is involved. With this understanding, agencies and organizations charged with ensuring the safety of the vulnerable in society will focus on the victims and disregard the competition for control.

There are also practical operational challenges among stakeholders in anti-human trafficking activities. The police, the Department of Social Welfare, and NGO officials lack the necessary equipment and logistics to carry out rescues in a safe manner, especially on the Volta Lake. In addition, there is an internal contradiction in the roles of NGOs in affected communities. On the one hand, NGOs are actively involved in community sensitization programs while on the other hand, they are involved in rescues and providing information leading to prosecutions. This dual role compromises their ability to operate as neutral arbiters and forms a reputation of NGOs, among community members, as police informants rather than educators. Sensitization is critical to the long-term prevention of trafficking activities and it is more effective than relying solely on the use of punitive measures. Moreover, NGOs report a high incidence of re-trafficking of children who have been previously rescued by them. They attribute this to an inadequate understanding of the underlying factors that informed the trafficking in the first instance, inadequate monitoring, and the relentless approaches used by traffickers, as relayed by this NGO official:

We are not proud to mention the numbers we rescue because most of them end up being re-trafficked due to lack of proper support and monitoring. As a team, we monitor how many children we rescue, and we evaluate our work and how positive the reintegration has been. Practically, it is difficult because even if we rescue the victims and then cater for them for six months, go through rehabilitation processes and then reunite them with their families,

with support from government and other NGOs, we still fail. This is because I believe there is no proper analysis of why the children were trafficked in the first place. They tend to be re-trafficked after one year or a year and a half. This means that the statistics that you collected come to nothing. The traffickers are very adaptable – when they see that there is a focus on one area, then they move to another. The traffickers are constantly trying to find loopholes in the law to exploit. (Interview, Accra, 24 March 2021).

Provision of the necessary equipment and logistics is crucial to carry out rescues in a safe manner and this is an imperative. Also, NGOs should focus on their specific core mandate to prevent the conflict that ensues because of the duality of functions.

The private sector is a key stakeholder in the fight against trafficking, since most trafficking incidents in Ghana take the form of economic exploitation. There is, therefore, the need to engage the private sector to rid all supply chains of the use of trafficked victims. In line with this, there is the need for state officials to foster good working relations among all stakeholders, since trafficking activities require real-time interventions both for rescues and victim care. A combination of formal and informal approaches and making time to actually understand the dynamics on the ground will increase the likelihood of success. Another dimension of the role of non-state actors is in the provision of shelter facilities. While the law stipulates rescue, shelter, rehabilitate, and reintegrate as key tenets, there is an acute shortage of government shelters, especially for adult victims. This necessitates a closer collaboration between non-state shelter providers and state agencies.

Another challenge to the management of trafficking in Ghana is the high staff turnover from specialized agencies. The Human Trafficking Secretariat collaborates with development partners such as the IOM, Expertise France, and NGOs to carry out training and capacity-building activities among practitioners but there is a high attrition rate, which leads to loss of expertise. This reality requires the introduction of internal mechanisms to foster group learning (e.g., training of trainer sessions) and retention of institutional memory. There is also the need for development partners to take into consideration the local priorities, approaches, and cultural context when they propose an intervention agenda. An imposition of foreign standards and methodologies is likely to be ineffectual, as contextual environments shape the outcomes of well-intentioned interventions. Moreover, the lack of language proficiency among staff inhibits their ability to provide adequate support to victims who are from non-English-speaking countries. As the head of the Human Trafficking Secretariat noted:

Another one is the language barrier. In the recent rescues we did, the children were speaking French; my shelter staff cannot speak French, so the only thing they could do was [use] sign language. We have rescued Vietnamese, but we cannot speak their language. (Interview, Ada, 18 March 2021).

This challenge highlights the need to invest in interpretation services that are either provided by language departments at tertiary institutions or by freelance professionals.

Some of the challenges in relation to development partner collaborations, development of operational guidelines, and drafting of training manuals have been partly addressed. In June 2015, the Government of Ghana and the Government of the United States of America signed the first-ever CPC partnership – a multi-year plan aimed at bolstering current efforts of the Government of Ghana and Ghanaian civil society to address child sex trafficking and forced child labor within Ghana and facilitates the award of up to US\$5 million in US foreign assistance. The IOM Ghana also provides comprehensive support to the Government of Ghana in combating human trafficking. Within the CPC framework, the IOM Ghana is implementing a project in cooperation with the US Office to Monitor and Combat Trafficking in Persons (J/TIP Office) to support the Government of Ghana to establish a more holistic approach to significantly reduce child trafficking. The project also seeks to enhance and render more effective the efforts to prevent child trafficking, prosecute and convict child traffickers, and improve the quality of protection services for child victims. Specifically, the IOM has developed victim-centered Standard Operating Procedures to Combat Human Trafficking in Ghana with an Emphasis on Child Trafficking (IOM, 2017) and has built the capacity of the stakeholders (Ghana Police Service, Department of Social Welfare, Community Development, labour officers, Ghana Immigration Service, Attorney General's Office, etc.) to identify, report, and assist in the rescue and investigation of TIP cases and to prosecute perpetrators. In 2017 IOM developed two training-of-trainers (ToT) curricula for the Ghana Police Service on the scourge of trafficking in persons in Ghana, with an emphasis on child trafficking.

CONCLUSION

Former Secretary-General of the United Nations, Ban Ki-Moon (2013) issued a profound statement: “Migration is an expression of the human aspiration for dignity, safety and the better future. It is part of the social fabric, part of our very make up as a human family.” Anything that is therefore undignified, harms and dims the future of people and should be eschewed. TIP is not only abominable, but also unconscionable. Therefore, everything must be done to ensure that it ceases. That is why cooperation among the various institutions charged with preventing TIP is imperative. Though progress has been made in some areas, there are still numerous challenges and gaps in the collaborative efforts. This research has highlighted some of them to include resource constraints, weak capacity of some stakeholders, limited knowledge by judicial services officials about the elements of trafficking, corruption, unhelpful “turf wars” among security agencies, political interference, confusing terminologies, and differences in institutional frameworks across West Africa, among others.

We conclude that, using Ghana as a case study, developing countries that have similar characteristics as Ghana need to adopt more concerted and collaborative efforts on the part of various institutions to dialogue and properly engage to minimize what Rigg and O'Mahony (2013) refer to as collaborative frustrations. Also, we conclude that TIP is a complex and messy crime that involves multiple layers of entangled webs of persons, institutions, resources, legal frameworks, and power dynamics. As such, we conceptualize institutional collaborations as the most appropriate lens through which a coherent approach to tackling the menace of TIP, especially in developing country contexts, could be achieved. In line with these conclusions, the designated organizations cannot afford to be lackadaisical about their role in curbing the menace that is TIP. There must be some intentionality about the way they operate, and they must ensure that they are on the same page with other key stakeholders in this fight. Leaders and ordinary people who work in these organizations must be committed to the fight and it must show in their work. Their aims should be the same and the strategy to tackle the problem should also be coordinated and they should play to the strengths of the various organizations in the fight against TIP. This means that the laws must work, the security forces should be able to arrest perpetrators, and the courts must prosecute and apply long custodial sentences when traffickers are convicted.

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