

**REPORT OF THE COMMITTEE
ON SUBSIDIARY LEGISLATION**

ON THE

**CHILD RIGHT'S REGULATIONS
2002 L.I. 1705**

23RD OCTOBER, 2002

1.0 INTRODUCTION

The Child Right's Regulations 2002 L.I. 1705 was laid before this House on 27th June, 2002 and subsequently referred to the Committee on Subsidiary Legislation for consideration and report pursuant to Articles 11(7) and 103 of the Constitution and Standing Order 166(2) and (3)

2.0 REFERENCE DOCUMENTS

The Committee availed itself of the under listed documents in considering the Instrument.

- (i) The 1992 Constitution of the Republic of Ghana
- (ii) The Standing Orders of Parliament; and
- (iii) The Children's Act 1998, Act 560

3.0 BACKGROUND

By virtue of the provisions of sections 60 and 123 of the Children's Act, 1998, Act 560, the Minister may by Legislative Instrument make regulations in respect of:

- (a) care and protection for children
- (b) fosterage
- (c) child labour
- (d) apprenticeship
- (e) care homes
- (f) day-care centers; and
- (g) generally for the implementation of the provisions of the Act.

4.0 DELIBERATIONS

The Committee had a total of three sittings to deliberate on the Instrument.

5.0 ACKNOWLEDGMENT

The Committee wishes to acknowledge the immense contributions of the following officials during its deliberations.

- (i) The National Director, Department of Social Welfare
- (ii) The Executive Secretary, Ghana National Commission on Children
- (iii) Mrs. Estella Appiah, Chief State Attorney, Attorney General's Department; and
- (iv) Mrs. Beatrice Duncan, Child Protection Officer, UNICEF

5.0 OBSERVATIONS

The Committee took note of the fact that even though the Children's Act was passed in 1998, most of its provisions could not be operationalized because the necessary mechanisms, which will enable effect to be given to the provisions were not in place.

Against this background, the Committee is of the view that, the passing of the Child Right's Regulations 2002, L.I.1705, will provide the modus operandi for the effective implementation of the Act 560, particularly, with respect to:

- Child care and protection
- Child panel
- Maintenance
- Fosterage
- Child labour
- Apprenticeship
- Approved Residential Homes
- Day-care Centers

6.0 **SPECIFIC OBSERVATIONS**

(i) **Child Care and Protection**

The Regulations provide for the care and protection of children in the Country. These include the opportunity for any person to report to the Department of Social Welfare on the abuse of a child, and for the immediate removal of a child perceived to be in danger by the police to a place of safety prior to formal investigation of the case, as well as consequential care orders by family tribunals

(ii) **Maintenance and Fosterage**

The Regulations further provide for the security of payment and maintenance for children, and also empower family tribunals to make consequential orders in respect of such payments.

The conditions for fosterage as well as criteria for eligibility as foster parents as provided for under the Regulations, are all aimed at ensuring adequate safeguards for the interest, security and well-being of children.

(iii) Child Labour

The Committee also noted with satisfaction that the Regulations enjoin employers especially those engaged in industrial undertaking to keep records on the age, sex, date of employment as well as names of parents of the employees. These records are to be made accessible to labour officers at all times.

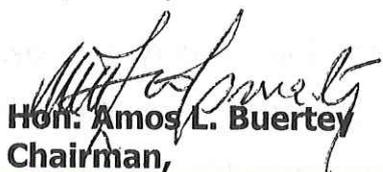
(iv) Apprenticeship, Residential Homes and Day-Care Centres

Adequate provision is also made in the Instrument for the regulation of apprenticeship by children, facilities as well as services provided by residential homes and day care centers.

7.0 RECOMMENDATIONS AND CONCLUSION

The Committee has examined the Regulations and notes that they are consistent with the provisions of the Constitution and the parent Act. Accordingly, the Committee recommends that this House allows the Child Right's Regulations 2002, L.I. 1705 to come into effect by the effluxion of time.

Respectfully submitted.


Hon. Amos L. Buerter
Chairman,
(Committee on Subsidiary Legislation)


Mr. Ebenezer Ahumah Djietror
Clerk
(Committee on Subsidiary Legislation)