

**A CRITICAL REVIEW OF POLICY RESPONSES TO JUVENILE
DELINQUENCY IN GHANA**

BY

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DECLARATION

I declare that this dissertation is the result of my own work that was carried out in the Centre for Social Policy Studies, School of Social Sciences in the University of Ghana, Legon. This dissertation was done under the supervision of Dr. George Domfe of the Centre for Social Policy Studies. All references that were cited in this work have been duly acknowledged.

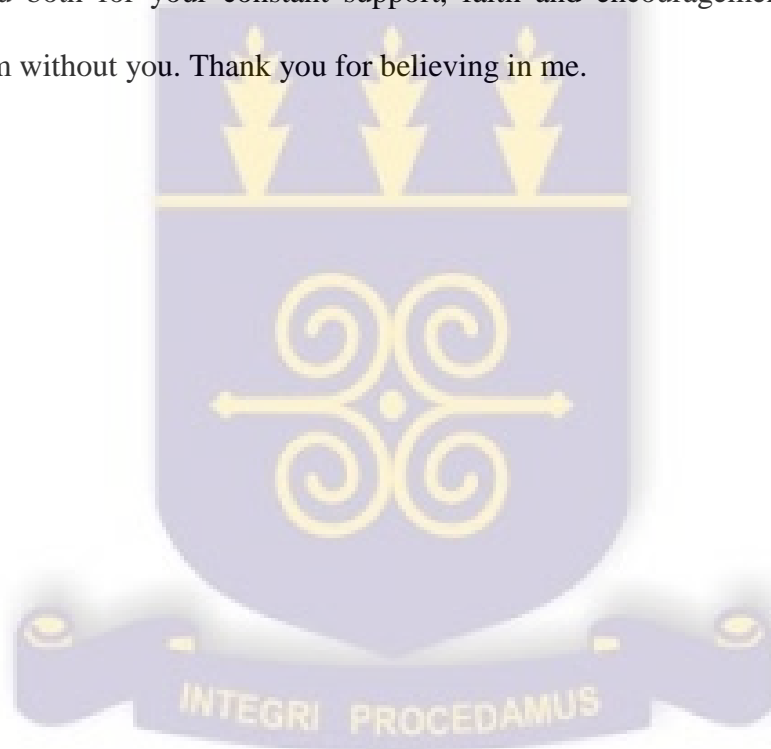
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DEDICATION

This dissertation is dedicated to my mother, Miss Doris Asomaniwaa Sapaning, who gave me dreams to look forward to and also to my father, Mr. Samuel Hanson Kumi, who taught me that even the largest task can be accomplished if it is done one step at a time. Thank you both for your constant support, faith and encouragement. I would not be where I am without you. Thank you for believing in me.



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To all the lecturers at the Centre for Social Policy Studies and respondents from the various institutions that were understudied and everyone who assisted in the writing of this dissertation and also to my wonderful study group members, I appreciate all your efforts and assistance in making this work successful. God bless you all.

ABSTRACT

Crime is seen as unacceptable in society. It may be committed by children or adults. Children have rights and these rights are protected even when they are in conflict with the law. This is the reason for setting up juvenile justice administration. Globally the number of young people coming in conflict with the law is growing at a rapid rate. There is a question as to how these young people are dealt with by the justice delivery system. This study assesses the current policy responses to juvenile delinquency in Ghana to be able to identify gaps in delivery, ways in which the developmental needs of the juvenile can be met and also trace the history to provide basis for policy reform where necessary. The researcher used a qualitative approach, using in-depth interviews to collect primary data and a desk review to collect secondary data. Purposive sampling technique was used to obtain a sample of eighteen (18) from the population of inmates and juvenile justice administration officials. The data that were gathered were analysed manually. The study revealed that the juvenile justice system of Ghana has not had any major change since its inception and this calls for policy attention. The study also shows many delinquent acts are as a result of immoral things young people are exposed to, parents not having and spending time with their children and also parents' inability to provide the needs of their children. From the study, there are gaps in the implementation of juvenile justice policies. The administration is starved of funding. The welfare needs of juveniles are also not being met as they should because the administration is starved of funding. Thus, the study recommends, among others, the formulation of a juvenile justice policy and also for government to adequately fund the administration of juvenile justice in Ghana and also the inclusion of parents in the justice delivery process.

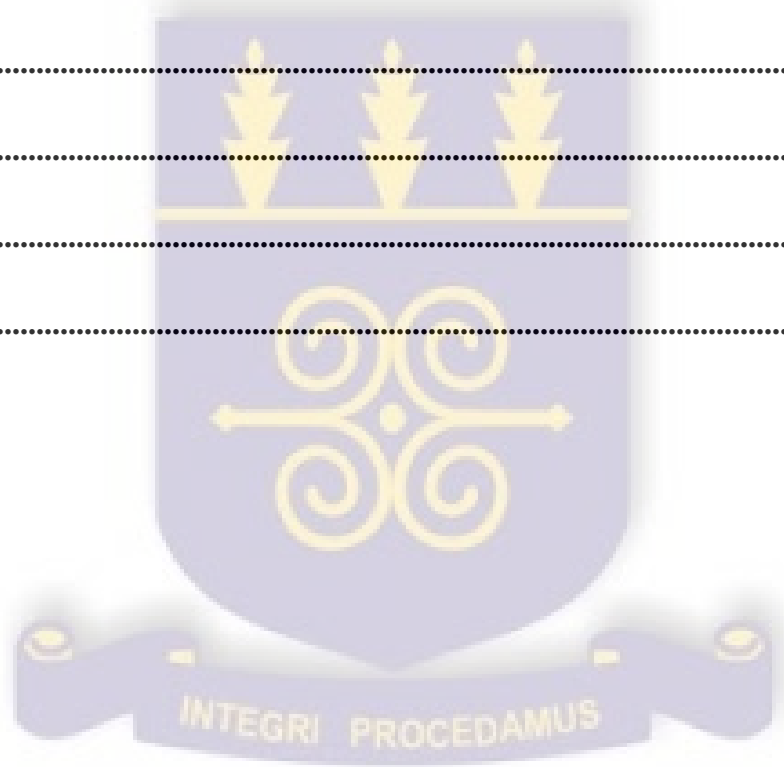
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CHAPTER ONE

INTRODUCTION

1.1 Background of the Study

Providing justice for children offenders is a matter that confronts all societies around the world. This brings to the fore the issue of juvenile justice especially in Ghana, which in the view of Hoffman and Baerg (2011) needs much research attention even though it seems to have received substantial attention among international institutions that seek to promote development and the rule of law to better the wellbeing of people.

The phenomenon of juvenile justice could better be explained by law. Thus, a juvenile refers to a young person who is in conflict with the law (Juvenile Justice Act 2003, Act 653). A juvenile cannot be tried as an adult. The law therefore makes provision for what happens to this person when he or she comes in conflict with the law. The definition of a juvenile delinquent depends largely on the age and behaviour but ages for who qualifies as a juvenile delinquent vary from one country to the other. In Ghana, people under the age of eighteen who are in conflict with the law qualify as juvenile delinquents (Juvenile justice Act 2003, Act 653).

Juveniles and the youth in general constitute a large component of the population of most countries. They are often considered the “engine” that is capable of responding to the ever increasing socio- economic and political challenges that many countries face (UNDP, 2014) and hence propel them towards achieving national goals. As such several countries and multilateral organizations have therefore highlighted the need for policy

strategies that will ensure young persons are able to acquire the requisite skills. One notable supra national example among several others has been the call on all nations to “achieve universal primary education”.

Ghana, like other developed and developing countries, consistently faces the challenges associated with dealing with juvenile delinquents. In the quest to address these challenges juvenile justice is not a separate area but rather forms part of the whole judicial system.

There has been a series of legislations to address juvenile delinquency in Ghana. The first notable legal provision was outlined in the 1936 Ordinance (Child and reformation). This gave judges and magistrates the power to commit by a special mandate, children under sixteen (16) years of age to a training school for boys administered by the Salvation Army in Mampong-Akuapem, if they were found guilty of offences which if committed by adults would be punishable by imprisonment without the option of a fine (Sampong, 2002). Other legislations after this include the Probation of Offenders’ Ordinance (1944), Probation Officers and committee Regulation (1945) and the Industrial Schools and Institutions Ordinance of 1945 (Sampong, 2002).

Currently, detention remains the only method of correcting juvenile delinquents who are brought before the court in Ghana (Hoffman & Baerg, 2011). This does not prove to be very helpful as many studies have shown the dangers of detention. A study by Holman and Ziedenberg in 2006 showed that every year more than 70% of young people in the United States of America are held in detention centres for nonviolent offences and these facilities are often understaffed and overcrowded. It is therefore not clear if mass detention should be used. The study proved that detention has negative effects on young people as they have to physically and emotionally deal with broken bonds between them

and their families (Holman & Ziedenberg, 2006). An earlier study by Benda & Tollet in 1999 in Arkansas also found a high recidivism rate and this was as a result of their experiences in detention. Sixty percent (60%) of the youth studied were returned to the Department of Youth Services within the next three years after their release (Benda & Tollet, 1999).

Other corrective measures must be looked at. There is the need to review policy responses to juvenile delinquency and consider other reform approaches other than detention and being locked away in order to help meet the developmental needs of these young ones and to reduce recidivism and properly reintegrate these young ones back to society and help them carry on with their lives. In the perspective of policy approaches, Ghana has made efforts to address the challenges of juvenile delinquents. As a result juvenile delinquency largely remains an area that has not seen enough policy measures. The Ghana Shared Growth and Development Agenda (GSGDA) merely stated the Juvenile Justice Act as means *“to protect the rights and entitlement of women and children”* (Government of Ghana, 2010).

There is currently no evidence of much research being conducted in this field (Hoffman and Baerg (2011)). As a result of this, this research is done to assess policy responses to juvenile justice in Ghana and suggest ways by which these policy responses can be reviewed to be able to address and meet the developmental needs of young people in order to reform them and reduce recidivism.

1.2 Statement of the Problem

Various data and reports over the last couple of decades indicate the number of children and young people coming into contact with juvenile justice institutions is growing at a rapid rate. The increasing global youth population coupled with the dwindling of global economic resources is a critical factor that fuel youth criminalization (Atilola, 2013). A World Bank report asserts that crimes that are committed by young people are mostly as a result of some environmental factors including poverty, unemployment and low levels of family income and education. For instance, a rise in juvenile and youth crime in the United States during the 1970s and 1980s is said to have been fuelled by falling wages. However, a peculiar factor in this instance was the widespread availability of guns (World Bank, 2007).

These criminal offenses come in various forms that range from criminal acts to civil issues. A Human Rights Watch Report in 1997 found that about 1,800 young persons were detained in Kenya for destitution and vagrancy and another 500 for lack of parental control (World Bank, 2007).

There are indications that these challenges are even more noticeable and will continue to worsen in developing countries in Africa and some regions in Asian countries where majority of the World's children and young people are accommodated in a deprived social and economic context. Consequently, the rate of adverse social outcomes for children and generally young people is expected to rise in these regions. In addition the problem is compounded by disruptions in family networks and growing rural urban

migration (Atilola, 2013). This phenomenon raises a question of how juveniles and the youth alike are dealt with by the justice delivery system, having committed a crime.

An accepted norm in juvenile justice is that consequences should be commensurate with the crime in question but more importantly programs should facilitate the reintegration of young people into healthy and productive roles in society. This is primarily because harsher prison conditions are associated with higher rates of recidivism and punishment does not necessarily deter later criminal behaviour (World Bank, 2007).

Detention facilities have adverse effects on both the physical and psychological wellbeing of young persons (Holman & Ziendenberg, 2006). Holman and Ziendenberg (2006) also identified many dangers that are associated with detaining young offenders in “so called” correctional facilities. Benda & Tollet (1999) also found out that there is the likelihood of detained young people to return to these facilities by committing other offences after their stay. All these reasons make the purpose for which these facilities were set up not to be fulfilled. This research therefore seeks to assess the current policy responses to juvenile justice in Ghana and also suggest ways by which these policy responses can be reviewed to meet the developmental needs of young people and also provide basis for reform where necessary and also help reduce recidivism rate.

1.3 Objectives of the Study

1.3.1 General objective

The general objective of the study is to assess the current policy responses to juvenile delinquency in Ghana, to provide basis for policy reform where necessary.

1.3.2 Research questions

The following important questions stand out from a review of the literature in the juvenile justice system regarding juveniles:

1. What are the gaps in the delivery of juvenile justice in Ghana?
2. What is the historical antecedence of current juvenile justice regime in Ghana?
3. In what ways can juvenile justice be made to meet the developmental needs of juvenile offenders?

1.4 Significance of the Study

Detention is not the only way to correct young offenders or young people who come in conflict with the law. Detention is supposed to be the last resort (Juvenile justice Act 2003, Act 653). Detention of young people is on the increase and in some cases may not be very necessary (Holman & Ziedenberg, 2006). For instance where young persons are detained for non-violent offences which if was committed by an adult could have been released on the option of a fine. These facilities resemble adult prisons and may pose risks to these young people. This study is conducted to help policy makers know the gaps in the juvenile justice responses so as to address them and help in the developmental needs of the offender. This study will also add to existing knowledge and make contributions to academic discourse and future research.

1.5 Organization of Study

This dissertation report consists of five chapters. Chapter One is introduction and gives a detailed background of the study, the problem statement and gives the specific research questions that the study seeks to answer. It gives an overall introduction to the study.

Chapter Two is literature review, which looks at works that have been done by other researchers in relation to the field of study. The chapter reviews literature that is associated with the problem addressed in the study. This aims at giving an understanding of present justice delivery approaches. The themes that were reviewed in this study include: juvenile delinquency, international norms for the treatment of juvenile, history of juvenile justice in Ghana, administration of juvenile justice in Ghana, and impact of detention on young people.

Chapter Three is devoted to the methodology of the study and provides a thorough look at all the data that was collected for this study and how the researcher collected the data and also how it was interpreted. Chapter Four is on data analysis and presentation of findings. It focuses on what the researcher found on the field. The chapter gives a presentation and analysis of primary data that was collected on the field that provide answers to the research objectives.

Chapter Five concludes the report with the summary of findings, conclusion and recommendations. It discusses the researcher's findings based on the analysis of data gathered from the field and matching that against what the juvenile justice regime in

Ghana stipulates. The chapter then draws conclusion and makes recommendations for future research and for policy consideration.

CHAPTER TWO

LITERATURE REVIEW

2.0 Introduction

This chapter begins with the key concepts of the study, followed by a conceptual framework which focuses on the knowledge, attitudes and practices of the policy community for this study and concludes with empirical literature. The chapter provides a review of other related works. It examines the findings and thoughts and opinion of others regarding juvenile delinquency and policy issues. This helps find research gaps and policy deficiencies regarding juvenile delinquent related issues in Ghana. The works reviewed include policy documents of governments, research articles, books and seminar presentations. The main issues examined in the literature include: the phenomenon of juvenile delinquency; the behaviour of juvenile delinquent; rules and laws regarding punishing or rehabilitating juvenile delinquent; and the gaps in knowledge and practice regarding juvenile delinquents and policy issues in Ghana

2.1 The Concepts of the Study

The definitions provided in this chapter are operational definitions of concepts unless otherwise stated.

Juvenile

A juvenile refers to someone who is young or youthful and considered as immature (Juvenile Justice Act 2003, Act 653).

Juvenile delinquency

Juvenile delinquency, from a criminological point of view, encompasses all public wrongs committed by young people between the ages of 12 and 20 (World Youth Report, 2003). On a broader base, juvenile delinquency covers a multitude of different violations of legal and social norms, from minor offences to serious crimes committed by juveniles (World Youth Report, 2003).

A juvenile delinquent therefore is a young person who is in conflict with the law. This person cannot be tried as an adult (Juvenile justice Act 2003, Act 653). Ages for who qualifies as a juvenile delinquent vary from country to country. For Ghana it falls within the ages of thirteen and nineteen (Juvenile Justice Act 2003, Act 653).

Recidivism

Recidivism refers to relapsing into crime. In other words, it is the tendency of one to relapse into a previous undesirable type of behaviour especially crime.

Juvenile correctional facilities

Juvenile correctional facilities or centres are structures which serve as young people's prison. They are mostly referred to as detention centres or safe facilities (Holman & Ziendenberg, 2006).

Juvenile justice delivery

Juvenile justice delivery in this context refers to the implementation of juvenile justice policy responses. It is the whole juvenile justice process, right from the arrest to the last

stage, be it detention or probation. This is an operational definition and has been explained in the context of this work.

Juvenile justice administration

Juvenile justice administration in the context of this study refers to all the institutions that are involved in the delivery of juvenile justice. This is an operational definition and has been explained in the context of this work.

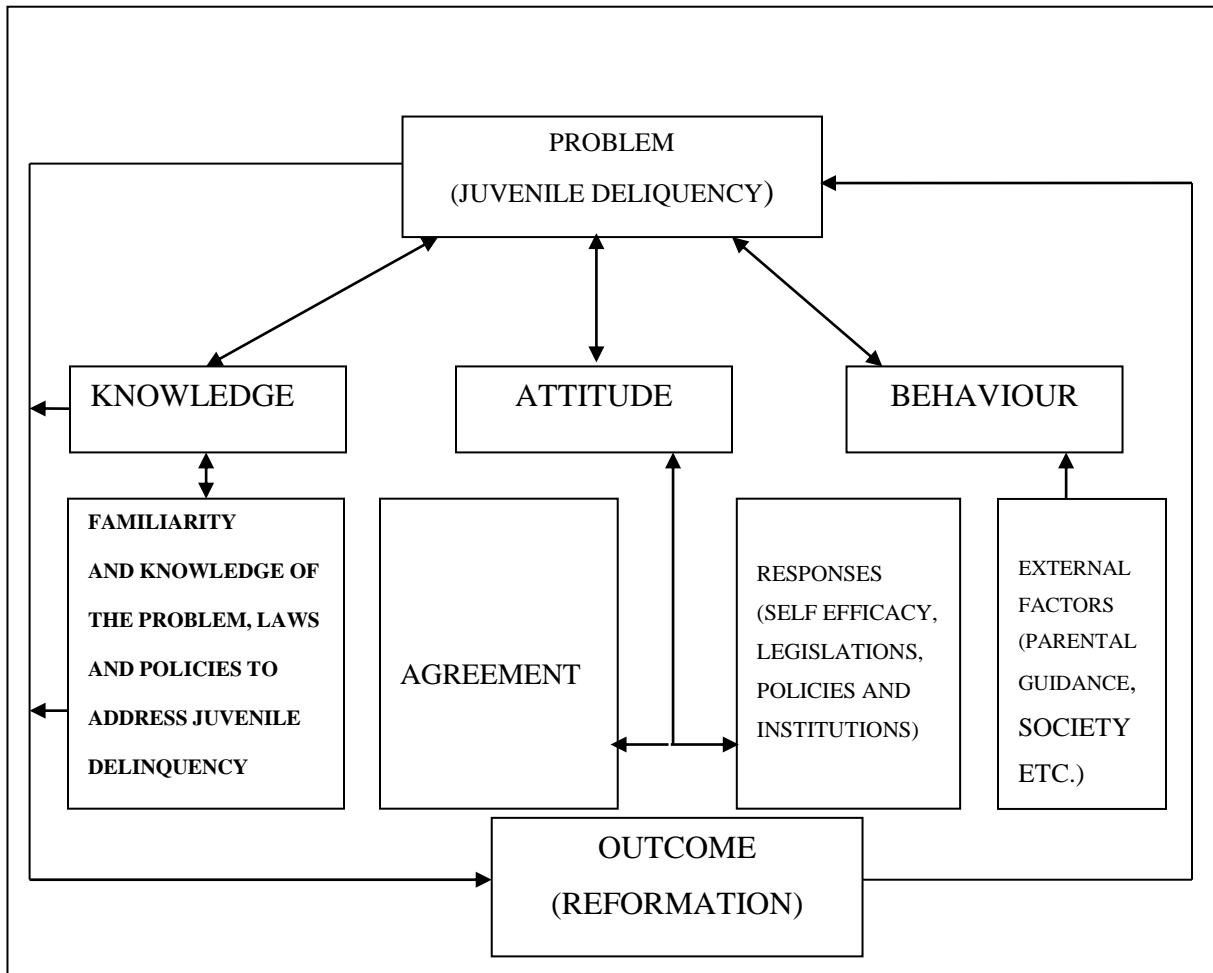
2.2 Conceptual Framework

Specifically, the conceptual framework for this study was used to help understand the attitudes, practices and behaviour of the policy community. The concept of this study revolves around how policy responses are implemented to help reform juvenile delinquents. The framework which underpins this study has been adapted from Légaré, Ratté, Gravel, Graham, 2008. In their framework, Légaré et al. (2008) pointed out that lack of the agreement between the knowledge; attitude and behaviour of the policy community are key barriers to successful implementation of a policy (Refer to Figure 2.1).

The framework, adapted from Légaré et al (2008) was used in their study to assess the barriers and facilitators to knowledge use. This was the view of some other earlier researchers such as Rogers (1995) and Cabana et al. 1999. The fact that these researchers have the same view, even though they conducted their studies at different time periods means the above-mentioned are real barriers that stand the test of time. Thus, they must be overcome for a successful implementation of policies regarding social issues of this

nature. The study employs the concept (See Figure 2.1) in reviewing critically, the policy responses to juvenile delinquency in Ghana. It is used to examine what policy actors know about the target policies and what they do in their professional lives to strengthen or undermine the system.

Figure 2.1: Relationship among knowledge, attitude and behaviour of the policy community



Adapted from Légaré, Ratté, Gravel, Graham, 2008

This framework explains the knowledge, attitudes and behaviours of the policy community in addressing juvenile delinquency (See Figure 2.1). From their knowledge-

attitude-behaviour model one can explain the policy community's attitude to the phenomenon juvenile delinquency and the policy responses to address the problem.

Policy actors' understanding and awareness of the relevant policies that address juvenile justice in Ghana as well as international policies to which Ghana is a signatory. However, knowledge and familiarity, as in the framework, of the policies cannot be analysed in isolation. There should be an agreement between their knowledge of the policies and the responses to the problem (See Figure 2.1). Policy actors and stakeholders can only function effectively in a certain capacity and with adequate resources. Whatever level of knowledge is required to influence policies in the administration of juvenile justice would have to go with the availability of resources and the creation of a conducive policy environment. These extensively build the capacity of policy actors; raise the level of policy actors' commitment towards outcome of policy responses that lead to reformation.

A functioning policy community may not necessarily always result in reformation due to the influence of certain external factors. According to the framework, external factors such as parental guidance and societal influence i.e. schools, religious bodies and culture play a significant role in reformation. Policies may be adequate and able to address juvenile issues adequately but if external factors are not incorporated in the policy-making process, the outcome of reformation may not be achieved. Some external factors that could be addressed in the juvenile justice administration include:

Society includes schools, religious bodies and culture. Gerber et al (2010) also argue that people are not born deviants and those behaviours that are regarded as deviant acts are

learned. This means they learn deviant act as they grow and from the same society that condemns it. This makes it a nurture condition (Gerber et al, 2010).

The anomie theory which was propounded by Durkheim in 1893 was of the view that societal systems have broken down and it is unclear what behaviours are expected of people and this is what results in deviant behaviour. Durkheim further argued that it is not necessarily that society has no norms but sometimes these norms and values may be too rigid. These are ways in which society as an external factor contributes to juvenile delinquency and these should be given much attention as it affects the responses of the policy community.

When parents are unable to provide for their wards, they turn to all kinds of acts to provide for themselves (Boasiakoh & Andoh, 2010). In trying to satisfy their needs, these young people turn to delinquent acts in the process (Boasiakoh & Andoh, 2010). This is one of the external factors that need to be looked at. Placing a child in a home with no parental guidance after detention will only increase that child's chances of recidivism.

From the framework one can argue that the policy community should be aware of the problem of juvenile delinquency and they are supposed to put in place some appropriate responses to deal with the phenomenon. These are legislations, policies and institutions that should be set up to handle the issues of juvenile delinquents so they can be reformed which is the outcome and also be reintegrated properly into society and not recidivate. When these are not provided with the response system then the institutions involved in the justice delivery system are bound to face some difficulties which may affect the outcome of reformation.

2.3 Empirical Literature

This section of the chapter reviews empirical works by other researchers in relation to this study.

2.3.1 Characterising juvenile delinquency

Juvenile delinquency is a global phenomenon (Boasiakoh & Andoh, 2010). It is not peculiar to only Ghana (Boasiakoh & Andoh, 2010). However, the definition of who a juvenile delinquent is may vary from country to country. Policy documents of countries provide the definitions of a juvenile delinquent. The Juvenile Justice act of Ghana (Act 653) defines a juvenile delinquent as a person below eighteen years who is in conflict with the law. This person is treated in a manner which is different from an adult offender except in exceptional circumstances.

2.3.2 Factors that lead to juvenile delinquency

There are a number of factors at various levels that contribute to the involvement of juveniles in acts of crime that violate social and legal norms of society (UN, 2003). Studies have shown that the incidence of criminal behaviour among the youth and juveniles is on the increase in many countries due to social, economic and cultural conditions prevailing in a country. The World Bank Report (2007, pp 61) outlines a number of factors that lead juveniles into acts that are not acceptable in societies especially in developed countries. This phenomenon is attributable to several factors,

some of which are discussed subsequently. They are not different from those of developing countries and Ghana specifically.

Cultural factors

Some studies have noted the cultural factors that cause juveniles to engage in delinquent acts. For instance, Loomis (1957) noted the distinction between two basic types of social formations, namely community and society. To him this shift is a general historical trend and a normal developmental process comparable to the transition from youth to adulthood. Knowledge of these cultural factors can influence policy and hence enhance a critical review of the policy responses to juvenile delinquency in Ghana.

Norms and values in society for acceptable behaviour these days have broken down and juveniles cannot tell what is right from wrong and these are the same settings within which delinquent acts occur (World Youth Report, 2003). Due to this, rules and regulations in society are no longer relevant as people no longer go by them. They rather engage in delinquent acts in order to be able to respond to changes in society that may be traumatizing and destructive (World Youth Report, 2003). Are these factors considered in policy regarding juvenile delinquent acts in Ghana?

Social and economic factors

The combined effects of social and economic factors have also been found as a cause of juvenile delinquency (Boasiakoh & Andoh, 2010). Atilola (2013) argued that the

dwindling nature of economic resources is one of the major causes of juvenile delinquency in Ghana. In the same study, Atilola (2013) stated that increase in the population of the youth is attributable to juvenile delinquency. This lack of and inadequate economic resources for juveniles to satisfy their wants force them into committing various crimes. The inadequacies of the resources are as a result of the ever rising population of the youth. The study will critically review policy responses in Ghana to crimes that are caused by socio-economic factors.

Over the past three decades, Ghana has been politically stable and thus political instability might not be a cause of juvenile delinquency in Ghana. However, the weakening social institutions may be a cause. Socio-economic instability is often linked to persistent unemployment and low incomes among the young, which can increase the likelihood of their involvement in criminal activity (World Youth Report, 2003). Delinquency is said to sometimes be resulting from economic and family relational problems (Boasiakoh & Andoh, 2010).

Another social factor identified as a cause of juvenile delinquency is pressure from peer groups. Some theories, for example the differential association theory is also of the view that delinquency is as a result of peer association (Boasiakoh & Andoh, 2010). That is to say acts of delinquency can be learned through peer association. The pressure becomes great especially when the juvenile is threatened not to join the peers when he/she does not conform to their behaviour. The juvenile is sometimes also persuaded to take part in delinquent acts (Boasiakoh & Andoh, 2010).

People feel the need to join gangs and sometimes these may be delinquent gangs. They feel it is part of the growing up process or becoming an adult (World Youth Report, 2003). Individuals can acquire a sense of safety, security and belonging through these associations. Some are able to learn to interact socially and even learn to demonstrate such qualities as loyalty or leadership. Some of these groups make up for where the family, schools and other social groups are lacking and tend to compensate for them (World Youth Report, 2003). Some juveniles consider these gang members as family. This is the only form of protection some adolescents may have within a neighbourhood. Some places, the adolescents who do not belong to gangs are bullied on the street or at school (World Youth Report, 2003).

Urbanization

Urbanization is another factor that is regarded as a cause of juvenile delinquency. Some geographical analysis of urbanization and crime suggests that countries with more urbanized populations have higher registered crime rates than those with strong rural lifestyles and communities (World Youth Report, 2003). That is rural communities are traditional and have their own ways of controlling behaviour, since the people have the same ethnic backgrounds. On the other hand, urbanization leads to formation of modern communities with different backgrounds. The report emphasized that urbanization processes in developing countries is contributing to juvenile involvement in criminal behaviour. This may be attributable to the disparities in social control and social

cohesion. Rural groupings rely mainly on family and community control as a means of dealing with antisocial behaviour and show markedly lower crime rates (World Youth Report, 2003).

In developing countries most young people are moving from the rural areas to urban areas and this is one major contributing factor to juvenile delinquency. Urban environments are highly populated, have a weaker primary social relations and there is not much control and young people are exposed to many new behaviours (World Youth Report, 2003).

Exclusion

People are gradually being excluded and this is causing a rise in acts that obstruct or hinder progress, social ties are breaking and young ones have a hard time forming their identity. Unemployment is also on the rise (World Youth Report, 2003). Some researchers have argued that there has been welfare systems put in place in society. These systems have however not been able to remove these obstructions that have been caused by exclusion to be able to provide relief (World Youth Report, 2003). This has contributed to the development of a “new poor” class in many places (World Youth Report, 2003).

These welfare systems discourage people from engaging in legal economic activities to earn a living. Thus the welfare systems enable the poor to taste “good lives” and if this relief is not continuous, the poor who are the beneficiaries are more likely to engage in unlawful activities which lead to their exclusion. When society excludes juvenile

delinquents who committed minor offenses, this becomes difficult on these young ones and has implications for the development of delinquent careers. These young ones feel they have been labelled and so they adopt the delinquent image after which they have been labelled (World Youth Report, 2003).

2.3.3 International norms for the treatment of juveniles

To understand the phenomenon under investigation it is important to explore the rules and legislations on Juvenile justice. There are legislations and conventions for the treatment of juveniles both locally and internationally and Ghana is a treaty to many. Ghana is however said not to be meeting many of the rules that have been laid out by international institutions regarding the treatment of juvenile offenders (Hoffmann and Baerg, 2011). This could be attributed to the differences in cultural backgrounds in the various countries that might have not been considered in formulating these laws. There is the United Nations Standard Minimum rule for the administration of Juvenile Justice. This is also known as “The Beijing Rules”. This includes the basic rights of the juvenile. According to these rules before the juvenile’s case is processed, they have to be notified on the basic procedures for arrest such as the charges for which he/she is being arrested, the right to an attorney, the right to appeal in the case where he is not satisfied with the ruling of the juvenile court (Hoffman & Baerg, 2011).

Then, the juvenile has to be taken through all those procedures the same as for the arrest of an adult. However, a study by Hoffmann and Baerg to assess the status of juvenile justice in Ghana in 2011 showed that many of these rights are violated in Ghana and most

especially the right to the presence of a parent or guardian before arrest. Most parents are only notified later, after the juvenile has been arrested and sent to the police station. This is a clear indication of lack of knowledge on legal rights and hence poor public education on these rights. The United Nations Standard Minimum rules for the administration of Juvenile Justice also states that institutionalization should be the last resort and that the juvenile should be released on bail before trial. Bail is however rarely granted and most of them are sent to the remand home before and during trial (Hoffmann & Baerg, 2011).

The convention on the rights of a child is also one of the international conventions Ghana signed to. Ghana was among the first twenty countries to sign to this convention in the year 1990. This convention includes the welfare of the child which is supposed to be followed by all countries that are signatories to it (Convention on the Rights of a Child). This principle is also contained in section 2 of the Juvenile Justice Act of Ghana, Act 653. This section states that “the best interest of a juvenile shall be; a) paramount in any matter concerned with the juvenile and b) the primary consideration by a juvenile court, or any other body in any matter concerned with a juvenile”. This exactly agrees with the convention on the rights of a child and must protect the rights of a child irrespective of his offence. However, a study done by Hoffman and Baerg, 2011 show that the juvenile court rarely put the welfare of the offender into consideration in its proceedings. This means there is a gap between what is agreed on or documented and what is practiced. The question is what really creates this gap? Is it a case of mere injustice?

United Nations Rules for the Protection of Juveniles Deprived of their Liberty is also another international legislation that should be followed by all member countries. It states that young offenders who are arrested and are waiting to be tried must be seen as

innocent of the offence for which they were arrested until proven guilty and they are to be treated as innocent. According to the rules, juveniles should not under any circumstance be put in detention before they are tried. In some exceptional cases however, the juvenile may be detained but the court and all other institutions involved in the trial should make sure it is done in the shortest possible time. Additionally, those who have not been tried are also not supposed to be kept in the same facility as those that have already received their sentences. This is not the case of the juveniles in Accra. As Hoffman & Baerg stated, some juveniles are detained before trial and just a few are released on bail (Hoffmann & Baerg, 2011). Achieving a short trial is not a priority with the juvenile justice system in Ghana.

There is also no advocacy for juveniles in order for their time on remand to be reduced (Hoffmann & Baerg, 2011). Could this be due to lack of knowledge of the criminal justice regarding the juvenile? Also as the United Nations Rules for the Protection of Juveniles Deprived of their Liberty states that untried detainees should be separated of convicted juveniles, it is not the case of Ghana, specifically Accra. The Girl's Remand Home and Correctional Centre are both located at the same place and these girls live together (Hoffmann & Baerg, 2011).

It can be said that most of the rules and regulations by international institutions have been signed by Ghana and also have been included in the juvenile justice act, act 653 but are not being followed (Hoffmann & Baerg, 2011).

2.3.4. Rules and laws against juvenile delinquent acts

In Ghana, when any person is brought before a juvenile court whether charged with an offence or not, except where the person is to give evidence, the court is to make enquiries as to the age of that person (Juvenile justice Act 2003, Act 653). To find out whether or not a person is a juvenile in Ghana, the court requires proof. A birth certificate is to be brought to the court to determine the age of this person. A baptismal certificate may be accepted or any certificate that is signed by a medical officer in cases where a birth certificate cannot be produced (Juvenile justice Act 2003, Act 653). This is to ensure that the person before the juvenile court qualifies as a juvenile and is not below the age of twelve or qualifies as an adult.

Where it appears the person is more than eighteen years the person shall be deemed not to be a juvenile and shall be transferred to a court that is deemed appropriate for him/her to be tried. In situations where the person involved in a delinquent act is below twelve years he is not considered as being responsible for his actions and that he is too young to be tried and so the matter may be dismissed. This is an indication that the rule of law determines whom and what a juvenile delinquent is to ensure they are tried fairly.

2.3.5 History of juvenile justice in Ghana

The juvenile justice system of Ghana was inherited from the British with whom contact was established in 1874 upon their arrival in the then Gold Coast, now known as Ghana

(Sampong, 2002). The first legislation for how juveniles should be treated was in the year 1945. Before 1945 the statute books of Ghana had no special provisions for how young persons in conflict with the law should be treated. The only available provision for the treatment of juveniles was found in the 1936 ordinance (Child and Reformation).

The age of who qualified as a juvenile was sixteen (16) years. Such persons when in conflict with the law were taken through the court processes. The law gave judges the power to send them to training school for boys which was established by the Salvation-Army in Mampong-Akuapem. This was only to be done if they were found guilty of whatever crime for which they had been arrested. These crimes also had to be ones which if had been committed by adults would be punishable by imprisonment without the option of a fine (Sampong, 2002).

There were no provisions as to how long a juvenile had to stay in that school and on what conditions the juvenile will be released. This made the police very careful which cases they referred to the courts as they were not given any power to handle juveniles (Sampong, 2002). The very first legislation was passed in 1944 to make this situation better.

The Department of Social welfare was given the mandate to handle how juvenile delinquents would be treated. The department did not have trained officers and so the laws did not become operative until 1946. The forerunners of the then statute which was used for the treatment of juvenile offenders were the Probation of offender's ordinance of 1944, Probation officers and committee regulation of 1945 and the Industrial Schools and Institutions Ordinance of 1945.

The probation of offenders' ordinance of 1944 with the exception of native courts gave all courts the power to make probation officers investigate the character of the offender, their home surroundings, health and mental conditions and any other circumstances under which the offence was committed. Until this was done, the court could not sentence the offender (Sampong, 2002).

The Industrial Schools and Institutions Ordinance 1945 also made provision for the industrial schools to be established that provided training for detained youth. It also established a Borstal institution where juvenile offenders who are between the ages of seventeen (17) and twenty one (21) and placed in detention would also be trained. This same ordinance also established remand homes where juvenile offenders who have not been tried yet will be held in temporary custody. Juveniles placed in this facility are only on probation and they are kept till their trial is over. They are mostly below the age of seventeen.

The Criminal Procedure Code which is Act 30 was passed in 1960. This was not one document. It was different sections (bits and pieces) that were taken from the laws that made provision for the treatment of juveniles (Ameh, 2006). This act repealed all earlier statutes that were used for the treatment of juvenile offenders. The act rose the age of the juvenile from sixteen (16) to seventeen (17) and persons above seventeen were to be tried as adults. This act provided for a juvenile to be dealt with differently from an adult offender. This act was still seen to be inadequate in many respects especially in the view that the rights of the child had to be protected even though he or she was in conflict with the law (Sampong, 2002).

The Juvenile Justice Act, Act 653 was then introduced in 2003 with the main objective of protecting children's rights and also makes provision for juveniles that met international norms and standards. It is the only real change in the juvenile justice policy responses in about sixty years (Ameh, 2006). Some of the international norms and standards that the juvenile justice act meets are the convention on the rights of a child and the United Nations Minimum Rules for the Administration of juvenile justice. Currently the juvenile justice act, Act 653 is what makes provision for how juveniles should be treated in Ghana. Tracing the historical antecedence shows no major change in the juvenile justice system of Ghana since its inception. The Act 653 is the legislation which is currently used. It is therefore not surprising that several anomalies have been identified in its implementation, a situation that calls for policy attention.

2.3.6 Administration of juvenile justice in Ghana

Juvenile justice must be acknowledged as a separate entity within the criminal justice system of any country, especially as both local and international norms mandate that juvenile offenders are to be treated differently from adult offenders (Hoffmann and Baerg, 2011). The juvenile justice system is however a part of the whole judicial structure of the country. As a system that is valued it must be included in our judicial and historical developments (Sampong, 2002).

The traditional or customary laws of Ghana do not make any provision for how juvenile offenders should be treated (Sampong, 2002). However before colonialism our chiefs and elders governed with the available traditional values and norms and the same was done

for juveniles (Sampong, 2002). One can deduce from the aforementioned that they may not have had any legislations that were clearly documented but once a case was brought before them they would know which measures to take to correct that young person before them and also use him/her to teach other young ones lessons.

Juvenile justice administration of Ghana uses some legislation in carrying out its functions. They are the Criminal Code, the Juvenile Justice Act (Act 653) and the Children's act. All these legislations are shaped by international conventions and treaties which Ghana has signed to. The criminal code refers to criminal offenders in general and does not necessarily focus on only juveniles.

The juvenile justice act was enacted as a result of this to provide special treatment for juveniles who are in conflict with the law since they are much younger and cannot be treated as adults (Sampong, 2002). The act which was created in 2003 outlines most aspects of the system in Ghana (Juvenile Justice Act 2003, Act 653). It also established two correctional centres, one for junior offenders and the other for senior offenders. There are however many aspects of this act that need to be reviewed because of gaps (Hoffmann and Baerg, 2011). It is to this respect that this research is conducted.

The children's act which seeks to protect and promote the welfare of children is also used. It does not specifically mention juvenile justice but once the justice act defines juveniles as person below eighteen who are in conflict with the law, then by the definition of the children's act, they qualify as children. This makes them entitled to the rights of a child provided in the children's act even though they are in conflict with the law.

The juvenile justice act has no structure for the juvenile court system in Ghana. However there are officially juvenile courts in all ten regions of the country (Hoffmann and Baerg, 2011). The juvenile court in Accra is located at Ministries. There is a specific room that is used for proceedings. The Juvenile Justice act mandates that the juvenile court be separated from other court proceedings (Hoffmann and Baerg, 2011). Proceedings at the juvenile court are informal and not exactly like that of other courts. Police officers who show up at the juvenile court as prosecutors are not supposed to be dressed in uniform (Juvenile justice Act 2003, Act 653). The judge or magistrate does not also wear the traditional robe as she would have done in other courts (Juvenile justice Act 2003, Act 653). This shows how different the juvenile court is from the adult court or any other court.

In a juvenile court, there is supposed to be a judge, a court clerk, a social worker who is also known as a probation officer, a police officer who is the prosecutor, the parent or guardian of the offender, a two member panel which usually should have at least one educationist, and sometimes a witness, if there be any (Juvenile Justice Act 2003, Act 653). The panel members are to provide advice to the judge and also to discuss the issue as a group. The judge is however not bound to take their views but may take them into consideration (Juvenile Justice Act 2003, Act 653).

In their study, Hoffmann and Baerg (2011) identified that even though these are the processes and the requirements provided by the juvenile justice act, act 653, it was not so in reality at the juvenile court in Ghana. They identified lack of organization, stating that some dockets were even missing in the mornings when court was in session and had to try a case. On other occasions the docket the court had was wrong. Social enquiry reports

done by probation officers are sometimes reported as missing. The judge had to record proceedings herself and would sometimes stop the proceedings to make sure she has everything recorded before she continued. This made information appear in different books and there was always difficulty whenever the court had to find information on previous proceedings and this wasted time a lot. These cause delays and prevent speedy trials. The juveniles are brought to court many times before a judgement is reached.

Hoffmann and Baerg (2011) also identified that there was only one judge trained for juvenile court who can handle juvenile cases which are treated differently from the other courts. This is an issue and means the absence of that judge will mean no court sitting. One can understand from this that when there is no court sitting it means the juvenile will have to be detained longer and this may be a problem especially where the juvenile is being detained in a police station. Also any judge that will sit in may not necessarily treat the juvenile offender in a special way as the juvenile justice act states.

2.3.7 Impact of detention on young people

The aim of detention as a juvenile justice policy response is to correct or reform the young person who is in conflict with the law. The system does not seek to punish. Even though these young ones are in conflict with the law they cannot be treated like adults (Juvenile Justice Act 2003, Act 653). Every child's developmental and welfare needs have to be met even if they are in conflict with the law and as a result are put in detention (Children's Act, Act 560).

Detention facilities are provided to house offenders temporarily. It is however packed with so many young people. They are however packed with juvenile delinquents, a situation that threatens the rehabilitative function of these facilities. Studies conducted by Mears (2001), Sickmund (2002), Wasserman, Ko, and McReynolds (2004) indicated that when youth are crowded especially in detention facilities it is dangerous. It is also harmful and affects the proper rehabilitation and treatment of these youth who are placed in detention. Aside the logistical problems that may be inbuilt in crowded conditions (e.g., bedding, feeding, and education), crowded conditions can also breed violence among these young ones. Additionally, most of them may end up being school dropouts. This situation is more likely to cause juveniles to engage in criminal acts. This could explain why some researchers argue that detention breeds crime and stated that there is no need for detention in some crimes committed by juveniles.

Many of these young people have committed offences that do not have to necessarily be punished by detention (Holman & Ziedenberg, 2006). According to them, most of these offences are non-violent. Holman and Ziedenberg (2006) found out in their study which was conducted in the United States of America that about seventy percent (70%) of the offences for which young people were detained was non-violent. With such a huge number of youth being detained for non-violent offences, it is not clear whether detention is necessary. This is because some theories like social learning theory have argued that individuals learn by close association and also by observing. There may be the remaining thirty percent (30%) in Holman and Ziedenberg's (2006) study who have committed violent offences. These young ones are likely to pick or learn from them certain

behaviours. This then makes the purpose for their detention which was to reform them not be achieved.

Anecdotally, the family is the first agent of socialization everyone has. The family is more likely to help individuals have self-identity and also form perceptions which the individual holds throughout their lives. When young people are detained they become physically and emotionally separated from their families (Holman & Ziedenberg, 2006). They are susceptible to anything bad and therefore they need the family and community to help recovery and success. Most youth in detention may not have their families visiting them. Here the role played by the family in giving the juvenile encouragement and showing affection is lacking.

Hoffman and Baerg, in their study conducted in Ghana said most detention facilities are often overcrowded and understaffed (Hoffmann and Baerg, 2011). This may make the facility breed neglect and violence (Holman & Ziedenberg, 2006). In a study conducted by Dawes (2011), he found that one of the greatest challenges of the juvenile justice system is the successful reintegration of young offenders back to their communities so that they do not re-offend and return to detention (Dawes 2011). Meanwhile reintegration is one of the aims of the juvenile justice system. His research presented the outcomes of a two-year-longitudinal study which tracked forty (40) young indigenous males as they made the transition from detention in North Queensland back to their communities.

CHAPTER THREE

METHODOLOGY

3.0 Introduction

This chapter focuses on the methodology that was used in achieving the objectives of this study. The methodology presents how the entire study was done and gives a thorough look at all the data that were collected for this study and how the researcher interpreted them.

3.1 Research Design

A research design for a study basically refers to the plan for how the study will be conducted (Berg, 2001). Berg (2001) describes the design stage as the entire process that will be involved in the research. This process includes how data is to be collected, what instruments will be employed, how the instruments will be used and how the collected data will be analysed. It also includes where the research took place and the groups of people that were studied (Berg, 2001).

A case study and a desk review were used for this research. Case studies are studies that involve analysing a person or a group of persons, projects, decisions, institutions, or any other systems which may be studied as a whole without being separated into parts (Thomas, 2011). One or more methods may be used in studying it (Thomas, 2011). This study is a single case study of the current juvenile justice responses. It sought to examine the current juvenile justice system in Ghana with the need to identify gaps. It also

examined whether the current juvenile justice responses met the developmental needs of the juvenile.

It sought to provide insight into gaps in the delivery of the current juvenile justice responses. With the desk review, existing literature related to or on this topic was critically studied by the researcher and conclusion was drawn based on the criticisms of that research. A purely qualitative method was used for data collection in this study. In depth interviews and desk review was used as the approach for this qualitative method. Respondents' consent was sought to audio record interviews and conversations. Recorded in-depth interviews were transcribed, coded, categorised and analysed using content analysis. Results have been outlined and discussed in Chapter 4.

3.2 Study Area

The Senior Correctional Centre is the study area for this research. It is located at Mamobi in Accra. It is run by the Ghana Prison Service. It is meant for persons between the ages of 17 to 21 (Juvenile justice Act 653). However persons younger than this age who have been in conflict with the law more than once and are between the ages of eight (8) and sixteen (16) may be transferred from industrial schools to the facility (Juvenile justice Act 653). This facility was chosen because it is the only one of its kind in Accra.

There is another facility, the Osu Remand Home, but that facility is not used for detention. Juveniles placed in that facility are only on probation and being processed for court. All juveniles found in the senior correctional centre, if they were taken through the right procedure, have already been to the remand home (which is only for probation). The

senior correctional centre is one of the facilities found in a bigger one which is known as ‘Prisons’. The “Prisons” are made up of the James Camp, Training School for prison officers and the senior correctional centre. The senior correctional centre was formally called the Ghana Borstal Institute (Boasiakoh & Andoh, 2010). It was established on 18th May 1947 as a juvenile institution with the aim of preventing juvenile offenders from a wasted way of life (Boasiakoh & Andoh, 2010). It has a motto “I SHALL RISE AGAIN”. The name was changed to senior correctional centre under Juvenile Justice Act (Act 653) in 2003 with a wider scope in operational functions.

The Senior Correctional Facility used to be under the Department of Social Welfare until 1958 when the Ghana Prison Service took over its administration. Although it is run by the Ghana Prisons Service, it is different from adult prison because emphasis is laid on vocational training. The centre has a mission that aims at basically attaining reformation, rehabilitation and reintegration of inmates into society. To accomplish that, various treatments are offered at the centre. These include special treatment by counsellors, psychologist and other specialist, the teaching of vocations or trades such as carpentry, tailoring etc. as well as formal education. Previously, the inmates who are all boys served a mandatory period of three years, but under the Juvenile Justice Act (Act 653) they are now detained for a minimum period of three months to a maximum of three years depending upon the gravity of the offense.

The facility serves as housing for juvenile offenders from all over the country. This facility was chosen as the study area since it houses juvenile offenders from all over the country and for that matter granted easy access to study the juveniles in facility to help understand policy responses and help reform them.

The administration of the senior correctional centre is headed by a regional commander of prisons who holds a rank of Deputy Director of Prisons (DDP). This person is usually referred to as the ‘officer in charge’. The second in command is the Chief Superintendent of Prisons (CSP). The third in command is the Superintendent of Prisons (SP). The next in command are the superior officers and subordinate officers. This hierarchy and authority is from a top down approach.

3.3 Target Population

The target population for this study is all juveniles, specifically inmates under the Ghana Prisons Service, in Accra. This is because the outcome of the research will affect all juveniles in Accra whether they are delinquents or not. The situation in Accra is not representative of the whole country but still gives an insight into what is happening in other parts of the country.

3.4 Sampling Arrangement and Sample Size

The sample was chosen based on who was considered appropriate for the study and who knew much about the juvenile system in Ghana. What is technically known as purposive sampling was the sampling technique which was used for this research. This was used because primarily there are key stakeholders with a limited number of persons that have expertise in the area of juvenile justice and so the researcher did not have that many options to choose from. This technique was also used because there was the need to reach the targeted sample quickly and also sampling for proportionality was not the main concern.

A sample size of eighteen (18) was chosen for this research. The juvenile justice administration is made up of a number of stakeholders, the judiciary, the department of social welfare, the Domestic Violence Victim Support Unit (Ghana Police Service), The Senior Correctional Centre (Ghana Prisons Service). All these stakeholders are major actors in the juvenile justice delivery system. The persons interviewed included a magistrate, two (2) probation officers, and a police officer, an officer of the senior correctional facility, a social welfare director, two (2) lawyers and ten (10) juveniles that are serving their term at the senior correctional facility. These are the stakeholders in the juvenile justice administration.

The researcher had an informal session interview with ten (10) inmates. The inmates were included so that the researcher could verify what the experts had said especially with the delivery of the juvenile justice service. These are experts in the field of juvenile justice and were very helpful in feeding the researcher with all information that was needed and what was the reality on the field.

Table 3.1 Distribution of Respondents

Stakeholders	Number of Personnel
The court	1
Department of Social Welfare	3
Domestic Violence Victim Support Unit	1
Senior Correctional Facility (Inmates)	10
Senior Correctional Centre (Counsellor)	1
Private Law Firms	2
TOTAL	18

3.5 Data Collection

Primary data was collected using in-depth interviews with a magistrate, a police officer, two (2) probation officers, ten (10) juveniles and other officers in the know. The researcher also had the privilege to sit in on two occasions at the court. With permission sought from the Department of Social Welfare, the researcher had the opportunity to take notes on proceedings of the two court sessions witnessed. The researcher witnessed a total of five cases. There were more cases but they were adjourned because there were either no guardians present or parties to the case were absent. Two of the cases were defilement, one was robbery and the remaining two were stealing. All the cases were adjourned for a later date and so the researcher was not privy to the outcome. The researcher's observations and notes from the sessions have been thoroughly discussed in Chapter four under presentation and discussion of findings.

The senior correctional centre is run by the Ghana Prisons Service. The researcher therefore obtained permission from the Ghana Prisons Service first in order to have access to the inmates and officers of the correctional centre. This letter took three weeks to be processed and permission granted. The researcher also sought permission from the Department of Social Welfare to also have access to Probation officers, the Magistrate and the Regional Director of Social Welfare. Permission was granted in two weeks and the researcher went ahead to schedule appointments with the personnel needed for the interview.

Interview times were scheduled at the respondents' convenience. An interview guide that had very simple language was used as the instrument of data collection in this study. Questions were asked in a conversational manner and were easily understood by the respondents. The researcher allowed the participants to talk and share their knowledge on the topic instead of a question and answer session. This made the interview effective and also gave the researcher much insight on issues she did not even include in her questions. Thus, creating a rapport between the researcher and the participants and led the participants to open up and give the researcher all vital information needed. With the permission of the respondents, the researcher recorded the interview. However, not all the participants allowed the researcher to record. All participants remain anonymous.

Secondary data was collected using desk review of existing literature. This was gathered from already existing literature from researches already conducted in relation to the topic. These included books, articles, journals, reports and the internet and also juvenile policy responses, specifically the juvenile justice act (ACT 653). The list of the documents that was used for the desk review is shown below:

- The Juvenile Justice Act of Ghana, 2003, Act 653
- The Children's Act of Ghana, 1998, Act, 560
- United Nations' Convention on the Rights of the Child
- United Nations' Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules)

3.6 Data Management

The researcher transcribed the audio recorded and written interviews and typed in Microsoft word. The researcher edited where necessary. The researcher did her best not to allow her biases influence the study by typing exactly what the respondents said.

3.7 Data Analysis

Data gathered from the field was analysed manually. This was done using Microsoft word's track changes. With the help of the track changes, statements from each of the respondents that had been typed were grouped in line with the research objectives using codes. An analysis of the findings was then drawn using the various research objectives as themes and interpretation was made. This is known as content analysis. Content analysis is a procedure for categorizing verbal data so that the data can be classified, summarised and put in tables where necessary (Berg, 2007).

3.8 Ethical Consideration

Participants in this research were made to voluntarily participate. All participants were allowed to express their consent before the research was carried out. This was done orally. This was to make them contribute sincerely and withdraw from participation when they felt they were not interested. Their identity and all information given were kept confidential. This is to protect participant's interests since they are public officials who may not want to be cited in any study as the ones who disclosed certain information. This

helped them open up since they were made to understand this is solely academic and even where the recommendations are used, they will not be mentioned.

Interview times that were used for gathering data for this study were chosen at the convenience of the respondents. The researcher allowed them to choose the times that were convenient for them and rescheduled her tasks to meet these times. This was done to make the respondents not be reluctant to give out important information that would help in this research.

Respondents were also allowed to choose the place of convenience for conducting the interview. This was to make sure they were comfortable wherever the interview was going to be conducted and also to remind and assure them that the interview was solely for academic purpose and whatever they said even in the case of policy review will not be traced back to them. Since the study used other researcher's articles, publications and literature, all references have been acknowledged in order to prevent plagiarism.

CHAPTER FOUR

PRESENTATION AND DISCUSSION OF FINDINGS

4.0 Introduction

This chapter presents what the researcher found on the field. The chapter gives a presentation and analysis of both primary and secondary data that were collected on the field that provides answers to the research objectives. The chapter begins with the historical antecedence of juvenile justice in Ghana, followed by analysis of the causes of delinquent behaviour among juveniles in Ghana, and finally a review of gaps in the implementation of juvenile justice in Ghana and key areas that need attention. It also discusses ways in which juvenile justice can meet the developmental needs of juveniles.

4.1 Background Information of Respondents

The background captures the sex of the respondents, name of institution, their position and the numbers of years the respondents have worked with the institution. It also shows the inmates who were respondents for the study and how long they had been detained as shown in Table 4.1 below:

Table 4.1: Socio-Demographic Characteristics of Respondents

Respondent	Sex	Name of Institution	Position	Number of years in Institution
1	M	Department of Social Welfare	Regional Director	38
2	F	Department of Social Welfare	Probation Officer	26
3	F	Judicial Service	Magistrate	8
4	M	NGO (Juvenile Justice Project)	Lawyer	7
5	F	Private Law Firm	Lawyer	5
6	M	Department of Social Welfare	Probation Officer	5
7	F	DOVVSU	Police Officer	6
8	F	Senior Correctional Centre (Ghana Prisons Service)	Counsellor	15
9	M	Senior Correctional Centre	Inmate	3
10	M	Senior Correctional Centre	Inmate	1
11	M	Senior Correctional Centre	Inmate	7 months
12	M	Senior Correctional Centre	Inmate	3
13	M	Senior Correctional Centre	Inmate	2
14	M	Senior Correctional Centre	Inmate	10 months
15	M	Senior Correctional Centre	Inmate	2
16	M	Senior Correctional Centre	Inmate	2
17	M	Senior Correctional Centre	Inmate	3
18	M	Senior Correctional Centre	Inmate	8 months

Thirteen (13) of the respondents were males and the other five (5) were females. The respondents were chosen from the various institutions that are key stakeholders in the juvenile justice delivery system.

4.3 Causes of Delinquent Behaviours

The causes of these delinquent behaviours were looked at as it provides information on what brought these young offenders in conflict with the system. To be able to address juvenile delinquency and meet the developmental needs of these young ones, there is the need to first identify where they are coming from and what the causes of their delinquent behaviours are.

“Most of these young ones also come in search of greener pastures in Accra. They get stranded and get involved in some sort of crime and then they are brought here. You cannot contact their parents. Sometimes they will not even give you the contacts of their relatives for you to trace them because they have been wayward. Because of the economic situation most parents want to work. They are following money so much that... They do not have time for their children”
(Respondent 3, 12th June, 2014)

The respondents attributed the current causes of delinquent behaviours to the media especially television that shows all manner of programs and does not consider the fact that children may be watching. They described some of these programs as being immoral. A respondent indicated that *“Children are exposed to so many immoral things, on the TV. The media is really not helping at all”* (Respondent 2, 2nd. June, 2014).

Interviews revealed the lifestyle from which most juveniles came from and the kind of life that they are likely to find themselves in after they have been released. Most of these young men come from broken homes with single parents or lived on their own with no adult supervision, and, in turn, they have become juvenile delinquents. This was confirmed by most of the inmates that were interviewed. Some of the inmates said they lived on their own before they were arrested and others lived with friends or older siblings. They did as they pleased with no one to tell them whether what they were doing was wrong or not. Some of these young ones are uncertain where they will be going after they have served their time in detention. When asked the reason for which they were uncertain, some of them said they had never received visitors since they were detained. Others were not sure if their families would want them back.

These confirm the external factors that influence the juvenile justice delivery system for the desired outcome (See Figure 2.1). These external factors are contributing factors to delinquency as for example, a young person who has been detained may return to the home with no adult supervision or parental guidance. That young person is likely to recidivate. This was also confirmed by a probation officer who said some parents are fed up with these young ones and some would voluntarily come and report their own children. She says;

“You won’t believe some of the cases. Last week there was a case and the girl wanted to stab her mother. In the process of the case, the girl even said she will not stay with the mother again. We remanded the girl, the few weeks that the girl was remanded the mother refused to visit the girl. She said she was fed up. There is no “boola” that you can go and damp your children. If you help and I also help

that child can get reformed. Voluntarily some will come and report their own children and tell you to take them wherever you want because they are fed up”

(Respondent 4, 10th.June, 2014).

Another factor that was identified as being one of the causes of delinquent behaviour was said to be negligence on the part of parents. The respondents said parents these days are so focused on finding greener pastures that they forget they have children that they are raising. One probation officer also said she believed the current poor economy is also a factor. In their quest to make a living parents ignore the upbringing of their children. A probation officer noted that;

“I know some parents who see their children only in the evenings. They have already left for work by the time their children wake. The traffic situation these days is also not helping so I do not blame the parents too much. They have to go or they lose their jobs. Some even see their children only on weekends. They provide them with everything they need but that is not enough. Children need to be directed.” (Respondent 2, 2nd.June, 2014)

The researcher gathered from the interviews with some respondents that most of these youth offenders were coming from a home life that significantly contributed to their current detention and could benefit from a staff that recognized their individual needs and a social environment that welcomed them upon their release with ample assistance. These young ones know that they have erred but are afraid of how society will receive them upon their return, the kind of labels that society will place on them. Society will see them as what put them in detention and not what they have become after detention. Staffs of

the juvenile justice administration are supposed to be aware of these needs of the juvenile so there can be an agreement between their attitudes and the policy responses in place (See Figure 2.1).

The interviews also revealed that there is lack of communication between parents and their wards. A probation officer notes; *“Parents don’t talk with their children anymore”*. This makes the children learn from their friends what they are supposed to learn from their parents. This confirms a World Youth Report of 2003 which says urbanization is a cause of juvenile delinquency. Parents have to work and they have to beat traffic so they go early and return late. The respondents also said these young ones have needs and these needs have to be met. They however do not have anybody to provide them with these needs. One of the probation officers says

“Most of the children whose parents you cannot trace are from the hinterlands. They come to Accra to make some money and be able to fend for themselves.”
(Respondent 6, 12th.June, 2014)

Boasiakoh & Andoh (2010) noted that when parents are unable to provide their wards with what they need, the children turn to all sorts of vices, some of which may be delinquent acts to be able to provide those needs themselves.

4.4 Gaps in the Delivery of the Juvenile Justice System

The gaps in the juvenile justice policy stem from best practice to common practice. It is most often between what is known and what is often done. This can be attributed to the reason that juvenile delinquents are the segment of society who are unpopular and have

no power. They are mostly considered to be troubled behaviourally, poor in society and most of the time minority teenagers (Casey, 2008).

There are no current policies on juvenile justice in Ghana (Hoffmann & Baerg, 2011). This was confirmed by some respondents who were interviewed. The only available legislation is the act of parliament which is the Juvenile Justice Act, Act 653. This may be attributed to the fact that there is not only one institution that oversees the area of juvenile justice and ensure the system runs smoothly (Hoffman & Baerg, 2011). This was confirmed by the probation officers and juvenile justice lawyers. One juvenile justice lawyer notes;

“There is no juvenile justice policy. This, I would say is because of the institutions involved in the juvenile justice delivery. There are three institutions involved in the delivery of juvenile justice. We have the DOVVSU unit of the police, Department of Social Welfare and the court. They are under different ministries. There is no collaboration between the ministries. Maybe there should be only one institution in charge with the others helping out”

The current Act which is the Act of Parliament, Act 653, even has many gaps when it comes to its implementation or delivery. The findings are presented below. Interviews with juvenile justice personnel and the inmates indicate that there are gaps in the delivery of the juvenile justice responses and that the stages involved in the system are not carried out properly.

4.4.1 Stages involved in the juvenile justice system.

Interviews with juvenile justice lawyers and probation officers indicate the whole procedure for the treatment of juvenile offenders. The first stage of the juvenile justice system is the arrest. When a juvenile is in conflict with the law, he is arrested and sent to the police station. Upon arrest the juvenile is to be told what her/his offence is and why he/she is being arrested. The arrest should be done in the presence of the juveniles' parents, guardian or relatives. If these persons are not around, they should be notified within the shortest possible time.

The juvenile is then cautioned and his/her statement is taken. Further investigations are made. The juvenile is not supposed to be kept in the police station for more than forty-eight hours and is also to be kept in a special place in the police station away from adult offenders. Within this period, if the court is not sitting and the juvenile may have to be kept for more than forty eight hours, the police officers are to take a remand warrant from any district court and send the juvenile to the remand home.

Following the investigations if the juvenile has to be charged, he is made to write charge statement. The juvenile is charged with the Criminal Offences Act. This is the act that charges them. What is contained in the juvenile justice act is only the procedure for handling them. The juvenile after being charged is then arranged before court. This is the right procedure that the juvenile is to be taken through when he is in conflict with the law.

There are legislations on how each of these steps should be done. These are contained in the Juvenile Justice Act, Act 653 of 2003 and some international legislations. Ghana is a signatory to some international legislation and these informed the formation of the juvenile justice act, Act 653 of Ghana and will be quoted as well. These legislations have been reviewed in this chapter and the anomalies associated with them have also been recorded.

The United Nations Minimum Rules is one of these international legislations that Ghana is a signatory to. They were formulated in such a manner that they are applicable with the different legal systems of all countries that are signatories to it and at the same time provide some minimum standards for handling of juvenile offenders under any definition of a juvenile and under any system of dealing with juvenile offenders. These Rules are always to be applied impartially and without distinction of any kind in all countries that are signatories to it.

Section 3 of the Juvenile Justice Act subsection 1 says “a juvenile has the right to privacy during arrest, the investigation of an offence, at the trial of the offence and at any stage or cause of the matter”. Section 8.1 of the United Nations Minimum Rules for the Administration of Juvenile Justice also states the same that “the juvenile’s right to privacy shall be respected at all stages in order to avoid harm being caused to her or him by undue publicity or by the process of labelling.

After the arrest the juvenile is to be taken to court within forty- eight hours. The juvenile by law is not supposed to stay at the police station for more that forty-eight hours. This is stated in Section 14 of the Act 653 which says a juvenile shall be released on

recognizance within forty-eight hours of the arrest. This means the juvenile is not to be kept at the police station for more than forty-eight hours. He is released to the remand home or any place the Department of social welfare deems fit and safe for the juvenile. This is however not the case in many instances. Some of the juveniles said they were kept at the police station for months without even the knowledge of their relatives. One inmate says: *“The judge said my statement was a lie so the police should take me to the police station till I tell the truth. I stayed at the police station for six months”* (Respondent 12, 17th.June, 2014).

Section 22 of the juvenile justice act, Act 653 of Ghana which states the assistance that must be provided to the juvenile, in subsection (c) states that the juvenile has “the right to legal representation” and also states in subsection (d) that the juvenile has “the right to legal aid”. This is however not the case in Ghana. Where the juvenile’s parents or guardians are not able to pay for the services of a lawyer, the juvenile is tried without legal representation. This was confirmed on the field, as only one out of the ten juveniles that were interviewed said he had legal representation.

In an interview with a director of a juvenile justice NGO that is made up of legal persons who defend these young ones for free, he said government of Ghana had not made any provision for juveniles to benefit from any legal aids in the country. When the juveniles’ parents or guardians cannot afford a lawyer, the juvenile is tried without a lawyer. The researcher witnessed this in the court sessions she was privileged to sit in. This is a human rights abuse and all persons are entitled to legal representation whether they can afford or not as stated in Section 22 subsection (c) of the Juvenile Justice act, Act 653.

Policy actors knowledge and familiarity of the law is very crucial in this regard (See figure 2.1)

Actual Practice

In reality these laws are breached many times especially during arrest. As for the court hearing it is always done in closed session and all the juveniles that were interviewed attested to this. However most of the juveniles said they were handcuffed when they arrested. This is in contrary to what the law says about privacy during arrest. Section 4 of Act 653 is also breached most often as most of the juveniles said they were beaten during arrest. This is contrary to what the law says. Section 4 of the Act 653 says that force may be used but reasonably.

The arrest of a juvenile should be done with a warrant that has been issued by a presiding judicial officer as stated in section 7 of juvenile justice act, Act 653. Unless in instances as stated in section 5 Subsection 2 of the juvenile justice act, Act 653. The act states that the only circumstances where a juvenile may be arrested without a warrant are where “the juvenile:

- Commits an offence in the presence of the officer;
- Obstructs a police officer in the execution of police duties;
- Has escaped or attempts to escape from lawful custody;
- Is in possession of any implement adapted or intended to be used for the unlawful entry of a building without reasonable explanation for the possession”.

Section 8 of the Act also states that the police officer shall caution the juvenile or make the juvenile know the reason for which he is being arrested. Where there is a warrant the officer must show a copy to the juvenile.

Actual Practice

These sections of the act are breached most of the time. The researcher had some interactions with some inmates and they did not qualify for any of the offences stated in section 5 subsection 2 and yet they were arrested without warrants. All the juveniles that were interviewed acknowledged they were arrested without warrants. They also acknowledged they were not cautioned during their arrest. Cautioning is being told the reason for which you are being arrested. One inmate notes: *“I did not know why I was arrested until it was time for them to take my statement at the police station”* (Respondent 9, 17th. June, 2014).

Section 10.1 of the United Nations Minimum Rules for the Administration of Juvenile Justice states that, “Upon the apprehension of a juvenile, her or his parents or guardian shall be immediately notified of such apprehension, and, where such immediate notification is not possible, the parents or guardian shall be notified within the shortest possible time thereafter”. This is also contained in the juvenile justice act of Ghana. It states that at least one parent or guardian should be informed of a juvenile’s arrest. It is only when no parent or guardian is available that a probation officer may be informed.

Actual Practice

In reality this is not the case. Some juveniles are taken to court without the notice of any parent or guardian. It is only when the case is in court that a probation officer stands in for the parents who are not present and it is at that point that the probation officer is informed. The probation officers are supposed to trace the parents or guardians of the juvenile but it is rarely so. Juveniles are also not to be interrogated by the police in relation to an alleged offence without the presence of a parent, guardian or probation officer. This law is also often breached. One inmate notes:

“I lived with my aunt before I was arrested and she was never told I had been arrested. I don’t think she knows. I had a habit of not sleeping at home sometimes and so she may think I left as usual and did not return. No adult was present at the police station when my statement was taken” (Respondent 13, 17th.June, 2014).

Actual Practice

Section 24 of the Guidelines for Action on Children in the Criminal Justice System states that “All persons having contact with, or being responsible for, children in the criminal justice system should receive education and training in human rights, the principles and provisions of the Convention and other United Nations standards and norms in juvenile justice as an integral part of their training programmes. Such persons include police and other law enforcement officials; judges and magistrates, prosecutors, lawyers and administrators; prison officers and other professionals working in institutions where

children are deprived of their liberty; and health personnel, social workers, peacekeepers and other professionals concerned with juvenile justice” This is also stated in section 12 of the United Nations Standard Minimum rules for the Administration of Juvenile justice. It says there should be special police officers that are trained to help prevent juvenile crime.

This is however not the case of the juvenile justice administration in Ghana. There are no special police for juvenile justice. The police who handle juvenile justice cases are the DOVSSU unit. This is however not their field of work and they are not trained in juvenile crime. Ghana is therefore not meeting this requirement by the United Nations.

4.4.2 Critical areas that need attention

The various interviews with the probation officers and legal persons showed that there are some critical areas in the delivery of juvenile justice that need to be looked at. They identified the forty-eight hours detention as one of these areas. One probation officer notes “*most police officers do not know the law*”. They said most police officers did not know the law and that was the reason they kept these young ones for more than forty-eight hours.

One juvenile justice lawyer says “*if the juvenile is arrested at a time that will make him stay in custody for more than forty-eight hours, the police must take a remand warrant from any district court and send the juvenile to the remand home*”. This should be the normal procedure but the police officers did contrary. Another juvenile justice lawyer

says “*When they are arrested earlier than forty eight hours to court sitting, there is bail hearing*”.

The bail hearing is not a full hearing. It is not like the Thursday juvenile court sessions. This session is just to request bail for the juvenile. Police officers that were interviewed however disagreed and said they agree that some police officers do not know the law. However the issue of locking juveniles in the same cell as adults was beyond them. They said most police stations have just two cells, one for males and one for females. There was however no place to keep these juveniles but in the same cell. There is therefore the need for the government to create more cells in the police stations so juveniles can be kept in special cells and not mixed with adult offenders.

Another area the respondents identified as needing attention is taking the charge statement. “*The charge statement caution must only be taken in the presence of a probation officer, parents or relation*” (Respondent 4, 10th. June, 2014). This is also stated in section 13 subsection 1 of the juvenile justice act, act 653. It states “a juvenile shall not be questioned or interviewed by the police in relation to any alleged offence unless a parent, guardian, lawyer or close relative of the juvenile is present at the interview. Subsection 3 of section 13 however says where the police consider the presence of a juvenile’s parent, lawyer or relation to not be in the best interest of the juvenile, a probation officer should be present. This is however also not the case. The police do take statements without the presence of any of these persons. Probation officers, lawyers and the inmates said this was not the case. The probation officers and lawyers said this was because the police did not know the law.

Another critical area that was identified from the interviews was the fact that these young offenders are still children but are treated as adults when they come in conflict with the law. One juvenile justice lawyer says *“Yes, they have erred, but they must be considered as children who need to be reformed. Institutions must be flexible to help reform them. Prisons are choked. If they get proper supervision they will reform and not end up as adult prisoners”*. The interviews showed that the treatment given to juveniles who are in conflict with the law is sometimes different from what the law says especially during arrest. This needs to be looked at by policy actors. This was however seen to be beyond them sometimes. One lawyer notes; *“The problem is with the police. Sometimes when they arrest them they treat them like adults”* (Respondent 4, 10th. June, 2014). Another lawyer notes;

“The law says they should not be handcuffed but sometimes when you do not handcuff them they will run away. They are not supposed to lock them in cells but sometimes they arrest them at a time that the court is not sitting and there is no district court to issue a warrant. The police automatically send the juvenile to the adult cell” (Respondent 5, 15th. June, 2014).

4.4.3 Process of trial

The only juvenile justice court in Accra is found at the Ministries. The staff explicitly noted that there were courts in all the districts but now it has been centralized and all cases go to the juvenile justice court situated at the Ministries in Accra. There were courts at La, Osu, Jamestown and many other places but now all cases come to juvenile court at the ministries. Justice is served better in the communities. An interviewee notes;

“Formerly the courts were situated in all districts but now it has been centralized just here. It was in the community because of proximity of the homes. There were courts at La, Osu, Jamestown, but now all the cases come here. They thought when maybe people offend; they should go to where it was easier to transport them” (Respondent 6, 12th June, 2014).

The act does not make provision for community service. They made mention that because all cases come to the juvenile justice court that is at Ministries, it slows down proceedings. It can take as long as six months to a year or over to finish one case. This is mostly as a result of the absence of someone. It also slows justice as in most cases the complainants get fed up and stop coming to court.

Section 16 of the juvenile justice act, Act 653 says the juvenile court shall sit in chambers or closed session and should be held on days different from that of the other courts. Interviews with respondents indicate that this law is one of the laws that are held highly in the juvenile justice process.

The court sits in close session every Thursday. The court sits in a room that has all its doors shut. The interviews showed that the court hears between fifty (50) and sixty (60) cases in a month. Interviews also showed that most cases are not reported. This was attributed to the communal way of living in African societies. Most people would rather settle the matter out of court. The probation officers and legal persons made it known that defilement cases are mostly a lot and are the most reported. It is a first degree felony and should not be settled at home. One interviewee notes; *“Most people who report these cases however prefer out court settlement”* (Respondent 2, 2nd June, 2014).

The officers noted that the cases that are not withdrawn mostly involve juveniles that are from the hinterlands. Stealing is next on the list and then assault follows. There are other offences but these are the commonest. They also noted that some of the cases had twists to it and these were mostly the ones with influential people's children. They made known some cases that no one could tell what happened because the young people involved were children of those they referred to as "influential" people. An interviewee notes; *"Even when their wards offend they have a way of twisting the system"* (Respondent 6, 12th.June, 2014)

4.4.4 The court

Only persons that are directly involved with the case are allowed to witness the session. During each of the sessions, a probation officer, a judge, a lawyer and the police officer that is prosecuting were the only ones allowed in the session. From the researcher's sessions at the court, the researcher observed that the juveniles come in with their parents or guardians. Where the parents are not present, a probation officer takes their place. Juveniles are not granted bail in instances where none of their parents or guardians or close relations is present. They are sent to the remand home for the period of their trial because of the absence of the parents or guardians. Juveniles are brought to court throughout the trial. Where the juvenile is found guilty he or she is put on probation or put in detention. Probation is for minor offences. Juvenile justice lawyer says;

"Probation is used for offences apart from rape, murder, narcotics and other serious offences. However when parents of the juvenile are not found or parents do not show support the juvenile goes into detention".

The researcher however found that some of the juveniles were involved in offences that had been described as minor but had been placed in detention. This was confirmed as the researcher came across inmates whose offence was stealing. These inmates were not armed at the time the stealing took place otherwise the offence would have been robbery. This makes it a minor offence but they were placed in detention because their families could not be traced. This means most of the children were on the streets or lived on their own. This confirms a study done by Freeman (2004) that street children tend to become juvenile offenders. This is as a result of their immediate environment which makes them witnesses to violence or even in some cases victims themselves.

Probation officers made it known that some of the families could be traced but the parents or guardians could just not be bothered and so they never showed up in court. These young ones who have committed minor offences therefore have to be institutionalized as there is no place to keep them for probation. One probation officer says

“Most of these young ones have offended more than once and their parents are fed up. They never show up in court when they are invited. Some of these parents even report their own wards” (Respondent 2, 2nd June, 2014).

The interviews also revealed that some of the cases were not exactly as they had been reported and sometimes. There is the need for the policy community to have knowledge of all such issues and factor them in the policies they work with (See Figure 2.1). They can investigate and know what the issues really are before proceeding on the juvenile justice delivery process. This was confirmed by one probation officer who says;

“There are some cases, even though they are first degree felonies, when you go into them you notice they are not what they appear to be. We are handling a defilement case where the boy is seventeen and the girl is sixteen. You can see that it is a clear case of boyfriend, girlfriend. The father of the girl was the one who reported the case. This is a first degree felony but you cannot send that child to an institution. Would you also send the girl? They have been sleeping together every day. It is the girl who even went to the boy’s house. So if you really send that child... because of that we will put that boy on probation just to be fair”
(Respondent 2, 2nd. June, 2014)

4.5 Ways in which juvenile justice can meet the developmental needs of juveniles

Data gathered on the field shows that currently the juvenile justice system in Ghana is not meeting the welfare needs of the juveniles. In order to have the system to work effectively the institutions have to be funded. The outcome of reformation cannot be reached if the institutions lack resources (See Figure 2.1). This is as a result of so many things that are not being done right. The juveniles are just placed in the institutions and it ends there. There is not enough funding. A legal person described the locking up of juveniles in institutions as colonial. An interviewee says *“We must move away from the colonial system of locking them up. We must look at solutions that will help make these young ones better”* (Respondent 1, 26th. May, 2014). The interviews revealed what was being done wrongly and some of the ways the juvenile justice policy responses can be made to meet the developmental needs of the juveniles.

4.5.1 Reformation

The juvenile justice system emphasizes on reformation of these young ones or juvenile offenders. In doing this the system gets these young ones to recognize that their actions have repercussions and that they should take responsibility for their mistakes. As part of this reformation principle of the juvenile justice system, the juveniles are constantly being reminded that they have made mistakes and that the system seeks to correct them for those mistakes and not necessarily punish them which are seen as a good way for preventing the youth from repeating their offenses. This was confirmed as one inmate notes *“I believe I was treated fairly because what I did was wrong and I got what I deserved”*.

4.5.2 Funding

In this area, staff of various juvenile justice institutions who were interviewed noted that welfare needs of juveniles can only be met when funds are released. Provision of beddings, proper sanitation, training of staff, feeding of juveniles, providing them with tools and equipment for training, lawyers being made available to defend them in court, upgrading of correctional facilities to modern facilities and many other things to make the system better are all dependent on the availability of funds. They said it appeared governments in Ghana never remember there is a juvenile justice administration. One of the respondents' states;

“Politicians do not pay attention to juvenile justice administration. Government does not release funds, only UNICEF releases funds. The department of Social Welfare itself does not receive funds on time, how then are they going to fund the juvenile justice administration” (Respondent 2, 2nd June, 2014).

The unavailability of funds also makes it impossible for the probation officers to be able to follow up on cases. A probation officer notes; *“When you place a child on probation you have to follow up”*. In some cases probation officers made it known that they have to travel all over the country, sometimes to trace the parents or relatives of the juveniles. They however do not receive any remuneration to do this. They often have to use their own funds and as a result after the child has been placed in detention they are mostly unable to check up on these children or even trace their relatives and inform them. One interviewee notes;

“As for the causes of the problems I will say it is the government. Ghanaian workers are willing to work. But there are no tools for us to work with. I always use myself as an example. When you come here, the computer that we are using to work, we solicited funds to buy it ourselves. The report that we send to court is supposed to be typed. There is not even paper to write this report on. Nothing is provided. Nothing...” (Respondent 2, 2nd.June, 2014).

4.5.3 Reducing recidivism

The two probation officers and the magistrate made it known that there is the need to have a child psychologist attached to the various juvenile justice institutions to help

reduce recidivism. They also said getting help from Ghana Education Service, Ministry Of Health, and Non-Governmental Organisations will go a long way to help the administration of juvenile justice in Ghana. These institutions therefore have to collaborate with the juvenile justice institutions. For example the Ministry of Education will help place juveniles who have been detained in school so they will not have to drop out of school as a result of detention.

4.5.4 Inclusion of juveniles' parents

The interviews also revealed that most parents did not care about the juveniles because they could not control them and some parents refused to accept the juveniles back at home after they served their sentence. This is not helping in the juvenile's development. They grow up with the mind-set that they are not wanted. As identified in Figure 2.1, no matter how good the policies and the justice delivery system is, implementation will still fail if external factors such as parental guidance and cultures including society is not checked by policy.

These young ones may come out of detention better than they were previously. Some truly may change but because of the label society places on them they may never be given the chance to prove that they have changed. These labels that society places on juveniles are some of the external factors that affect the juvenile justice delivery system as identified (See Figure 2.1). This is the case of juveniles in detention and in some instances their own families are the ones that place the label on them. This was confirmed by an interviewee who says; *“The person may be reformed but people see him as a*

different person altogether. People do not even know they have changed” (Respondent 8, 17th. June, 2014).

When asked how this can be addressed the respondents said the system should extend to parents. Having a child psychologist attached to the court and the various juvenile justice institutions is a good step. They said this will help work with the whole of the juvenile’s family. The parents will be taken through counselling just like the juveniles. This will help reduce cases of juveniles not being wanted at home. They will also be willing to have the children at home once they have been taken through the system and they understand that way the young ones will be kept home and people will not know in order to stigmatize them. An interviewee says; *“So that is why we use probation so that people do not even know he has been in conflict with the law”* (Respondent 6, 12th June, 2014).

4.5.5 Community service

In the mid-1990s, significant research demonstrated that community-based programs (e.g., intensive supervision, group homes, day reporting centres, probation) were more effective than traditional correctional programs (e.g., training schools) in reducing recidivism and improving community adjustment (Howell, 1995). Even studies with less favourable results showed that community-based programs produced outcomes similar to those of traditional training schools but at significantly reduced costs (Howell, 1995). Community and family-based interventions have been proven to be very effective (Holman & Ziendenberg, 2006).

Interviews also showed the absence of community service in the act. A respondent notes *“The act does not make provision for community service. Meanwhile it is one of the best ways to correct a juvenile offender”* (Respondent 2, 2nd June, 2014). Considering that funds are not released for the Administration of Juvenile Justice in Ghana, community service truly will be one of the best methods that should be used. The probation officers said the young offenders will not want to be seen working in the community and so they will desist from acts that will take them into such states.

They also said it is helpful because the young ones will serve in the very communities that they committed the offence in. The community gets to benefit and this is better than keeping them in institutions where their food, clothing, beddings and other needs will even be a problem for government to fund. With the community service they stay in their various homes, do not have to drop out of school and still get to be corrected for their offence. The probation officers see this method as better alternative to detention considering there is no release of funds for the administration and the resources needed for the juvenile justice institutions are not met. An interviewee notes;

“They are children and we want them to be reformed. Our institutions should be so flexible that they can get reformed. Because if you put a child on probation and you do not provide him with the things he needs, that child will not be reformed. You must provide them with food, beddings etc. we should be able to give those who come here the proper care to be able to reform” (Respondent 4, 10th. June, 2014).

Another interviewee notes; *“The institutions must be attended to. They have so many needs that have to be provided”* (Respondent 8, 17th. June, 2014). This confirms that when the institutions are not provided with adequate resources they cannot achieve the outcome of reformation that the institution seeks to achieve (Refer to Figure 2.1).

4.5.6 The correctional centre

The researcher collected some data at the correction centre by having informal sessions with the juveniles. This was to help verify what the officials had said. The correctional centres are making strides in rehabilitating juvenile offenders. They however do not have the necessary tools and equipment to train these young ones and meet their goal of rehabilitating, reformation and reintegrating. One interviewee notes; *“The places they stay are not the best. When you go to Swedru, the place they stay is not the best”* (Respondent 2, 2nd June, 2014)

One of the services that they provide is giving these young offenders education. Some of the juveniles were schooling before they were arrested. The centre gives these young ones both formal and informal education. The formal education delivered there includes teaching those subjects according to the Ghanaian Basic School Syllabus preparing those who are ready to take the Basic Education Certificate Examination (BECE) hence some common subjects that are taught there are Mathematics, English, Science and other important subjects pertaining to the syllabus. With the informal education, these young offenders are trained to acquire skills in carpentry, shoemaking and the like. This however is a justification that by the time these people would come out of the centre they

would have acquired some level of skills and would not be liabilities to the society and this could also reduce the likelihood to recidivate. However it is mostly not the case. These young ones after they have learned these trades do not have anyone that will set them up to start something on their own. They therefore engage in all sorts of acts to be able to survive and in the process they come in conflict with the law all over again.

The officers said counselling sessions are provided for these young ones. Counselling these young people goes a long way to reduce recidivism so that they do not go back to the society and commit more serious offences than their previous ones. It also helps in their psychological development as they will relearn. It is a very important part of the reformation process. When the inmates were however asked if they go for counselling, only one out of the ten admitted he does. There are also no projects and activities being done with other institutions or NGOs at the centre.

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.0 Introduction

This chapter will draw a summary of the study including its findings, make a conclusion on findings as well as give recommendations that will help review policy responses to juvenile delinquency.

5.1 Summary of Findings of the Study

Offences or serious crimes that include social vices may be committed by anyone being it an adult or a child. It could also be done by accident or intentional to fulfil selfish interests. A child has been identified according to the Children's Act of Ghana as one who falls below the age of 18 years and when people of this age group commit crimes or violate the laws of the land they are termed as juvenile delinquents. Section 46 Sub-section 8 of the Juvenile Justice Act (2003) of Ghana outlines offences which are termed as "serious offences". These include murder, rape, defilement, and indecent assault involving unlawful harm, robbery with aggravated circumstance, drug offences and offences related to firearms. These acts are certainly not acceptable in the society and people who are apprehended for engaging in such acts are often sent to the prison for hard labour; some of the aims of this include that the offenders would learn their lessons and also that it would serve as a deterrent for others to avoid practicing these acts.

The objectives of the study were to trace the historical antecedence of juvenile justice in Ghana, identify the gaps in the delivery of juvenile justice responses and to assess whether the current juvenile justice system meets the developmental needs of these young ones. This was to help make recommendations to help in areas where there are gaps for policy amendments and change where necessary and also to add to existing knowledge.

The study was purely qualitative and the researcher with the help of an interview guide that was made, conducted interviews to seek information from a selected sample that consisted of probation officers, police officers, legal persons and inmates of the senior correctional centre that is located at Mamobi in Accra. The overall sample size was eighteen (18).

After the collection of data, the researcher, transcribed, edited, coded and subjected the data into content analysis. The data was then presented using a written analysis of data that was gathered. The findings of the study can be seen in three broad sections. These sections are in line with the objectives of the study. The three headings under which the findings were presented are: the history of juvenile justice in Ghana, the gaps in the delivery of juvenile justice in Ghana and the ways in which juvenile justice can meet the developmental needs of juveniles. The causes of delinquency were also captured to help the researcher make recommendations that can address the juvenile justice issues at the root cause.

Historical Antecedence of Juvenile Justice in Ghana

The study traced the historical antecedence of juvenile justice in Ghana and this showed no major change in juvenile justice in Ghana. It was also realized that the country has no

juvenile justice policy and this calls for policy attention. There are sections of the juvenile justice Act which need clarification and the study helps make these clarifications. The research also revealed that the absence of a juvenile justice policy can be traced to the fact that there is not a single ministry managing the juvenile justice administration.

Causes of Juvenile Delinquency

The study identified the causes of delinquent behaviours. This was seen to be attributable to the media especially television that is seen to be exposing young people to some programs that are considered immoral. Another was seen to be parents who had no time for their children. This was also seen to be as a result of the current economic crisis. Because of this same economic crisis, young children whose needs are not being met from the hinterlands have migrated to Accra in search of greener pastures and these young ones get stranded and involved in all forms of juvenile delinquent acts.

Gaps in the Delivery of Juvenile Justice in Ghana

The gaps in the delivery of juvenile justice, was the second broad heading that was discussed. The study traced the various stages involved in the juvenile justice system. The study then identified where there are gaps, both in legislation and in practice. Anomalies associated with the system were also identified and discussed, pointing them out. Under the gaps some critical areas that need attention but are not receiving it in the maximum were also identified.

The stages involved in the juvenile justice process were seen as having gaps in policy and practice as well. The study revealed that the gaps in practice were not because persons in the juvenile justice administration were not doing their work well. Parents of juveniles were also seen as contributors to these gaps in practice. Parents are not cooperating with the juvenile justice personnel. Parental guidance was identified as external factors that affect the outcome of policy if not looked at properly (See Figure 2.1). The policy may be very good but will not yield good results if the external factors are not looked at. This made the work of the personnel especially probation officers very difficult.

Welfare Needs of Juvenile Offenders

On the welfare needs of the juvenile which was also another heading, the research revealed that the personnel are doing their best but they lacked the necessary tools and equipment for work. The juvenile justice administration was also starving from funding. All these make it difficult to meet the developmental needs of the juveniles and need very serious policy attention.

5.2 Conclusion of the Study

Since the creation of the juvenile justice system implies that children are not adults the study concludes that this may be the reason why they (children) are treated differently when found to be in conflict with the law. The creation of the system also shows that children still have rights and these rights must be protected even when they are in conflict with the law.

The system also seeks to correct and reform the child. This is a priority and this means the system believes in reformation. The system agrees that these young ones are not through with the learning process and will make mistakes. They can still be modelled to become responsible future leaders. However, correctional measures appropriate for the response are inadequate. Again, the study concludes that available resources necessary to meet developmental needs of the children have not been adequate. When their needs are met psychologically, physically and emotionally then they will conform to the reformation process and allow themselves to be remodelled.

There is therefore the need to have a juvenile justice system that is very effective and will help address juvenile delinquency and even the root causes of the delinquent acts. The system will also help deter young ones from offending and help even the few who come in conflict with the law behave well than they did before they even offended.

In conclusion, the research has been able to address the main objectives of the study and have shown the causes of juvenile delinquency and also some challenges of the juvenile justice administration that has resulted in the gaps in the delivery of juvenile justice policy responses. However some recommendations have also been outlined and when implemented with strict adherence and promptness could help decrease the situation and even solve the issue from the grass root.

The correctional centres should also be given the necessary tools and equipment to help train the juveniles so their goal of reformation can be achieved. In addition to these, public education sessions must be organized for both parents and the general society to be able to help socialize children into adapting good behaviours. This education could be in

the form of the mass media, seminars and symposia and then more importantly all institutions and stakeholders involved should actively participate to help this course.

5.3 Recommendations of Study

Gaps in the delivery of juvenile justice

In order to meet the gaps in the delivery of juvenile justice the following recommendations are made:

Creation of a juvenile justice policy: The juvenile justice act is not enough. There is the need for a government policy on juvenile justice to make some clarification on the procedures in the act. This should be done by the Ministry of Gender, Children and Social Protection and the Department of Social Welfare.

Policies for Law Enforcement: First of all the laws enshrined in the Juvenile Justice Act (2003) of Ghana must be given due prominence and strictly adhered to. As seen from the research study it can be noticed that some of the rules enshrined in the Act had been violated in one way or another. One of which is the section that grants the juvenile the right to be treated fairly without being subjected to harsh physical contact. On the contrary we find some of the young offenders reporting how they were treated by the police officials who handled them. One other rule in the Act which states that the child shall be granted the right to a lawyer and even to his parent or guardian had not been fully fulfilled in some way. Hence rules and regulations documented in the Juvenile Justice Act and even all other state constitutional acts should be strongly enforced to meet the challenges of the stakeholders involved in the issue.

Establishment of courts in all districts: Establishing courts in all districts is necessary. The court sits once in a week and this delay trial. Cases are always adjourned and it takes too long for a trial to be over. When there are juvenile courts in all the districts it will help reduce the load on the central court and help try cases faster.

Recognition of the role of Probation officers: Probation officers are professionals who are equipped with the necessary skills to help individuals, groups and communities to improve upon their capacity of social functioning. They are given professional training on how to handle and counsel people in such conditions in which these young offenders are. Probation officers would be able to handle clients from a social and psychological perspective and thus could be active participants in the counselling process at the correctional centre. Through their knowledge and experience, they could be able to teach these young people to pick up good values to ensure that they are not prone to recidivism.

In spite of these professional attributes that a probation officer possesses, the probation officer however is not given due recognition; this is because they receive meagre remuneration and this does not attract other social workers to take up roles in these sectors. The government has to provide probation officers with the necessary tools and equipment for work such as computers etc. Government must also provide them with funds for work. This will help make the work of probation officers effective as they are very important persons in the reformation process. They sometimes even step in for parents.

Welfare needs of juvenile offenders

In order to meet the welfare needs of juvenile offenders the following recommendations are made:

Funding: Funding is a major problem of the juvenile justice administration. Government must fund the juvenile justice administration and not rely solely on UNICEF and other international institutions. The Department of Social Welfare does not receive funds on time and this is starving the juvenile justice administration of funds. Probation officers travel all over the country to do background checks on juveniles and also provide social enquiry reports for the court to be able to do its work effectively.

Public Education for parents: The convention on the rights of a child states that “Raising a child is primarily the responsibility of parents”. Parents therefore must be involved in the whole juvenile justice delivery process. Parents are the first socializing agents that the children encounter and these parents can really help in a long way to reduce the rise of juvenile offenders in the country from the grass root. They need to be encouraged to instil in their wards good and acceptable behaviours so that they do not become culprits of any offences. As this is an issue that involves children institutions such as the Department of Social Welfare can help create awareness to parents and also even if their children find themselves in such a situation parents should try as much as possible to be with the child through thick and thin and should be ready to accept them when they are released from the correctional centre.

This point is strongly made based on the fact that some of the respondents who the researcher studied came out with reasons such as their parents might not accept them when they are released and this was confirmed by probation officers that some parents actually did not want their wards back home. Parents would have to be educated to keep an eye on their children who are released to avoid recidivism. For example a child who comes from a broken home and has committed an offence will be released after his term and go back to that same home. There is the need to identify what led to the broken home and what led to the delinquent behaviour so that those issues can be addressed to help reduce recidivism.

Public Education for the Society: Members of the society are also active agents of socialization and hence are responsible to caution the child when he or she goes wrong in the society. During the study some of the respondents who said that they were afraid to go back home attributed it to the kind of labels that they would be given if they go back to their communities. The society would have a role to play during the period of reintegrating the child back to his community and they must be educated to avoid all forms of stigmatization and should be ready to accept the juvenile without any form of bad labelling.

More research in the area of juvenile justice: There is the need for more research in the area of juvenile justice in Ghana. This study was only conducted in Accra. The findings may not be the same for the entire country but it however brings to light the shortfalls in the system and also points out some areas where there are gaps in the delivery. There is

the need to do much research in this area to be able to have an effective juvenile justice system that will help meet the developmental needs of young ones that are in conflict with the law.

To sum up this section, the above recommendations have tackled the objectives of this study which seeks to come out with policy responses that will address the developmental needs of young offenders before, during and after their stay at the correctional centre and help address the gaps in the system.

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APPENDIX A

UNIVERSITY OF GHANA

CENTRE FOR SOCIAL POLICY STUDIES

INTERVIEW GUIDE

My name is Beatrice Adumea Kumi, a student of the University of Ghana, Centre for Social Policy Studies. I am writing a dissertation on a Critical Review of Policy Responses to Juvenile Delinquency in Ghana. This is in partial fulfilment of the requirements for the award of a Master of Arts Degree in Social Policy Studies and also to contribute to policy and provide ways in which juvenile justice can meet the developmental needs of juvenile offenders. I will be most grateful if you would spend a few minutes of your schedules to grant me an interview. Please note that all information provided in this interview will be held confidential.

SECTION A: PERSONAL INFORMATION

1. What is your name?
2. What organization do you work for?
3. What is your position in the organization?
4. How many years have you worked with this organization?

SECTION B: GAPS IN DELIVERING JUVENILE JUSTICE IN GHANA

1. Who is considered a juvenile delinquent?
2. What is the present state of juvenile delinquency in Ghana?
3. What has been the trend in the number of juvenile delinquency cases in Ghana?

4. Do you know of any possible reasons for this trend?
5. What is the present state of juvenile justice delivery in Ghana?
6. What are the stages in juvenile justice delivery in Ghana?
7. Briefly describe what each stage entails
8. Are there any institutions associated with each of the stages? Kindly name them and the role they play
9. What are the problems associated with each of the stages?
10. What are the causes of these problems or challenges? How can these problems or challenges be addressed?
11. What are the critical areas to consider when dealing with juvenile delinquents?
12. What is the process for the trial of juveniles?
13. What happens after the trial? Is detention the only reform method that is used?
14. Apart from the juvenile justice act, Act 653, which other legislation is used in the trial?
15. How many times does the court sit in a week?
16. What happens to juveniles who are arrested on days earlier than the court sitting?

SECTION C: WAYS IN WHICH JUVENILE JUSTICE CAN MEET NEEDS OF JUVENILE OFFENDERS

1. How does the present juvenile justice system address the welfare of juvenile delinquents?

2. How can the challenges associated with juvenile justice system be addressed to enhance the welfare of juvenile delinquent?
3. Are there any present activities or projects that seek to address juvenile delinquency in Ghana?
4. If yes, what are some of these projects?
5. If no, can you tell me why?
6. What are the sources of funding for these projects and activities?
7. Do you collaborate with other institutions for these projects and activities?
8. Are there any other institutions you would regard as potential to help address juvenile delinquency or improve the welfare of juvenile delinquents?
9. What are the challenges you face in performing your legal duties?
10. Please describe how these challenges you face affect your duties
11. Do you believe these challenges can be addressed and how?
12. Are there counsellors for these young ones? Are they taken through social rehabilitation?
13. Do most of them get visitors while in detention?

SECTION D: HISTORICAL ANTECEDENCE OF CURRENT JUVENILE JUSTICE IN GHANA

1. Can you give me a brief history of juvenile justice in Ghana? – Pre-independence era, post independent era before 1992, post 1992 fourth republican era.
2. When was the senior correctional centre/ remand home established?

3. What was the initial goal or vision for the establishment of the facility?
4. What were the initial objectives for the establishment of this institution?
5. What are the legal provisions backing the establishment of the institution?
6. Have there been significant changes in the vision and objectives since the inception of this institution?
7. If yes, briefly describe these changes and the corresponding time frame
8. What are the reasons for each of these changes?

APPENDIX B

UNIVERSITY OF GHANA

CENTRE FOR SOCIAL POLICY STUDIES

INTERVIEW GUIDE FOR INMATES

My name is Beatrice Adumea Kumi, a student of the University of Ghana, Centre for Social Policy Studies. I am writing a dissertation on a Critical Review of Policy Responses to Juvenile Delinquency in Ghana. This is in partial fulfilment of the requirements for the award of a Master of Arts Degree in Social Policy Studies and also to contribute to policy and provide ways in which juvenile justice can meet the developmental needs of juvenile offenders. I will be most grateful if you would spend a few minutes of your schedules to grant me an interview. Please note that all information provided in this interview will be held confidential.

SECTION A: PERSONAL INFORMATION

1. What is your name?
2. How old are you?
3. How old were you when you were arrested?

SECTION B: GAPS DELIVERING JUVENILE JUSTICE IN GHANA

1. What was your offence?
2. What were the stages you were taken through when you were arrested?
3. How long were you remanded before taken to court?
4. How many times were you taken to court?
5. Do you believe you were treated fairly? And why?

SECTION C: WAYS IN WHICH JUVENILE JUSTICE CAN MEET NEEDS OF
JUVENILE OFFENDERS

1. What activities do you engage in here?
2. Are the activities done by only the centre or in collaboration with other institutions? E.g. NGOs
3. Do you have any challenges while serving your term?
4. Do you go for counselling? And how many times in a week.
5. Do you get visitors?

APENDIX C

CODING FRAME (With reference to cited quotations)

Organizing Theme	Codes/Basic themes	Description and definition of code	Quote(s)
Causes of delinquency	Media exposure	Refers to television and print which exposes children to immoral acts	<i>“Children are exposed to so many immoral things, on the TV. The media is really not helping at all”</i> (Respondent 2, 2 nd . June, 2014)
	Greener pastures	It is when children travel from the hinterlands to big cities to work so they can meet their needs	<i>“Most of these young ones also come in search of greener pastures in Accra. They get stranded and get involved in some sort of crime and then they are brought here”</i> (Respondent 3, 12 th June, 2014)
	Parental neglect	This refers to parents not having and spending time with their children and also not providing the needs of their wards	<i>“I know some parents who see their children only in the evenings. They have already left for work by the time their children wake. The traffic situation these days is also not helping so I do not blame the parents too much. They have to go or they lose their jobs. Some even see their children only on weekends. They provide them with everything they need but that is not enough. Children need to be directed.”</i> (Respondent 2, 2 nd . June, 2014).
	Economic situation	This refers to the state of the economy which makes it impossible for parents to provide the needs of their wards	<i>“Because of the economic situation most parents want to work. They are following money so much that... They do not have time for their children”</i>

	Communication	Where there is lack of communication between parents and their wards	<i>“Parents don’t talk with their children anymore, I will be watching TV with my children and as soon as their father comes home they all leave to their rooms” Respondent 2, 2nd. June, 2014</i>
	Conflict at home	Disagreement between parents and their wards	<i>“Voluntarily some will come and report their own children and tell you to take them wherever you want because they are fed up” (Respondent 4, 10th.June, 2014).</i>
Gaps	Juvenile justice policy	The absence of juvenile justice policies	<i>“There is no juvenile justice policy. This, I would say is because of the institutions involved in the juvenile justice delivery” (Respondent 4, 10th.June, 2014).</i>
	Lapse	The fall in standards during delivery of the juvenile justice responses	<i>“The law says they should not be handcuffed but sometimes when you do not handcuff them they will run away. They are not supposed to lock them in cells but sometimes they arrest them at a time that the court is not sitting and there is no district court to issue a warrant. The police automatically send the juvenile to the adult cell” Respondent 5, 15th. June, 2014</i> <i>“The judge said my statement was a lie so the police should take me to the police station till I tell the truth. I stayed at the police station for six months” (Respondent 12, 17th.June, 2014).</i> <i>“I did not know why I was arrested until it was time for them to take my statement at the police station” (Respondent 9,17th. June, 2014).</i>

Gaps			<i>“I lived with my aunt before I was arrested and she was never told I had been arrested. I don’t think she knows. I had a habit of not sleeping at home sometimes and so she may think I left as usual and did not return. No adult was present at the police station when my statement was taken” (Respondent 13, 17th.June, 2014).</i>
	Funding	The lack of funding by government in the juvenile justice administration	<i>“Politicians do not pay attention to juvenile justice administration. Government does not release funds, only UNICEF releases funds. The department of Social Welfare itself does not receive funds on time, how then are they going to fund the juvenile justice administration” (Respondent 2, 2nd June, 2014).</i>
	Manipulation of the law	When the law is bent to favour some persons	<i>“Even when their wards offend they have a way of twisting the system” (Respondent 6, 12th.June, 2014)</i>
	Political will	The lack of political will	<i>“As for the causes of the problems I will say it is the government. Ghanaian workers are willing to work. But there are no tools for us to work with. I always use myself as an example. When you come here, the computer that we are using to work, we solicited funds to buy it ourselves. The report that we send to court is supposed to be typed. There is not even paper to write this report on. Nothing is provided. Nothing...” (Respondent 2, 2nd.June, 2014).</i>

Gaps	Lack of knowledge	The lack of knowledge by some personnel of the juvenile justice administration especially police officers	<i>“The problem is with the police. Sometimes when they arrest them they treat them like adults” (Respondent 4, 10th. June, 2014)</i>
	Clarity of offence	The need to be sure what the actual offence is so the child can receive appropriate sanctions	<i>“There are some cases, even though they are first degree felonies, when you go into them you notice they are not what they appear to be. We are handling a defilement case where the boy is seventeen and the girl is sixteen. You can see that it is a clear case of boyfriend, girlfriend. The father of the girl was the one who reported the case. This is a first degree felony but you cannot send that child to an institution. Would you also send the girl? They have been sleeping together every day. It is the girl who even went to the boy’s house. So if you really send that child... because of that we will put that boy on probation just to be fair “(Respondent 2, 2nd. June, 2014)</i>
	Reformation	Helping juveniles change from committing delinquent acts	<i>“We must move away from the colonial system of locking them up. We must look at solutions that will help make these young ones better” (Respondent 1, 26th. May, 2014).</i> <i>“They are children and we want them to be reformed. Our institutions should be so flexible that they can get reformed. Because if you put a child on probation and you do not provide him with the things he needs, that child will not be reformed. You must provide them with food, beddings etc. we should be able to give those</i>

Meeting welfare needs			<i>who come here the proper care to be able to reform” (Respondent 4, 10th. June, 2014).</i>
	Stigmatization	Where people still see a person as a delinquent even after he has been brought to justice	<i>“The person may be reformed but people see him as a different person altogether. People do not even know they have changed” (Respondent 8, 17th. June, 2014).</i>
Meeting welfare needs	Proximity	Closeness of the juvenile courts to the communities where the offences are committed	<i>“Formerly the courts were situated in all districts but now it has been centralized just here. It was in the community because of proximity of the homes. There were courts at La, Osu, Jamestown, but now all the cases come here. They thought when maybe people offend; they should go to where it was easier to transport them” (Respondent 6, 12th.June, 2014).</i>
	Reason-probation	The reason why juveniles are put on probation	<i>“So that is why we use probation so that people do not even know he has been in conflict with the law” (Respondent 6, 12th June, 2014).</i>
	Correctional facility	The facilities where young persons in conflict with the law are kept	<i>“The places they stay are not the best. When you go to Swedru, the place they stay is not the best” (Respondent 2, 2nd June, 2014)</i>
	Follow up	When the researcher follows up on cases throughout the delivery of juvenile justice	<i>“When you place a child on probation you have to follow up”</i>
	Needs met	The needs of the juveniles who are in conflict with the law especially those that are detained	<i>“The institutions must be attended to. They have so many needs that have to be provided” (Respondent 8, 17th. June, 2014)</i>