



Ghana's Juvenile Justice System

How Correctional Centres Impact Child Development

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List of Acronyms

ACRWC	The African Charter on Rights and Welfare of the Child
CICL	Children in conflict with the law
CRBA	Child Right-Based Approach
CRC	Convention on the rights of the child
GOG	Government of Ghana
JJA	Juvenile Justice Act
JCC	Junior Correctional Centre
JGCC	Junior Girls Correctional Centre
SCC	Senior Correctional Centre

Abstract

Ghana ratified the CRC and other international standards and instruments as part of its commitment to protect and promote the rights of children including CICLs. The CRC and other international treaties offer guidelines on child rights to guarantee the distinct treatment of CICLs to accomplish reformation, reintegration, and development. These standards provide a robust theoretical foundation for rationalizing concerns involving children by recognizing children as right-holders while outlining specific norms and widely accepted rules. In accordance with the CRC, ACRWC, Ghana's JJA, and the Children's Acts 1998, the child justice system should ensure corrections that promote the physical and mental well-being of the child and not interfere with their education and skill acquisition. Contrary to this, several research has disclosed how Ghana's correctional centers do not conform to international and national legislations and standards that seek the reformation and development of incarcerated CICLs. Using a qualitative methodology, the study sought to highlight the gaps in the operations of the correctional centers which are detrimental to the behavioral, social, physical, and mental development of detained CICLs. Through a child rights-based approach, the study analyzed findings from secondary sources using child development theories and legal frameworks and standards in relation to its question on how Ghana's child justice system's correctional centers are harmful to the development of incarcerated CICLs. Overall, the study found that Ghana's child justice system falls short in conforming to these legislations and standards, and the ultimate way to ensure the wholesome development of detained CICLs in correctional centers was to operate through a child rights-based approach.

Relevance to Development Studies

This research's unique contribution is to imagine a future where the child justice system in Ghana specifically adopts a more child rights-based approach (CRBA). Since the formal justice systems are widely considered to be detrimental to children's development, children are made susceptible when they come into contact with the law. These CICL are usually in their pivotal developmental stage and may therefore require a system that provides protection and promotes their physical, social, behavioral, and mental development while in correctional centers. The CRC defines CICL as custodians of rights that are crucial to freedom, justice, and tranquillity in all nations. As such, child justice is currently recognized as being fundamental to any nation's development. Through a CRBA, this research paper sought to identify the gaps in the operations of correctional centers in Ghana and how harmful it is to the wholesome development of CICL thereby informing future interventions. Finally, the research contributes to the field of development because it could be used as an advocacy tool to push for better initiatives within correctional centers and serve as a basis for future research on the child justice system by emphasizing the necessity for a child rights-based approach to development in Ghana

Keywords

Juvenile Justice, Child Right-Based Approach, Children in conflict with the law (CICL), Convention on the rights of the child (CRC), Correctional Centres, Child Development

CHAPTER ONE Introduction

1.0 General Introduction

Ghana became the first country to ratify the United Nations Convention on the Rights of the Child (CRC) in 1990 and also helped to develop the African Charter on the Rights and Welfare of the Child (Decker and Marteach, 2017: p.3) as part of its commitment to promoting the rights of children. The CRC is the global standard on child rights for a Child Rights Based Approach and a major global set of binding norms for juvenile justice administration. It outlines "the fundamental tenets and appropriate procedural safeguards that any juvenile justice system should include" to promote the rights of the child (Hamilton, 2011: 9). Article 1 of the CRC defines a child as "any human being under the age of eighteen years unless (...) majority is attained earlier" (CRC, 1989: art. 1). Similarly, a juvenile in Ghana according to the Juvenile Justice Act (JJA) (Act 653) is a person under eighteen years who is in conflict with the law. The juvenile justice system has been defined by Hamilton (2011: 3) as "policies, strategies, laws, procedures, and practices relating to children over the age of criminal responsibility who are in conflict with the law". These are children according to the CRC "who are alleged, accused, or recognized as having infringed the penal law" (CRC, 1989: art.1). In dealing with such children, it is a widely recommended principle by the CRC that:

...children must be treated in a manner consistent with the promotion of the child's sense of dignity and worth, and which considers the child's age and the desirability of promoting the child's reintegration and the child assuming a constructive role in society (CRC, 1989: art. 40).

Children in Conflict with the Law (CICL) who are children under 18 and are alleged, accused, or recognized as having breached the penal law (Hamilton, 2011:2). The CICL are mostly in their crucial developmental stage and any correction that affects their physical and mental health might have lasting effects on them (Children's Act, 1998: art. 13(2)). According to Kail (2011), child development is the biological, psychological, and behavioral changes that take place in humans between birth and the end of adolescence as they transition from dependence to growing independence. Developmental changes can arise through education, and environmental circumstances, or genetically determined maturation processes, although most frequently they include a combination of the two. Child development might also happen as a function of human nature and our capacity to learn from our environment. Therefore, the ability of humans to fully adapt to their environment is what child development entails (Kail, 2011). Understanding and appreciating all agents' functions in a child's development is crucial. These agents include, among others, the family, school, peers, caretakers, and role models (Ibid).

To aid the development of CICL detained in correctional centres, their interactions with the environment and other agents must help them unlearn negative behaviors and reform into responsible adults as expected of them. (Law Explorer, 2015). According to Ghana's JJA, a correctional centre "is a place where young and juvenile offenders may be detained as determined by the court" (JJA 653, section 39). It is a division established under the Ghana Prison Service's general correctional responsibility to rehabilitate young offenders or CICL (Aaporekuu, 2022: 5).

Children may engage in criminal behaviour consciously or unconsciously as they age. Thus, a system that will efficaciously correct CICL is a necessity (Osei, 2013). To develop skills required for attaining professional success and maintaining individual stability, children ought to benefit from the support of a functioning family or other social connections. However, for CICL to develop and refine the skills and abilities required for their transformation into responsible adulthood, in most cases they must rely on the government's child protective system. This is because most of the CICL lose contact with their families once they are detained in the correctional homes, especially those who come from the northern part of the country since all the correctional centres are situated in the southern part, with the majority in Accra. And the few who are in contact with their families are unable to receive support from them due to poverty which is a major contributory factor for their involvement in any criminal activities (Ashiabor, 2014: 1).

As a result, various legal safeguards have been set up in Ghana as part of the State's obligation to ensure that the justice system dealing with CICL can reform and develop such children rather than merely punishing them by incorporating the CRC standard into its child laws. This led to the ratification of the Children's Act (560), the Criminal Code (Amendment) Act (554), and the Juvenile Justice Act (563) (ACPF, 2011:13). This was to ensure the rights and welfare of all children in Ghana are promoted without discrimination which would translate into their wholesome development (Children's Act, 1998. However, scholars in very recent studies (Ashiabor, 2014; Ansah et al, 2022; Dako -Gyeke et al., 2022; Aaporekuu, 2022) have highlighted how incarcerated CICL often do not reform and development which leads to re-offending post-release due to inadequate developmental initiatives like education, skills training, counselling, poor nutrition among others within the detention environment. CICL in the centers are imprisoned for a variety of offenses, including "defilement, theft, armed robbery, murder, possession of stolen goods, and fraud" (Ayete-Nyampong, 2013: 66; Osei, 2013; Ashiabor, 2014). The above-mentioned studies also highlighted how the overall number of inmates in all the correctional centres are mostly unknown due to the reluctance of the Ghana Prisons Service to share such data with researchers either because it is unknown or less prioritized.

1.1 Statement of Research Problem

Despite Ghana setting up various legal safeguards, it has not been able to fully promote the rights of children especially incarcerated CICL in correctional centres to aid their development in accordance with the CRC's CRBA. A CRBA to juvenile justice in Ghana should prioritize the need to promote the development of the CICL in the correctional environment. A CRBA to the juvenile justice system that prioritizes development will provide States with the opportunity to respond to CICL in an efficient way by serving their best interest and that of the society at large (United Nations Convention on the rights of the child, 2007: 3).

In 2014, Ashiabor's research on the Senior Correctional Centres in Ghana, using a sample size of hundred (100) ex-inmates, revealed that the centre's facilities and treatments were insufficient to support the reformation of CICL which unfortunately affects their behavioral and mental development. Reformation according to Ashiabor (2014:21) is "a process of rehabilitating a juvenile offender for an improved growth, through educational, moral, mental and vocational skills training so that they become responsible citizens". 97.6% of respondents gave a negative response

when asked if they thought the centre's facilities were sufficient for enabling them to pursue reformation, suggesting that they were insufficient (Ashiabor, 2014:26).

Based on reports from NGOs and other agencies on how Ghana's Juvenile Justice System does not meet the standards of the CRC and other relevant norms, the CRC Committee's Concluding Observations in 2015 entreated the Government of Ghana (GOG):

to bring its juvenile justice system fully into line with the Convention and other relevant standards particularly to amend the sections of the Juvenile Justice Act to introduce alternatives measures to detention; reform the concept of Child Panels to ensure greater access to justice for children at the community level; and ensure that the children are not detained together with adults and that detention conditions are compliant with international standards among others (CRC Committee, 2015: 20).

Yet, Ghana's Centre for Democratic Governance (CDD), as of August 2018, still identified problems with the Senior Correctional Centre, which is the only operational reformatory unit for boys and at the time housed 230 boys from across the country, as well as with the Junior Girls Correctional Centre, which housed nine inmates. These correctional facilities, which are obliged to provide CICL with education and training, are frequently hampered by a lack of funding, inadequate training facilities, old and faulty equipment, and other resource limitations. The absence of cited physicians and clinical psychologists at the correctional facilities to provide mental and psychological support to the inmates especially worsens the plights of those who may have special needs for it. It is generally expected that most CICL who commit crimes and have an encounter with the law face psychological problems before detention and the provision of mental healthcare and services for such CICL must be prioritized to avoid further deterioration (Aaporekuu, 2022).

Most importantly, according to recent research (Ansah et al, 2022; Dako -Gyeke et al., 2022; Aaporekuu, 2022), the facilities, situations, and treatment in correctional centers are still insufficient to support the development of juvenile offenders. Unfortunately, this falls short of the centres' aims and objectives, which include supporting the reformation and development of CICL and keeping them away from a life of crime, for instance by giving them vocational training and mental health care and services through good training and counselling (Ashiabor, 2014). For instance, as of 2022, there was 198 male CICL aged between 14–18 years old detained in the Senior Correctional Centre in Accra. Apart from being overcrowded in a Centre that has a capacity for not more than 60 inmates, these CICL are faced with diverse challenges such as poor education and training, victimization, lack of mental health care and counselling services, and inadequate food and water among others (Ansah et al, 2022; Dako-Gyeke et al., 2022; Aaporekuu, 2022; Addae, 2020; Bosomprah, 2018; Kotey, 2018; Brenya, 2017; Ayete-Nyampong, 2013; Osei, 2013). These factors contribute to the challenges of reintegrating which involves skills and behavior development and re-entry of CICL into the community and the struggles and disaffection that mostly spark recidivism (The Ghana Report, 2019).

All these challenges clearly portray the breach of international laws and standards in relation to the treatment of children in correctional centres. Incarcerated CICL risk losing their rights as children and being denied the opportunity to grow, develop and reach their highest potential. This research, therefore, explores and highlights the institutional culture, treatment and care, services, and environmental situations in correctional homes, and how they conform to international and

national laws. It also analysed how such circumstances impact the behavioral and social, mental, and biological development of incarcerated CICL.

1.2 Background of the Problem

The administration of child justice in Ghana was greatly influenced by its colonial master, the British, prior to the passage of the Juvenile Justice Act (2003). Most laws governing juvenile justice were developed from a restrictive legal system and oppressive prison systems in order to punish and deter violators. Even when the violators were minors, the colonial master was least concerned about their reformation. By virtue of the Gold Coast's Courts Ordinance No. 23 of 1945, Ghana's formal juvenile justice system was set up. The creation of juvenile courts, industrial schools, and institutions for the confinement of CICL was approved by the then Governor of the Gold Coast (Ghana) with the authorization of the Legislative Council. These juvenile courts had the authority to remove CICL from the community and confine them in an institution for a minimum of three years. Also, section 371 of the Criminal Procedure Code of 1960 (Act 30) provided for the establishment of industrial schools for the treatment of various categories (based on age, or severity of the crime) of CICL (Ashiabor, 2014).

Following this, a new penal system for CICL was founded by the Juvenile Justice Act of 2003 of Ghana. The Act offers a justice system that upholds international norms, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice and the Convention on the Rights of the Child, and seeks to promote the rights of CICL. The Act also demonstrates the growing idea that children should only be detained in corrective centers as a last resort (Ashiabor, 2014). The legal framework will be addressed in more detail in Chapter 3 of this Research Paper.

The creation of a juvenile justice system in recent times is strongly influenced by the notions of reformation rather than retaliation. As such, the modern correctional centre is expected to reform, educate, provide skill training, provide socio-economic empowerment, orient the minds of CICL to the principles of discipline, and, most importantly, keep them away from unscrupulous peers. To enable them to reintegrate into society and carry on from where they left off while they were incarcerated, the correctional center is required to regularly schedule counseling sessions for inmates.

Yet, over the years the distinct needs of CICL in Ghana have still not been fully addressed within the formal justice system. Institutions tasked with enforcing laws are mostly confronted with obstacles such as insufficient juvenile courts, insufficient juvenile detention and correctional centers, a lack of resources, and a shortage of adequately trained officers. This is likely to erode the rights of CICL in Ghana (GoG, 2005 cited in Nyantakyi, 2013:3).

1.3 Justification of the Problem

Children in institutional care like correctional centers are mostly denied access to society (peers, environment, family, and social amenities) and, other social benefits because they are

confined. They are likely to encounter childhood developmental disorders like depression, anxiety, attention-deficit/hyperactivity disorder (ADHD), conduct disorder, and anaemia, especially if they happen to be victimized, receive less psychosocial support and counselling, and have a poor diet. Recent research by Nyarko et. al (2020: 5) disclosed how stressful life events and violent experiences were a risk for mental health problems among Ghanaian youth and that emotional intelligence and cognitive skills in adolescents are crucial to mental health. Also, a study by Ansong (2015: 20) on the “Nutritional Status of Adolescent Offenders in Accra, Ghana” revealed that about 18% of the inmates had a low Body Mass Index Z-score (BMIZ). This implied a predominance of pale conjunctiva which was a clinical sign observed suggestive of severe anaemia due to inadequate nutrient intake. This underlines the need to ensure the developmental needs of CICL are prioritized to avoid childhood developmental disorders. And this could be possible if attention is brought to issues around child development and institutional care through increased research and advocacy.

Also, the Children’s Act of Ghana (1998) highlights the need to promote the rights of children in all aspects including education and well-being, prevention of torture, protection, and care, amongst others to ensure their complete development. When incarcerated CICL are treated more adequately in the centres in relation to international and national legislation, they would have the opportunity to truly reform, develop their capacity and skills, nurture their mental well-being, and pursue their future career ambition which would foster positive behavioral change, develop them socio-economically and facilitate their smooth reintegration into the society. When this happens, the chances of reoffending or recidivism and crime rates amongst children will reduce significantly which will benefit the society and develop Ghana in the long run.

In addition, over the years, research has been conducted in the areas of the rights of CICL, juvenile delinquency, the correlation between detention and reformation, and life after serving sentence in detention, among other topics. Yet no research has been conducted on whether and how the correctional centers, their environments, and the treatment of CICL in Ghana impact the behavioral, biological, and mental health development of CICL during and after incarceration. Also, little research has been undertaken to assess how some aspects of the national law (especially the JJA Act 2013) are implemented and whether what happens in practice does conform to international legislation. Coupled with the fact that the neglect of the developmental needs of juveniles in correctional centers is likely to lead to long-lasting personal disorder make this research worth conducting.

1.4 Relevance of the Research

Most criminal offenses in Ghana are committed by young people (Baffour, 2016; Ashiabor, 2012; Aaporekuu, 2022; Dako-Gyeke et al., 2022). Conducting a study on the situations in correctional centers and how they affect the development of incarcerated CICL will highlight some of the strengths and gaps of the juvenile justice system of Ghana to further strengthen its conditions in the long run. This Paper will further inform authorities like the government, courts, and other actors in the justice system about utilizing a child rights-based approach when handling issues around CICL, to ensure the promotion of their rights and the wholesome development of the child. The study's findings could also be used as a tool for advocacy to push for initiatives

within correctional centers and to bring alternative treatment programs under the jurisdiction of the juvenile justice system. A study of this kind could also inform future research because there has not been much empirical research on the relationship between correctional centres and the development of incarcerated CICL.

1.5 Research Objectives and Questions

This research, therefore, seeks to explore Ghana's juvenile justice system's correctional centres and how their institutional culture, treatment, care, and environmental situations impact the development of the CICL. It will do so through a child rights-based approach. According to Nyamu-Musembi and Cornwall (2004), a rights-based approach defines a framework that prioritizes human rights and development and is also accessible to social action and the advocacy of social movements. Through a rights-based approach, this study assessed whether the operation of the correctional centres in Ghana complies with international laws and standards, and how breaching these standards could impact the child's development.

1.5.1 General Objectives

a) To assess the state of Ghana's juvenile justice system specifically as regards the operation of correctional centers and their impact on the development of CICL.

b) To assess how operations of the correctional centers in Ghana comply with local and international laws and standards.

1.5.2 Research Questions

How do Ghana's correctional centers impact the development of incarcerated CICL from a child rights perspective?

1.5.3 Specific Questions

1. How do the institutional culture and situations in correctional centers in Ghana affect the behavioral and social development of incarcerated CICL?
2. How do the treatment and care in correctional centers in Ghana affect the mental development of incarcerated CICL?
3. How do the institutional conditions and services in Ghana's correctional centers affect the biological development of incarcerated CICL?
4. How do the operations of the correctional centers in Ghana comply with local and international laws and standards relevant to the development of CICL?

1.6 Research Techniques and Methodology

1.6.1 Introduction

The research techniques used to produce the evidence-based data for this study are described in this chapter. It provides details on the research design used, the study area, the target and study population, and the research experience. Also discussed is the content of the data collection tools and techniques used for gathering data. It also emphasizes the techniques used for analysing the data as well as the study's scope, limitations, and ethical considerations.

1.6.2 Study Design

A study's research design essentially refers to the strategy for carrying out the study (Berg, 2001). According to Berg (2001), the design phase encompasses every step of the research process. This process outlines how the data was gathered, the tools used in gathering data, how they were used, and how the data was analysed. Additionally, it details the locations of the research studies as well as the populations that were examined (Berg, 2001 cited in Bosomprah, 2018). Initially, the research sought to adopt a mixed method of data collection using key informant interviews and secondary data. However, in the preparatory stage, access to identified key informants was difficult and due to time constraints, the study had to adapt to using mainly secondary data sources. This approach was essential and allowed the researcher to have a comprehensive overview of situations in correctional homes in Ghana through diverse scholars. Even though adopting the secondary means of data collection was essential due to its high evidence-based nature because the sources could be verified, solely using it was not adequate because most of the results came from the same literature hence limiting the findings (O'Leary, 2014). This made it challenging to generalize the findings of the paper as compared to having combined it with primary data sources. A triangulation of primary and secondary data would have been essential to get first-hand information thereby solidifying the conclusions.

I also reviewed existing literature to shed light on the situation in the juvenile justice system's correctional centres and how they impact the development of CICL and also to determine whether they comply with local and international laws and standards. The study further connected literature on a child rights-based approach to theories on child development to analyse the situations and operations of correctional centres. This was necessary because a CRBA to juvenile justice concentrates not only on the rights of CICL but all other factors like their development, and participation. Hence a juvenile justice system that utilizes the CRBA ultimately ensures the growth and wholesome development of CICL in correctional centers.

1.6.3 Study Area

The study location is Ghana which is a West African country located on the coast of the Gulf of Guinea. Ghana, with a population of 30,832,019, as of 2021 is one of the topmost economically developed countries in Africa, due to its abundant natural resources and possibly due to being the first sub-Saharan country to attain independence from colonial rule. Ghana's population is dominated by children (0-14 years) and youth (15-35) (Ghana Statistical Service, 2021). The study focused on all correctional centers in Ghana with most of them in Accra, the capital city. These centres house juvenile offenders from all over the country and evaluating their work helped the researcher to understand institutional responses, and gaps in operating the correctional centres.

These centres are managed by the Ghana Prison Service and are intended for people between the ages of 12 and 18 (Juvenile Justice Act 653). The sites selected by the literature and documents reviewed for the study offered an accurate picture of how the provisions of Ghana’s JJA, 653 (2003) as well as international standards are applied in practice in correctional centres.

Map 1: Map of Ghana



Source: [Travels Map](#) 2nd November 2022

1.6.4 Target Population

The target population for the study was incarcerated CICL between the ages of 12 and 18 in correctional centers in Ghana. Since the minimum age of criminal responsibility in Ghana is 12, the study focused primarily on secondary data that had engaged inmates between 12 and 18 in their research. This was to ensure the study’s targets were up to the age of minimum criminal responsibility and could somehow understand the crime committed and the purpose of the correction. As such, the findings of the selected research that used the target age group were analysed to ascertain the impact of correctional centers on the development of incarcerated CICL. Also, even though the study did not engage the target population directly, the secondary sources of data used engaged with the inmates in all four major correctional centres in Ghana. These correctional centers include the Senior Correctional Centre (SCC) for boys in Accra located in the Greater Accra Region (the only senior correctional institute in Ghana); the Junior Girls Correctional Centre (JGCC) (the only female correctional institute in Ghana) located in Accra ; the Junior Correctional Centre for boys, located in Swedru in the Central Region; and the Junior Correctional Centre for boys, located in Sekondi, in the Western region. All of these are situated in the southern part of Ghana with a majority in Accra leaving the northern and middle-belt of the

country without centers for CICL. According to Boateng (2019), this is due to the government's reluctance to fund or outsource enough funds from international cooperation to run the juvenile justice system and a lack of political will and interest in children's rights. Some of the secondary data sources also used correctional officers, caregivers, teachers, and the governing body of the juvenile justice system as indirect respondents when further details were required which could not be provided by the CICL.

1.6.5 Data Collection Method

This study mainly employed the use of qualitative methodology in gathering data. A qualitative research methodology was adopted because it is best suited for gathering and evaluating personal data about people, their experiences, and how situations affect them. A qualitative methodology emphasizes deeper analysis over volume and then dives in-depth into social intricacies to genuinely investigate and comprehend individual interactions, procedures, and subjective experiences. It involves active participation in the study of individuals, places, and societies (O'Leary, 2014).

The methodology for the study was based on the rights of children. Through the child rights-based approach, the needs and rights of children, their opinions, and their participation are at the centre of all activities, even though the study did not engage with children directly. However, the secondary sources of the study that engaged the children ensured they participated, adhered to all ethical concerns around children, and used their opinions as key findings of the research. A child rights-based approach aims to identify and address child rights violations while also ensuring that children's rights are realized in a long-term manner (Kindernothilfe, 2019).

As such, this study used the general principles and rules on the rights and welfare of CICL of the CRC, the ACRWC, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, the United Nations Standard Minimum Rules for the Treatment of Prisoners, and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty as a guide in highlighting what is expected of the correctional centres in terms of treatment, care and services to the incarcerated CICL. Nationally, the 1992 Republican Constitution of Ghana, the JJA2003 (ACT 653), and the Children's Act 1998 were used to analyse the situations in correctional centres in relation to the child's rights and development specifically in Ghana.

The key data source for the study was secondary data. Secondary data is available in publications, databases, and online databases, which researchers collect and evaluate, according to O'Leary (2014). It is data that exists regardless of the findings of the researcher. Secondary information was obtained from a desk review of available documentation on the impact of the correctional centre on the development of CICL. The secondary sources were searched using keywords like "Juvenile Justice, Child Development Theories, Child Rights Based Approach, Operation of Correctional Centres in Ghana, Legal frameworks for CRBA" amongst others. Documents and publications from the Ghanaian government, as well as reports from non-governmental organizations, academic literature, and other documents relevant to the study, were generated from sources like google scholar, ISS database/library, google search, and media reports and examined in relation to CRBA and child development.

1.6.6 Data Analysis

The study's analysis primarily consisted of a desk review of secondary data sources that responded to the research questions. Secondary data analysis is advantageous because the researcher does not have direct contact with respondents which helps prevent breaching ethical considerations (DeCuir-Gunby et al, 2011). Based on the research objectives and questions, themes were created from the findings which aided the analysis of the study. This is referred to as content analysis. The practice of classifying information through content analysis allows for the classification, summarization, and placement of the information in themes as needed (Berg, 2007). The themes were formulated from the findings based on the theories of child development explored in the study and the recurring situations from the selected literature. The themes are the behavioral and social, mental, and biological impact of the correctional centres on the CICL. And the normative literature on legal frameworks was used to assess the impact from a CRBA.

Using the child rights-based framework, legislations, and standards like the CRC, ACRWC, Beijing rule, Havana rule, SMRTP, Ghanaian Constitution, Children's Act, and the JJA helped to understand standardized expectations of correctional centers. It explored key areas that contribute to the development of the child. As stipulated by the laws and standards, these included quality academic and skill training, quality and adequate food, hygienic environment and accommodation, mental health care and services, and operation of the facility. Therefore, applying the standards and legislation in these areas helped the study to come to a decisive conclusion on the impacts of the correctional environments and treatment on the development of incarcerated CICLs.

1.6.7 Positionality and Reflexivity

When conducting research relating to a vulnerable group such as CICL, it is wise to take positionality and reflexivity into account. It is obvious that a researcher's biases influence the research process and sometimes act as impediments during research work. To better understand the interactions with subjects, members of specific groups, and study settings, there is a need for researchers to acquire insights or be conscious of their biases (Bourke, 2014: 1). Even though there were no interactions with the research subjects in this study, the researcher admits her bias due to how passionate she is about issues concerning children. The idea of oneself as a research tool implies the possibility that the researcher's subjectivity may influence the study activity and any subsequent reporting of results. Thus, "positionality represents a space in which objectivism and subjectivism meet" (ibid.: 3)

The concept of positionality describes a person's worldview and the stance they take about a research project and its social and political setting. Ontological presuppositions, epistemological presuppositions, and presumptions about human behavior and agency are all part of a person's worldview. These are influenced by the person's values and beliefs, which are moulded by their political stance, religious beliefs, gender, sexual orientation, historical and geographical region, ethnicity, race, socioeconomic class, status, and (dis)abilities (Holmes, 2020: 1).

Positionality serves as an avenue for a researcher to reflect on his or her chosen position within a particular research topic. Reflexivity is the idea that researchers should be aware of themselves and disclose their bias in their work in order to understand how they contributed to or influenced

the research (Holmes, 2020: 3). Positionality draws on reflexivity and necessitates an explicit self-awareness and self-evaluation by the researcher on their viewpoints and attitudes and how these may, or have impacted the conception, execution, and interpretation of the study research results (Holmes, 2020: p.2).

To conduct ethical research, Holmes,(2020:3) states that it is "essential to pay attention to positionality, reflexivity, and the generation of knowledge". It is obvious from this inference that a researcher cannot undertake an ethical study without engaging in self-reflection. Since no modern researcher should do unethical research (BERA, 2018), reflexivity and the explanation of one's positionality may thus be viewed as crucial elements of the research process (Holmes, 2020: 3)

In view of this, my position as an insider in Ghana and my passion for the promotion of the rights of children influenced my research process. The first was admitting to being biased during the selection of secondary data on correctional centers in Ghana. Looking at a wide range of data, my original focus was keenly on finding papers and publications that identified gaps and weaknesses of juvenile justice administration in Ghana while perhaps overlooking the few pointing out some strengths of the system. I admit to this because through my previous work as a project officer in the Human Rights Advocacy Centre in Ghana from 2019 to 2021, I had first-hand information on the poor nature of the correctional centers and how their operations did not conform to legislations and standards, hence negatively affecting the development of the incarcerated CICL. My office was located close to the Junior Girls Correctional Centre which houses only female offenders. I visited the Centre twice and interacted with some of the inmates who were not happy with the poor nature of the Centre that was meant to reform them. This confirmed my bias about the nature of the Centres.

Also, the data I gathered for the study mostly confirmed my bias and met my expectations of the situation even though a couple of publications opposed it. However, in the course of selecting data sources, I came across a few pieces of literature that concluded on the positive impact of the centres on CICL, which later changed my focus from the negative aspects to a more open focus. To overcome my bias, I later included findings from secondary sources that had positive outcomes of the correctional centers in my analysis.

In addition, most of my data search focused primarily on the correctional centers that house boys. This is due to the high crime rates associated with boys and the fact that Ghana has only one girl and four boys' correctional centers (Osei, 2013). The gathered data from different sources confirmed my expectations as most of the respondents for the various studies were boys either in the Centre or reintegrated into society. Finally, my exposure to knowledge, literature, and illustrations about human, and children's rights while working and during my master's program challenged and altered some of my viewpoints on how to handle children and people who are generally considered to be vulnerable in society.

1.6.8 Scope and Limitation of the Research

In the initial stage of the research, the research questions and objectives were broad and unspecific. However, after reflecting on the findings, the research was able to tweak them to align with its findings and literature. The questions were refined in relation to the thematic areas developed from the findings around biological, social, and mental health situations in correctional

centers. Based on these questions, in relation to my theory on child development and normative literature, the research questions were answered.

The research was constrained due to the non-availability of reports from governmental agencies within the juvenile justice system and their reluctance in sharing existing internal reports possibly because of a lack of prioritization of issues around children. These reports would have benefitted the study with quantitative data to help explain the gaps in the operation of Ghana's correctional homes. In addition, the research was constrained by the usage of online methods of data collection as key informants were uncomfortable and unavailable for the virtual interviews. To address these issues, the study made use of online publications from non-governmental organizations, research papers, and academic papers to analyse the operations of correctional centres.

1.6.9 Ethical Consideration

When carrying out this study, the researcher followed all ethical considerations such as ensuring the privacy, confidentiality, and anonymity of respondents from the secondary data even though some of the sources used pseudonyms for their respondents. Also, the ownership of all secondary data sources was acknowledged and duly and properly referenced to avoid plagiarism.

1.7 Chapter Outline

This paper is divided into six chapters. The problem statement, justification, research objectives, research questions, and research technique are all found in the first chapter. Chapter two theorizes child development from behavioral, social learning, and biological theories perspectives. Chapter three provides a review of CRBA and legal frameworks and standards for the administration of juvenile justice. Chapters four and five are a desk review and analysis of secondary data on situations in correctional centers in Ghana, whether they conform to national and international legislations, and how the conditions in the centres impact the development of the child. The sixth chapter summarizes the findings and formulates responses to the research questions.

CHAPTER TWO: Theorizing Child Development

2.1 Introduction

In order to establish the relationship between correctional homes and child development, it is necessary to understand theories on child development, especially in the adolescence phase. Studies have shown that children and adolescents who have encountered and advanced further into the juvenile justice system are more likely to have experienced abuse, neglect, mental health issues, and developmental delays (Cashmore, 2011: p.32).

Humans typically grow and mature from infancy through adulthood, and this process is referred to as child development. Early in the 20th century, child development became recognized as a significant area of study (Cherry, 2017). Since then, numerous theories about child development have emerged to provide frameworks for comprehending how children change and develop throughout childhood. They provide various viewpoints on the variables at work that affect a child's social, biological, behavioral, and cognitive development. These experiences from birth through childhood and beyond can be better understood and appreciated by being aware of the forces that shape child development (Kid's Care Club, 2022).

This study primarily relies on behavioral, social learning, and biological theories as key drivers of child development, especially during the adolescence stage. Behavioral theory is essential for understanding the effects of institutional confinement on juveniles because of its emphasis on how environmental factors influence the behavior of children and how they tend to learn from adults through interactions. Potential concerns are about whether the detention environment, and the persons they interact with in that environment, can contribute to their skills, knowledge, attitude, interests, and development or will make them worse off. The social learning theories highlight the impacts of social factors, parents, peers, and caregivers on child development. To better understand the impacts of institutionalized means of correction, this theory offers a perspective on how this can be traumatizing for some incarcerated CICLs. The biological theories offer an understanding of how inadequate nutrition and unhygienic situations could affect the physical and intellectual growth of the child. Previous research (Osei, 2013; Ayete-Nyampong, 2013; Ashiabor, 2014; Brenya, 2017) has disclosed how incarcerated CICLs are not privileged to have the best food intake due to inadequate funding in developing countries such as Ghana.

Even though these theories exist for a long time, they are still relevant for comprehending how the development of children is shaped in recent times. Most of these theories are applicable in different contexts and help to understand complex issues. Since children and adolescents across the world have similar characteristics except for aspects such as their cultural background and some biological features, these theories are in principle relevant to better understanding their development, even in Ghana. In their study on parental well-being, parenting, and child development in Ghanaian families with young children, Huang et al (2018) explicitly disclosed how their research provided evidence for the applicability of Western theories and notions to Ghanaian settings. According to them, their research showed a correlation between the impact of parental influence on the activities of children and higher children's cognitive competence in Ghanaian homes, just as described in some Western child development theories (Ibid: 3).

2.1.1 Behavioral Theory

Between 1878 and 1958, American psychologist John B. Watson marked the beginning of contemporary behaviorist theory. He is deemed the originator of the behavioral school and was one of the pivotal researchers in the study of the human mind. According to Watson, every behavior can be learned, and a child's environment was crucial for their development. With careful attention to sensory association, Watson found that adults could shape children in any way they chose (Watson,1930).

In addition, the work of theorists like Robert S. Sears, another American psychologist, examined specific facets of human behavior. Between 1932 and 1974, his work specialized in child psychology and the psychology of personality. According to Sears, each person's fate is ascertained by his or her connections with others who share a limitless ability for learning and experiences that nurture both care and caregiving. A behavioral approach, in Sears' opinion, is an environmental one where society instills in children the "proper motivations, interests, skills, and attitudes" (as stated in Maier, 1978: 141). Hence the role of parents, peers, and caregivers in the development of a child are crucial because they are the most significant environmental reinforcers (Maier, 1978: 135-136).

In this research, this theory has been applied when exploring how environmental factors like caregivers, teachers, institutional culture, condition, and other CICAL, influence the learning, skill training, and development of juveniles within the correctional environment. Also, since this theory is about learned behavior, it will aid in understanding how interactions with other "delinquent" juveniles could influence their attitudes.

2.1.2 The Social Learning Theory

Albert Bandura (1977, 1989), a conventional behaviorist who developed the social learning theory, augmented how children and adults learned new responses through observational learning. This serves as a foundation for the development of a range of behaviors, including aggressive behavior, assisting, sharing, and others (Slee and Shute, 2015: 117). Bandura acknowledged that young children learn many skills by observing and listening to people around them, without the use of rewards or punishments. As such, children tend to emulate people who are warm and influential as well as those who have favorable possessions and qualities or the other way around. The focus on specific environmental factors, like the type of role- models that children have available to them say in correctional centres in Ghana, such as caregivers, teachers, officers, and resource persons, and how that can affect their development, is one of the social learning theory's key strengths making its applicability to how institutional responses are harmful to the development of CICALs essential (Keenan, 2002; Slee and Shute, 2015: 119).

Furthermore, the ecological system theory was devised by psychologist Urie Bronfenbrenner with the goal of comprehending how intricate systems of interpersonal ties impact a child's development. The theory examines the various levels of influence, such as family, peers, society, culture, and tradition (Bronfenbrenner,1994). This theory asserts that a child is influenced at five different levels (Cherry, 2017). These are the microsystem, mesosystem, exosystem, macrosystem, and chronosystem (Cherry, 2017). In relation to this study, the macrosystem, for instance,

encompasses socioeconomic status, ideology, values, and beliefs that affect how society views and reacts to CICL. In Ghana, for instance, mention could be made of post-independence legislation and policies like the Criminal Procedure Code, 1960 (Act 30), the Juvenile Justice Act, 2003 (Act 653), and the Justice for Children Policy (2015) (Dako-Gyeke et al., 2022: 244). The chronosystem also involves significant life progressions and historical accounts, as well as other environmental modifications that take place throughout a child's development (Cherry 2017). In relation to the chronosystem, studies (Umejiaku and Obi, 2020; Ashiabor, 2014) have shown that children who interact with correctional institutions frequently experience mental health issues and as a result, require the assistance of forensic psychologists. These forensic psychologists use cognitive psychotherapy on young offenders by considering their cultural, social, and educational backgrounds to determine the most appropriate approach for their development, change, and rehabilitation (Umejiaku and Obi, 2020: p. 39). The ecological system theory is relevant to this study as it explains how the child is an inseparable part of the five levels that influence their behavior directly or indirectly (Dako-Gyeke et al., 2022: 244).

2.1.3 The biological foundations of development: The course of physical growth

According to evolutionary theory, our prolonged period of physical immaturity gives us more time to learn the skills and knowledge needed in an intricate social environment. This idea highlights the fact that physical growth takes place within an environmental context rather than being just a collection of maturational processes that function autonomously of environmental inputs. Environments, which include elements like cultural practices, nutrition, and learning opportunities, are crucial for physical development. Our nutritional intake, that is the types of foods we eat and their quantity is a key factor in development and growth. Previous studies have shown that dietary intake has a significant impact on height, weight, and puberty (Keenan, 2002: 71). This theory is relevant to this paper because of the relationship it establishes between nutrition and the physical growth of children. To understand how the quality and quantity of food influence the development of CICLs, it was necessary to have analyzed the findings of the paper with this theory.

Additionally, Maslow contends that satisfying basic needs are a prerequisite for human evolution. Physiological necessities like food, water, and sleep are at the base of the pyramid. Next on the pyramid are attachment, security, and safety. And then come love and belonging. According to Maslow's theory, once these three needs are satisfied, people can continue to develop. Numerous studies have demonstrated how malnutrition impedes a child's capacity to develop both physically and mentally. The body will not operate properly if it lacks the necessary vitamins and minerals. Age-appropriate developmental indicators may become unachievable and neurocognitive development may be stalled without adequate nutrition (Jones, 2018).

2.1.4 Conclusion

This chapter focused on child development theories specifically behavioral, social and biological theories. These theories together provide an important framework for considering how people develop, socialize, and grow. Since social conduct is one of the juvenile justice system's main concerns, it would be realistic to emphasize the interpersonal and social elements that influence behavior (Arredondo, 2003: p.15). They further helped in understanding how environmental factors like peers, caregivers, surroundings, nutrition, education and skill training, and health

treatment influence the development of children, especially in correctional centres. The following chapter will briefly highlight CRBA and the legal framework and standards that underpins it.

CHAPTER THREE: Child RBA to Juvenile Justice

3.1 Introduction

This chapter briefly highlights the CRBA and reviews the normative juvenile justice frameworks in relation to the treatment of CICL in correctional centres. These standards and norms for promoting rights and administering juvenile justice offer a framework for developing a rights-based child justice system. Using these legislations for this research implies using a CRBA, which is a conceptual framework that is practically focused on promoting, achieving, and defending children's rights as proactive rights holders directed at behaviors, actions, plans, policies, programs, and processes, and is normatively rooted in international child rights norms and principles (Child Justice Network, 2022: 9).

3.2 Child Rights-Based Approach

The study used the child rights-based framework in its analysis of findings. Promoting and defending human rights in actual practice is the major goal of a CRBA even though it goes beyond looking solely at rights. The approach recognizes that society is responsible for safeguarding human rights and enabling individuals to seek justice as a right rather than a charitable act. As such, a CRBA to development regards the realization of children's human rights as the ultimate aim of development and the implementation of human rights principles as an effective approach for bringing about long-lasting improvement. The United Nations CRC is crucial to a child rights-based approach to dealing with children.

The CRC is based on four guiding principles which are a core element of a CRBA to CICL, that must be respected in juvenile justice and other children's rights issues (CRC, 1989). The first principle is that of the best interests of the child. This entails that, whatever decision must be taken within the traditional justice system relating to CICL should mainly reflect a restorative and rehabilitative approach. The child's long-term safety and well-being are the primary factors to be taken into account in any "best interests evaluation" (Committee on the Rights of the Child, 2007: para. 10). With reference to the best interest of the child, CICL in correctional centres must be supported to ensure their development in such a confined environment, therefore the use of a CRBA enabled the study to assess whether the correctional centres in Ghana impacts child development. Secondly, the non-discrimination principle emphasizes the essence of equality and respect for all children regardless of their background or identity, as articulated in article two of the CRC (Hamilton, 2011: 26). Practically, this will mean all training activities, care, treatment, and support must benefit every juvenile in the correctional homes without any bias on whatever grounds

The third principle focuses on the right to life, survival, and development as covered in Article 6 of the CRC. It requires States Parties to acknowledge that every child, including CICL, has an intrinsic right to life and to take all reasonable measures to ensure that the child survives and develops (Hamilton, 2011:26-27). This principle is specifically relevant to this paper because of its interest in the development of the child. Development in the context of the CRC refers to a comprehensive process in which children are given the best possible circumstances to exercise all

of their rights while still young (Hamilton, 2011:26-27). The fourth principle, addressed in Article 12 of the CRC, obliges the State to ensure that children have the freedom to voice their opinions on matters that affect them without being subjected to force, intimidation, interference, or restriction (Hamilton, 2011: 29-30) and for their views to be given due weight in matters affecting them. An emphasis on CRBA is especially important to address the juvenile justice system and how it deviates from the norms and standards for children in a third-world country like Ghana, where there is pervasive poverty and injustice (Save the Children, 2006:12).

3.3 Legal Frameworks and Standards for Administration of Juvenile Justice

3.3.0 International Frameworks

Children in conflict with the law in Ghana should be protected as a matter of state obligation according to the UN Convention on the Rights of the Child (CRC) ratified in 1990, and the African Charter on Rights and Welfare of the Child ratified in 1999, among other instruments. The rights of juveniles in detention are also specifically outlined in the United Nations (UN) Standard Minimum Rules for the Administration of Juvenile Justice adopted in November 1985. Following the enactment of the Standard Minimum Rules, the United Nations also adopted the UN Rules for the Protection of Juveniles Deprived of Liberty ("the UN Rules") in December 1990. The UN Rules "are meant to establish minimum standards acknowledged by the UN for the safeguard of juveniles deprived of their liberty in all aspects, consistent with human rights and fundamental freedoms, with the goal of mitigating the negative effects of all types of detention and nurturing community integration" (UN, 1990: Annex 1 Section 3). While these various sets of UN Rules are not legally binding (because they were adopted as UN General Assembly resolutions), they are extremely authoritative and persuasive in practice (McCall-Smith, 2016; Joutsen, 2017).

3.3.1. The Convention on the Right of the Child (CRC)

The United Nations CRC is a significant effort to defend the rights of children globally, and nearly all states in the world have ratified it. It is essential for this research because it safeguards the child's integrity, dignity, and biological, mental, social, and moral development which are the primary focus of this research.

Specifically, in relation to CICL, the CRC in Article 40(1) requires State parties to promote their human rights, dignity, worth, and legal safety and prevent any degrading and inhumane treatment. Article 40 highlights the essence of diverting the child from the criminal justice system to a reformative approach that is appropriate to their well-being and where they are offered care, training, and guidance. The CRC is vital to comprehending how the correctional homes in Ghana uphold the rights of CICL or fall short of applying this standard in practice. Correctional homes are supposed to provide a conducive environment to enhance the well-being and development of all CICL. Using the CRC as an analytical framework is useful in assessing how the environment, nutrition, hygienic conditions, training, and other social factors in correctional homes impact the wholesome development of CICL.

3.3.2 The African Charter on the Rights and Welfare of the Child

Article 17 of the African Charter on the Rights and Welfare of the Child (ACRWC, 1999) highlights how juvenile justice should be administered in its member states since it has domesticated most of the CRC principles which are useful legislation for analyzing the situation of CICL in Ghana. Just like the other standards and legislations, Article 17(1) emphasizes the need to give CICL special treatment while respecting their worth and dignity, avoiding any degrading and inhumane treatment, and fostering their respect for others' human rights and freedom. Article 17(2) also discourages any detention that is degrading, cruel, and inhumane for the child (ACRWC, 1999).

3.3.3 United Nations Beijing Rules

Part five of the Beijing Rules (United Nations, 1985) outlines the objectives of institutional treatment of CICL in accordance with their well-being and development. Like the CRC, Rule 26.1 states the importance of care, support, education, and skill training for incarcerated CICL as necessary for their wholesome development. To ensure the cognitive and behavioral development of the incarcerated CICL, Rule 26.6 details the need for academic and vocational training to ensure released juveniles do not leave the centers at a disadvantage.

3.3.4 The United Nations Havana Rules

In accordance with human rights and fundamental freedoms, the Havana Rules are designed to provide further minimum requirements specifically for the protection of children who are deprived of their liberty in any way. They also aim to combat the negative consequences of all forms of detention and promote the social integration of CICL (United Nations, 1990). This Rule was essential in guiding the study's choice of articles with an in-depth situational analysis of operations in correctional centres. Because it provides comprehensive detail on the specific norms and standard that needs to be adhered to in the administration of juvenile justice. Unlike the Beijing Rules, the Havana Rules give explicit and detailed suggestions on how CICL deprived of their dignity should be treated holistically. For instance, in relation to the nature of the facility, Havana Rules 30 to 32 recommend the creation of a standardized and unique facility that fits into the social, economic, and cultural environment of the society in order to fulfill all health and human dignity needs.

In relation to the hygienic and physical growth of incarcerated juveniles, Havana Rules 33 to 37 clarify the necessity for private, enough, and clean bedding, personal clothing, storage place, sufficient sanitary facilities, and most importantly enough quality food and water as is necessary for biological development. Rules 38 to 40 emphasize the coverage of detained CICL by national education legislation and highlight the need for the offered education to be appropriate for the child's needs and abilities. This involves, for instance, offering specialized instruction to children who are uneducated or have cognitive or learning problems. Similar to the Beijing Rules, Havana Rule 42 highlights the need for CICL to acquire marketable skills to enhance their career development after detention. Having diplomas and employable skills will motivate CICL and revive their interest in becoming better off, hence ensuring their development.

In understanding how institutionalized healthcare and services should be provided to ensure the lasting well-being of CICL, Havana Rule 49 suggests how adequate preventive and remedial medical care, including mental healthcare, should be made available. The Havana Rules are

especially important for encouraging States to employ skilled and qualified personnel to manage correctional centers, in Rules 81 to 87. The caretakers should include competent personnel and specialists such as educators, vocational instructors, counselors, social workers, psychiatrists, and psychologists who should be trained in child psychology, welfare, as well as in behavior management techniques. Since children in those stages are still developing, having personnel who are worthy of emulation and positive role models will enhance their learning and subsequently their growth.

3.4. Local Legal Frameworks for the Administration of the Juvenile Justice System in Ghana

Ghana's Juvenile Justice Act 2003 and the Children's Act 1998 address issues related to children in conflict with the law. The Ghanaian Constitution also makes some provisions for CICL.

3.4.1 The 1992 Republican Constitution of Ghana

The 1992 Constitution is the supreme law of Ghana and a set of rules put together to enable governance in Ghana's fourth republican democratic government (Republican Constitution of Ghana, 1992). In practice, these are statutory laws that promote and protect the rights of Ghanaians and people within Ghana's jurisdiction. To ensure the protection of the rights of CICL as well as promote their development, the Constitution of Ghana made specific provisions for the treatment of these children. First, Article 15 highlights the need to respect human dignity by preventing degrading, cruel, and inhumane treatment. This aspect of the Constitution provided a useful framework in the Ghanaian context to analyze the study's findings on issues around victimization and its impact on the mental and behavioral development of incarcerated CICL. Just like the CRC, Havana, and Beijing Article 25 of the Constitution emphasizes the educational rights of all children including CICL within Ghana's jurisdiction.

3.4.2 The Children's Act 1998

The Children's Act 1998 is a framework for reforming and consolidating legislation relating to children. Among other things, it provides for child maintenance and adoption, and regulates child labor and apprenticeship in Ghana. Just like the Ghanaian Constitution, Article 13(1) of the Children's Acts clearly specifies the need to protect children from torture and degrading treatment. Specifically, on issues concerning correcting CICL, Article 13(2) makes clear the need to avoid unreasonable corrections that affect the physical and mental well-being of the child and finds them unjustifiable if the child is incapable of understanding the purpose of the correction. As this is a major Act used for child protection in Ghana, applying it to understanding the treatment meted out to CICL in correctional centres will be the ultimate way to comprehend their rights, especially in relation to corrections.

3.4.3 Juvenile Justice Act 2003 (ACT 653)

The Juvenile Justice Act 2003 provides a juvenile justice system, protects the rights of CICL, and ensures an appropriate and individual response to, and support of, CICL in Ghana. This JJA (Act 653, 2003) created a new system that substituted the previously applied three years of mandatory incarceration regardless of the crime of CICL with a period of twelve (12) weeks up to eighteen

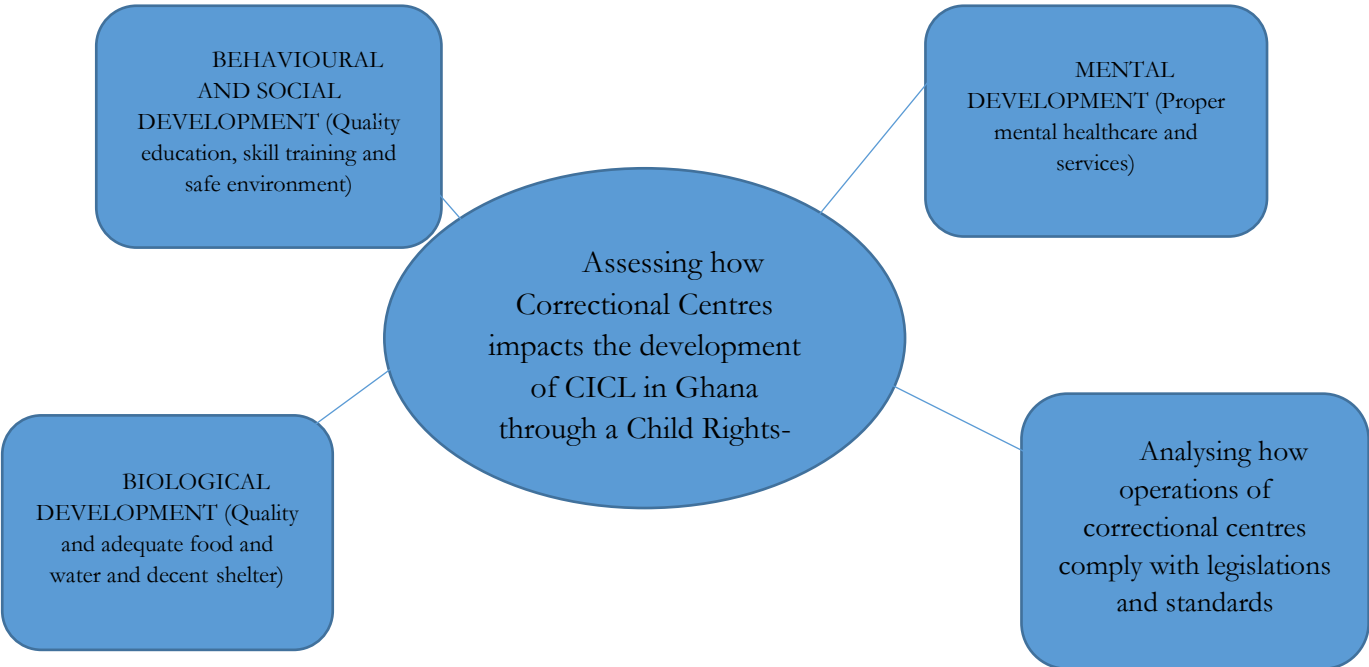
(18) months depending on the juvenile’s age and severity of the offense. This was supposed to place less emphasis on lengthy confinement and promote rehabilitation initiatives like academics and skill development, improved mental well-being, and behavioral and cognitive development of the incarcerated CICAL to prevent recidivism (Ashiabor, 2014).

Concerning the detention of CICAL, Section 27 highlights the need for corrections that are suitable and customized to the requirements of each CICAL and not exploitative and harmful to their physical and mental well-being or interfere with their education and skill acquisition. As it is the major Act designed for juvenile justice in Ghana, its usage in the research helped to comprehend how international legislation is operationalized in the Ghanaian context.

3.5 Conclusion

To ensure child justice through a CRBA, there is a need to apply human rights laws, principles, and standards to what is practiced. This framework is based on a set of legal requirements and rights outlined in the CRC and other international human rights documents, which covers all civil, political, cultural, economic, and social rights of CICAL. It also seeks to increase children's capacity to assert their rights and that of duty-bearers to perform their responsibilities toward children. It acknowledges that the practice of realizing children’s rights is as crucial as the end outcome (Ibid.: 9). Through the child rights approach, the research was able to identify how the institutional culture, environment, treatment, and care in Ghanaian correctional centres does not adhere to international and national legislations and frameworks making detention detrimental to the behavioral, social, mental, and biological development of CICAL

Figure 1. Representation of Analytical Framework (A Child Rights-Based Approach)



CHAPTER FOUR: Impact of Correctional Centres

4.1 General Introduction

This section primarily highlights the situations within the major correctional centers in Ghana, as established by previous research conducted on the SCC, JGCC, and JCC in Swedru and Sekondi. The SCC is directly supervised by the Ghana Prisons Service, which is overseen by the Interior Ministry while the Ministry of Employment and Social Welfare's Social Work Department manages the JCC (Ayete-Nyampong, 2013: 65).

To ensure the maximum realization of the rights of incarcerated CICAL, these Centres must adhere to the standards focusing primarily on the best interests of the child and ensuring their behavioral and social, mental, and biological development which will translate into their complete reformation and development. The findings from the secondary data sources consulted have been categorized into three themes: behavioral and social development; biological development; and mental development. This chapter analyzes how correctional centers contribute to the biological and social development of CICAL focusing on environmental factors like education, training, peers, and caregivers which is the outcome of my theoretical chapters.

4.2 Education and Skill Training

The necessity of education in correctional centers is driven by the desire to give CICAL the knowledge, skills, and attitudes they need to improve their development and rehabilitation, and further integrate back into the community after serving their sentence (Addae, 2020: 2). According to Addae (2020), for CICAL to have the prospect of becoming responsible members of their societies, correctional education must help them readjust their values, beliefs, assumptions, and behavioral tendencies with those of their societies in addition to teaching them economically productive skills to aid their development. The educational opportunities offered to inmates should encourage them to re-evaluate their preconceived notions, opinions, and moral standards and help them create more nuanced, thoughtful, and inclusive worldviews (ibid: 3). Also, according to Platt, Bohac, and Wade (2015), educational systems that are founded on specified skill development for career guidance can be incredibly supportive for young people going through re-integration (Kotey, 2018: 20). Because young people who have spent time in detention don't have the same opportunities as their peers to gain work experience, specific programs can help them develop the required job skills (Zajac, Sheidow and Davis, 2015). The realities in correctional centres in Ghana are quite different through.

4.2.1 Poor Quality Academic Education and Inadequate Learning Materials

In relation to the access and quality of education in correctional centers, the study's findings revealed several discrepancies in the delivery of quality education for incarcerated CICAL. Addae's (2020) study on the "motivations and challenges of learners in a correctional facility in Ghana" revealed numerous shortcomings in the educational system in the correctional center. Using a sample size of 30 young inmates from the correctional facility for focus group interviews, the study

exposed some challenges with education in the correctional centers and made recommendations for future correctional education programs. The key challenge had to do with a lack of support for the learner's educational efforts beyond the content delivery. Such learner support services are crucial in correctional education because there are many distractions that work against student achievement and participation. Most of the inmates complained of not receiving any assistance from the officer and/or no extra classes from their tutors. Others complained about the non-availability of textbooks as well as not having access to IT and library services. Most of the students believed that having access to recent, subject-specific books and learning aid could help them with their studies. Addae (2020) further argued that student ability to access libraries and, consequently, appropriate reading materials, is crucial to fostering meaningful learning. Their access to information could benefit their reformation and development.

Brenya's research (2017) further revealed some challenges of rehabilitation in the SCC and RCC stemming from the various behavioral issues that the CICL bring to the centre and the shortage of learning materials and logistics. These include furniture, desks, teaching and learning materials, and stationery, as well as financial limitations (Ibid.: 60).

Furthermore, Ayete-Nyampong (2013) in her research entitled "entangled realities and the under life of a total institution: an ethnography of correctional centers for juvenile and young offenders in Accra", focusing specifically on the SCC and JCC, emphasized the essence of education in the correctional centers during her two-year study. Because it was highly valued by staff and most inmates, around 80% of every day, except Fridays and weekends, was dedicated to educational activities. This was possible due to the presence of new types of learning equipment such as books, furniture, and machines used in various vocational and technical workshops. The staff of the centers, however, lamented how the new pieces of equipment were extremely beneficial but inadequate because the government hardly provided and they mostly relied on the benevolence of philanthropists, non-governmental organizations, religious institutions, and financial institutions to acquire them (Ayete-Nyampong, 2013: 134).

In a similar vein, research by Osei (2013) evaluating the effectiveness of Ghana's Juvenile Justice System in rehabilitating offenders indicated challenges with the educational system in the correctional centers. The information gathered from 80 respondents (75 males and 5 females) through questionnaires and interviews showed that many of the young people detained in the boys' correctional centers had access to formal education. However, its quality could not be assured due to inadequate resources. Access to basic education was available to 82% of students at the Senior (Boys) Correctional Center. A senior high school nearby the correctional facility was attended by 7% of the inmates, while the remaining 11% did not have access to any kind of formal education, either out of choice or because it was not available (ibid: 33). This gap was stated to raise the illiteracy rate and potentially lead to a rise in crime, which would be harmful to child development and economic growth (ibid: 33).

These challenges forfeit the purpose for which the correctional centers were established: primarily to offer academic knowledge to ensure the reformation of CICL. It also shows how the correctional centers do not use a child rights-based approach to dealing with the CICL.

This situation implies a violation of Article 40b of the CRC which highlights the essence of education for the improved well-being of CICL and the best interests principle of the CRC. The

poor educational system for CICL also violates Rule 26 of the Beijing Rule which emphasizes the essence of educational activities in correctional centers. The inadequate resources to ensure the quality of education deviates from Ghana's constitutional Article 25 which highlights the educational rights of all children without discrimination.

If detained CICL were covered in the national education legislation in Ghana, as recommended in Rules 38 to 40 of the Havana Rules, they would have access to quality education and learning materials and aids necessary for their intellectual development, since national decisions made around education would take into consideration their needs. The centers would then not have to rely on the very scarce assistance of NGOs and the children would have the opportunity to thrive in their new environment, having access to ways of meeting their learning needs which in turn would likely translate into their development. In addition, since education is key in the rehabilitative process in correctional centres, it is necessary to enhance it to enable CICL to assume socially constructive and productive roles in society after their detention.

4.2.2 Unprofessional and Inexperienced Teaching and Training Staff

A key challenge of the correctional centers in Ghana relates to the lack of teachers and poor teacher attendance in correctional homes. The inadequate number of teachers to teach particular subjects is a significant obstacle. The purpose of the basic education program in prison is defeated if only a few teachers are responsible for teaching all subjects because others may not have the necessary training. The study revealed that prison officials were used to supplement the facility's insufficient number of teachers but their lack of experience in teaching and learning made their involvement inappropriate and ineffective. The absenteeism of teachers, who are already insufficient for teaching the inmates (Addae, 2020: 10), worsens the problem as it leaves an intellectual gap between normal school children and the incarcerated CICL. The use of unqualified staff violates Havana Rules 81 to 87 which encourage States to employ skilled and qualified personnel, including educators, to manage the correctional center. Using inexperienced officers to supplement teachers is detrimental to the effective learning of the CICL since behavioral theorists like Watson (1930) found that adults are essential actors in shaping the lives of children. If such adults are inexperienced and unprofessional, they would be incapable of positively impact or reform these CICL who are still developing.

Another shortcoming in the education arrangements for CICL in Ghana is how these "unprofessional" teachers and staff met out excessive punishment on the CICL as a means of correction while teaching. This affects the learning capabilities of CICL and consequently their cognitive and behavioral development. According to the participants in Addae's study, punishments administered in the prison served as a learning distraction. In addition to being restricted in a prison environment, this discouraged them from pursuing education and training activities in the center which reinforced the negative impact of punishment (Addae, 2020: 9). The use of excessive punishment which serves as a learning distraction for CICL violates section 25 of the JJA which emphasizes the avoidance of corrections or punishments that interfere with the CICL education and skill acquisition. It also violates Article 17(2) of the ACRWC, Article 15 of the Ghanaian Constitution, and Article 13(1) of the Children's Act which frowns upon the degrading and inhumane treatment of children including CICL. Apart from causing physical harm, this punitive practice could be harmful to the cognitive and psychosocial development of these CICL.

4.2.3 Sub-Standard Vocational and Skill Training

Ayete-Nyampong's ethnographic research in SCC and JCC (2013: 138) highlighted the essence of vocational and technical training in equipping inmates with practical skills and the provision of hands-on training and experience for them. Both the SCC and JCC offer informal education in a variety of subjects, including plumbing, sewing, carpentry, tailoring, bead-making, fitting, and music. The purpose of the vocational training was to give the detainees tools to support themselves once they left the center (Osei, 2013). Yet, several scholars have disclosed how the training that was supposed to equip the CICL was of poor quality and lacked accreditation.

Boateng (2019) revealed that Mrs. Love-Grace Ahlijah, the deputy director of JGCC, claimed that since senior high school (SHS) CICL had their education interrupted when they were incarcerated and the correctional centers lack SHS and other educational resources to help them further, such children are left with no option but to acquire skill training. Consequently, they are compelled to attend in-house vocational training which does not meet their interest. This is due to the limited number of vocational courses and poor quality theoretical and practical delivery of these skill training (Boateng, 2019).

Similarly, in the second edition of the *International Handbook of Juvenile Justice*, Mensa-Bonsu's section on the legal status of juveniles mentioned some challenges with vocational training in correctional homes in Ghana (Decker and Marteaché, 2017: 19). According to her, even though vocational training is crucial for the rehabilitation of CICL and their reintegration into the wider community, it has significant issues that defeat the purpose for which it was introduced. Numerous factors contribute to these issues, including primarily the general economic downturn in the nation, and the lack of interest in the training among the CICL (ibid:20).

On the sub-standard quality of the skill training offered, Bosomprah's (2018) research discovered that released juvenile offenders in Accra had some educational and employment challenges post-release. Through in-depth interviews, twelve male released juvenile offenders participated to share the challenges they faced and their coping mechanisms. The participants disclosed that finding long-term jobs was difficult because they lacked the education and employable skills needed for these jobs. As such, most of them had to rely on seasonal jobs which are unreliable and insufficient to cater to their needs, especially because the National Vocational Training Institute (NVTI) certificates they acquired in detention could not secure them a job due to its lack of accreditation (ibid.: 36).

Also, Ayete-Nyampong's (2013) findings revealed that the "informal training" that was designed to meet the needs of some of the boys in the SCC with low educational backgrounds was not certificated and did not follow any firm structure. According to her, the attention was only on basic literacy and numeracy skills, while disparities in age or educational attainment were disregarded (Ibid: 139). Her research revealed as well that newcomers in the centers were unable to partake in the technical vocational training because they were subjected to surveillance upon their arrival at the center for a minimum of six months and sometimes for up to a year. This affected their intellectual, behavioral, mental, and social development since during this period they were mostly confined to their rooms with less movement and interaction with others (Ibid.: 95).

In addition, Osei's (2013) study revealed that, despite the legal standards and frameworks stipulating that detained CICL must be enrolled in a program of their preference six months after confinement, these CICL did not benefit from that. It found that only 46% of CICL at the time were enrolled in vocational training, while 40% of the sample were eligible but had not yet been accepted into the program they preferred. Because they had been incarcerated for less than six months, 8% of the inmates were not yet eligible to enroll in such a program. 6% of the sample inmates had no interest in any of the occupations. However, a significant portion of the inmates was not enrolled in the program due to inadequate human and financial resources. According to the data gathered, those enrolled began the program when they had about a year to leave the facility which might not be sufficient time to develop a skill (Osei, 2013: 34).

These challenges with the skill training programs do not conform to Article 40 of the CRC and Rule 26.1 of the Beijing Rules which emphasize the essence of skill and vocational training for incarcerated CICL. The situation also amounts to a violation of Beijing Rule 26.6 which details the need for academic and vocational training to ensure released juveniles do not leave the centers at a disadvantage. In addition, Havana Rule 42 is violated, which highlights the essence of CICL obtaining marketable skills to enhance their career development after detention. Having diplomas and employable skills will motivate them and revive their interest in becoming better off, hence ensuring their development. To ensure the quality of the skill training, the Havana Rules 81 to 87 emphasize the need to employ skilled and qualified vocational instructors for the centers. Unfortunately, in practice this need is not met because of the low quality of the training. This further violates the Rules.

On the positive side, Dako -Gyeke et al. (2022) in her recently conducted research in Ghana's SCC in Accra disclosed that a few of her respondents benefited from the skill training, despite the challenges. Working with twenty-six participants (18 inmates and 8 officers), the study discovered that inmates benefited from staying at the SCC regarding the opportunity they had to acquire vocational skills (Ibid: 249). Brenya's (2017: 67) findings disclosed that, as part of the reintegration process, after receiving training at vocational schools, juveniles were sometimes given start-up capital to launch their own businesses. These findings conform with the legal requirements of the CRC, Beijing Rules, Havana Rules, and the JJA on the need to enhance the skills of the CICL and to support them to earn a living and develop after detention.

4.3 Poor Quality of Services and Programs and Unskilled Caregivers

Ashiabor (2014) disclosed that the Swedru Junior Boys Correctional Centre had no beneficial effects on the released prisoners who took part in the study. With a sample size of 100 participants, through questionnaires and key informant interviews, the outcome of the study demonstrated that the treatment programs (counseling, moral instruction, vocational training, and education and literacy training) had little quality and weight. As a result, they had no beneficial effects on the significant level of reformation and, subsequently, the development of the incarcerated CICL. This is because the treatment plans lacked any empirically based theories and were inefficient (Ashiabor, 2014: 82). Except for the vocational skills program, which had some impression of earnestness connected to it, the remaining initiatives were premised on the staff's prerogative. Only one of the officers was a graduate and was more involved in administering the center. The other officers had

no specialized training in any reformation initiatives. Even though it appeared to be the correctional center's centrally sponsored scheme, the vocational skills training program lacked the necessary equipment and skilled staff to enable effective training (Ibid: 83).

Additionally, it was discovered that the officers hired to provide care at the center lacked the competence expected of them. The officers had no prior experience working in a prison or detention facility while this would have been helpful for comprehending some of the attributes of the young offenders and their behaviors. The only education the officers had prior to working at the center was a Certificate in Social Work. None of the officers had any formal education in a reformatory treatment program. As a result, the reformatory treatment program's effectiveness and quality were lacking, and the program was less likely to impact the incarcerated CICL (Ibid: 83). Baerg and Hoffmann (2011:18) disclosed how the insufficient number of staff forced social workers to play several roles including that of a counselor, a teacher, and a supervisor, in the correctional centers.

Similarly, Decker and Marteache (2017) revealed that the prison officers who oversaw the center were not specifically trained for this type of work. And, that officers were posted to that center according to regular administrative routines. There were few differences in how CICLs admitted to the centers were treated, and the officers received no specialized in-service training for managing the CICL at the correctional center (Decker and Marteache, 2017: 19). Also, Lawson (2016) disclosed that Ghana's juvenile justice delivery mechanism does not provide the necessary skilled, pragmatist, and realistic intervention to help young offenders who end up in the senior correctional facility. The fact that these CICL are left in the custody of prison staff who have been trained to manage and supervise only adult offenders makes the problem worse. These officers appear to "lack the necessary professional education, abilities, knowledge, or experience to evaluate their inmates' criminogenic tendencies or to grasp the causes of adolescent criminal activity" (Lawson, 2016: n.p).

Ashiabor (2014) showed that the staff in the correctional homes did not act in a manner that was consistent with effective parenting necessary to create an environment to facilitate reformation and motivate the confined inmates towards high reformation. In response to that, some staff of the center admitted to wanting to relax rules and care for the CICL as their own children, acknowledging the essence of parental care in their reformation and development. This is because there is the belief that the more relationships that youth have with caring adults, the lower their risk-taking behavior and the greater likelihood that they will resist dangerous influences, succeed in school, and exhibit fewer behavior problems including delinquency. But these staff claimed that doing that was quite difficult due to the criminal behavior of some of the inmates which can lead to chaos, and hence the CICL did not get the needed care and attention (Ibid.: 84).

The poor quality of programs and services offered by the correctional centers in Ghana deviates from the requirements of legal standards for the administration of the juvenile justice system. Specifically, it violates the Havana Rules 81 to 87 which urge States to employ skilled and qualified personnel including counselors, social workers, psychiatrists, and psychologists to manage the correctional center. These further state that this personnel should be trained in child psychology, welfare, as well as behavior management techniques. Since children in those stages are

still developing, having personnel who are worthy of serving as positive role models will enhance their learning and subsequently their development.

This violation of the Rules is consequently harmful to the behavioral and social development of these CICAL since according to scholars like Sears (as stated in Maier, 1978: 141) “ a behavioral approach is an environment that instills in children the "proper motivations, interests, skills, and attitudes". According to social learning theorist Bandura, these skills and attitudes are supposed to be enforced through specific environmental factors, like the type of role-models that children have available to them in the correctional centers: caregivers, teachers, officers, and resource persons from Non-governmental organizations. When these supposedly skilled caregivers lack the necessary knowledge and training to impact the CICAL, the development of the CICAL unfortunately is likely to regress. Such caregivers are less likely to be a good role model to the CICAL. This is in line with Berk's (1985) assertion of the connection between educational attainment and the behavioral management abilities of care staff working with children in institutional care. He revealed that college-educated staff utilizes verbal forms of motivation and affirmation three times as regularly as non-college-educated staff. As a result, the behavior management abilities of college-educated staff were assessed to be three times better and substantially more efficient than those of non-college-educated staff (Ashiabor, 2014: 84).

4.4 Conclusion

This chapter analyzed the adequacy of the situations and services provided in correctional centres and how it impacts the behavioral and social development of CICAL. Through CRBA and child development theories, the study discovered that the education, skill training, and competence of the caregivers in the centres in Ghana were inadequate in ensuring the behavioral and social development of the CICAL. The next chapter will explore the impact of care and treatment in the correctional centre on the mental and biological development of CICAL.

CHAPTER FIVE: Effects of Treatment and Care in Correctional Centres

5.1 Introduction

This chapter focuses on how treatments, care, conditions, and sanitation in the correctional homes contribute to the mental and biological development of the incarcerated CICL. It analyzes the findings using the theoretical and normative framework of the study. It also assesses how the situations within the correctional centers conform to international and local standards. Based on the situations found, the chapter ends with conclusions on how the inadequate and poor environment, training, health, nutrition, and hygienic situations in the various centers are harmful to CICL's development behaviorally, socially, mentally, and biologically.

The environment, including the services and treatment supposed to be provided in the correctional centers, is to ensure the sustained reformation of incarcerated CICL. Yet, some studies have disclosed how treatment, care, and situations in correctional centers have dire effects on the psychosocial well-being of some incarcerated CICL instead.

5.1.1 Harmful Mental Health Implication of Victimization

Victimization in correctional centers has been reported to be rampant. Recent research by Ansah et al (2022: 1), on the patterns of victimization in Ghana's Senior Correctional Center, revealed that several forms of victimization exist that have serious effects on the psychological well-being of CICL. Using a sample size of 20 participants aged between 15 and 17 years, the study sought to identify the forms, causes, and effects of victimization on inmates of the SCC. The kind of victimization that occurred in this correctional center included direct and indirect physical assault and verbal assault which was mostly meted out by inmates who have been in the facility for a longer period and who are called the "senior men" (Ansah et al, 2022: 4).

Some inmates, especially the 'freshers', got punched physically, were hit by hairbrushes, kicked, and knocked on the head by objects. Indirect physical assault included being forced to stand, sit, or lie in abnormal positions. Some victims were assaulted verbally through insults and name-calling. These, unfortunately, were said to occur in the presence of the prison officers and other staff who mostly did little or nothing about the situation (Ibid: 3). These forms of victimization were caused by the senior's displacement of rage and frustration for being imprisoned, being a fresher (new inmate), and coming from a particular geographical region.

Certain regions and areas in Ghana are labeled for certain attributes and occurrences such as an area where a popular figure met her demise or an area noted for dealing in black magic like the Volta region of Ghana. These situations are not only peculiar to correctional homes but many other institutions in the country. These stigmatized persons, based on attributes and occurrences, are likely to face discrimination, stigmatization, and abuse (Ansah et al, 2022: 4). According to Ansah et. al (2022) the victimization mostly results in physical effects (such as permanent bruises and scars), psychological effects (such as sadness and loneliness), and social effects (social withdrawal) on the victimized juvenile in the correctional center. When CICL get victimized resulting in any of

these effects, this is likely to impede knowledge and skill acquisition for the affected CICL in the correctional centers and subsequently to lead to an experience of psychological disorders such as post-traumatic stress disorder, depression, anxiety, suicidal feelings or attempts (Ansah et al, 2022: 5).

Owusu Ansah et al's (2022) study had a sample size of 115 juvenile offenders. The study investigated the extent to which peer victimization influenced psychological distress among juvenile offenders in the Senior Correctional Center of Ghana (Ibid: 1). The findings revealed that psychological discomfort and peer victimization had a positive correlation. This shows that increased victimization, particularly in the form of bullying, is linked to increased psychological distress (depression and anxiety) among young offenders and CICL. Bullied victims are less likely to feel that the environment is hospitable, accommodating, fair, and safe, and their sense of belonging and engagement in classes or workshops at the prison will drastically diminish. Also discovered was the unfavorable correlation between victimization and the correctional environment. According to Owusu Ansah et al. (2022: 3-5) this suggests that higher levels of psychological distress among young offenders are caused by inadequate levels of justice, policing and safety, caring for the vulnerable, and prisoner safety.

Victimization of CICL resulting in psychosocial effects amounts to a violation of Article 17(2) of the ACRWC which discourages any detention that is degrading, cruel, and inhumane for the child. It further violates Article 15 of the Ghanaian constitution and 13(1) of the Children's Act which specifies the need to respect human dignity and protect children from degrading, cruel, and inhumane treatment. In relation to the avoidance of inhumane corrections including victimization, Article 13(2) of the Children's Act makes clear the need to avoid unreasonable corrections that affect the physical and mental well-being of the child and finds them unjustifiable if the child is incapable of understanding the purpose of the correction. Therefore, the above-mentioned correctional centers which encourage victimization deviate from the requirements of these legislations and standards. According to behavioral and social learning theorists, children are more likely to learn certain behaviors through observation, listening, and connections with others such as their peers, caregivers, and other environmental reinforcers. This serves as a foundation for the development of a range of behaviors, including aggressive behavior, assisting, sharing, and others. Therefore, since behavior is learned, incarcerated CICL who have experienced or observed victimization tend to emulate aggressive behavior which could possibly grow into conduct disorder which is detrimental to their cognitive and mental development and that of their unfortunate victims (Slee and Shute, 2015: 117).

5.1.2 Inadequate Psychosocial support

Studies have shown that children and adolescents who have encountered and advanced further into the juvenile justice system are more likely to have experienced abuse, neglect, mental health issues, and developmental delays (Cashmore, 2011: 32). In such situations, to ensure sustained reformation and rehabilitation of these CICL, psychosocial support, therapy, and counseling need to be offered. Yet several studies have divulged that there in Ghana is a huge gap in the care, treatment, and services offered to the CICL to nurture their mental health and ensure their complete reformation in the correctional center.

In reference to that, Ashiabor's (2014) study revealed that there were no psychiatrists or psychologists permanently stationed in correctional centers to provide psychological support for young offenders who have been traumatized or severely affected due to victimization and being detained. As a result, the prison sometimes employed the services of NGOs to offer psychological assistance to juvenile offenders on a short-term basis. This is mostly not enough to treat for instance a long-term mental illness (Ashiabor, 2014). Also, Ayete-Nyampong (2013: 30) found out in her research that, correctional centers lacked counseling programs, leisure programs, and health services necessary to enhance the well-being and mental development of incarcerated CICL who need that type of support.

Similarly, Lawson (2016), in assessing Ghana's senior correctional center, uncovered that there was no proof that the inmates at the center partook in group therapy, one-on-one individual counseling, or specialized therapeutic intervention techniques like drug or alcohol treatment, cognitive behavioral therapy anger control, or psychosocial therapy to nurture their mental health for their wholesome development.

Furthermore, Mrs. Ahlijah, the deputy director of the JGCC in a media engagement disclosed how the center lacks skilled counselors to attend to the needs of girls sent to the center with a detention order for specialized treatment. This, she claimed, worsens the plight of these incarcerated CICL since mental health care and development which informs reformation and rehabilitation is one of the underlying purposes of correctional centers (Boateng, 2019).

Speaking at a roundtable discussion organized by the Centre for Democratic Governance (CDD-Ghana) in 2019, the Deputy Director of the JGCC in Accra, Mrs. Ahlijah, revealed that the center lacked many facilities such as an infirmary, and specialized mental health and recreational facilities. This circumstance according to her hampers the center's attempts to transform, reform, and reintegrate prisoners (Boateng, 2019).

The inadequate provision of psychosocial support for CICL in correctional centers does not conform to Havana Rule 51 which suggests the availability of adequate preventive and remedial medical care, including mental healthcare, substance abuse, and other conditions that may impede the reintegration of the CICL into the community. It further breaches Rule 85 which highlights the need for correctional centers to have counselors, social workers, psychiatrists, and psychologists who should be trained in child psychology, welfare, as well as behavior management techniques to help nurture the mental health of these CICL to ensure their wholesome development. When CICL are not offered this needed support, the likelihood of a cycle of crime will emerge since children will finish their sentence without proper reformation and rehabilitation, and going back to the same community where they committed the crime could trigger its reoccurrence.

5.1.3 Lack of Screening amongst Incarcerated CICLs

To be able to detect if incarcerated CICL have a learning and/or mental disability, it is essential to screen them once they are detained in order to be able to provide specialized care and treatment for them to prevent further deterioration of their plight. But this has not been the case in most correctional centers in Ghana owing largely to a lack of specialized screening professionals, and screening equipment.

Based on fifteen in-depth interviews, Brenya's (2017) research disclosed how inmates of the SCC and JCC were not screened for specific learning disabilities (SpLD) upon admission. The goal of the screening procedure is to produce a preliminary assessment that shows whether there is a chance that the CICL has SpLD and/or other mental health implications. Officers at the center disclosed there were no methods of screening minors for SpLD. As a result, the children confined to correctional facilities were not formally screened for SpLD. At the correctional facilities, treatment or rehabilitation plans were only made after a series of career and adaptation counseling sessions, therefore SpLD were not taken into account (ibid.: 49). Also, a majority of the officers during the research implied that there were no special education programs offered at the Centers for young people with SpLD which affects their learning needs, behavioral and mental development (Ibid.: 54).

The lack of screening for learning disabilities and other mental illnesses contravenes Havana Rule 38 which underscores the need for learning and care appropriate for the child's needs and abilities. This involves offering specialized instruction to children who are illiterate and have cognitive or learning problems. When such specialized instructions are offered, children with special needs will benefit as much as their other colleagues for their optimum development.

5.2 Impact of Conditions, and Sanitation on the Biological Development of CICL

5.2.1 Poor Quality and Insufficient Food and Water

Biological theorists (Watkins and Pollitt, 1997) have contended that environmental factors like nutrition, learning opportunities, sanitation, cultural practices, and a conducive surrounding are vital for the biological development of children and a lack thereof could result in growth retardation. In relation to nutrition, several research has shown how malnutrition obstructs a child's ability to develop both physically and mentally. The findings of this research disclose how correctional centers offer CICL inadequate and low nutritional diets.

Osei's (2013) research revealed that the senior correctional center's inmates reportedly voiced their displeasure with their meals in about 95% of cases. The data gathered indicated that the food is not particularly tasty and nutritious which does not consider the child's best interests. CICLs are not supposed to be put in harsh conditions due to their offense but in a conducive and friendly environment so they can pay attention to the rehabilitation process and take it seriously (Osei, 2013: 38). Similarly, Ashiabor (2014) revealed that CICL in the centers were given inadequate food at the kitchen staff's discretion and that this affected their emotional, mental, and physical well-being. For instance, the study revealed that juveniles who were physically and mentally incapacitated in the Swedru Junior Boys' Correctional Center were unable to adapt to the center's reformation initiative (Ibid.: 83).

In addition, Ayete-Nyampong (2013) disclosed that authorities at correctional facilities indicated unequivocally that their budgetary allocation was insufficient to support both the daily operations of the facilities and the feeding of prisoners. Hence the quality of food and other services were mostly undermined. This unfortunately made the inmates grumble about the menu's lack of variety and the inadequate meal servings during the focus group sessions of the research

(Ibid.: 100). According to other research this leaves the centers with no option but to primarily rely on donations from kind individuals, NGOs, and members of the public to augment the ration and meet the basic necessities of inmates, including foodstuffs and toiletries because the government was mostly unable to provide for these (Brenya, 2017: 60).

To aid the biological development and healthy living of CICL in correctional centers, it is expected that they are provided with adequate and nutritious meals and water. When this does not happen, Havana Rule 37 is contravened. That Rule encourages all correctional centers to make sure that all CICL are provided with meals that are well-prepared, served at usual meal times, nutritious, and of an amount that fulfills dietetic specifications, sanitation, well-being, religious and cultural necessities. It also stresses the necessity for clean and available water every time for the CICL. This challenge is likely to have a serious effect on their biological development, especially on height, weight, puberty, and their neurocognitive development may be stalled (Keenan, 2002: 71).

5.2.2 Poor Hygienic Conditions

Ayete-Nyampong (2013: 95), after her ethnographic field visit to the SCC and JCC, revealed how depressing it was for the inmates to be within the walls of a dormitory due to the monotony of twin beds, stagnant air, the foul smell, and odor from the restrooms and toilets. Similarly, Ashiabor (2014) exposed how the correctional center's institutional culture did not promote CICL reformation. This is attributed to the fact that CICL were not given sufficient accommodation. Also, their beds were old, and the rooms stinky and unclean. Insects and mosquitoes could enter the room because the fencing on the dormitory windows was damaged. Inadequate clothing was provided for children, leaving them vulnerable to the weather while wearing soiled, old clothes (ibid: 83). According to her, this was a result of insufficient funding from the Department of Social Welfare to cater to the needs of the center.

In addition, the Chief Superintendent of Prisons and the Head of Education and Counselling at the SCC, Mrs. Victoria Adzewoda, presented the state of the institution at the meeting. She recounted how the SCC was overpopulated with 254 inmates making the aim of reformation, rehabilitation, and reintegration quite impossible. She, therefore, urged the government to construct other senior correctional facilities in various areas in order to ease the burden on the few facilities in Accra (Ghana News Agency, 2019). Such uncomfortable conditions disregard Havana Rules 31 to 36 which emphasize the right to accommodation and essential services that promote the health and human dignity of CICL. They further clarify the necessity for private, enough, and clean bedding, personal clothing, storage place, spacious rooms, and, sufficient sanitary facilities. Since a healthy environment contributes to a healthy body and development, CICL in such deplorable conditions are likely to face a retarded biological growth.

5.2.3 Unsatisfactory Operation of the Centres

In 2011, the Commonwealth Human Rights Initiative in its assessment of the juvenile justice system in Ghana highlighted the weakness of the system. In relation to the correctional centers, one of the identified challenges was poor infrastructure and lack of security. Most of the centers had only one security officer who only operated during the night. And, due to the open nature of the centers, inmates could escape during the day without being noticed. (Baerg and Hoffmann, 2011: 19).

Likewise, Decker and Marteache (2017) reported that security measures at correctional centers were wholly insufficient with little formal security for the institutions intended to house CICL. This made it easy for inmates to escape from those centers since they have extremely deteriorated. The issue was made worse by the lack of reputable residential addresses and tracking mechanisms, so CICL who escaped from custody could often resume their previous way of life without being caught (Ibid: 21). Also, the officers of the prisons at the SCC claimed that the physical layout of correctional facilities invited escape and tended to undermine not only the objectives of criminal intervention but also the entire purpose of prison officers, whose primary duty is to prevent juveniles from eluding justice (Ayete-Nyampong, 2013: 114).

In addition, during an interview with the regional director of social welfare conducted by Osei (2013), he indicated that the nation's correctional facilities fell short when it came to meeting the needs of the incarcerated CICL, especially because there was only one Girls Correctional Centre nationwide. Also, the institutions that were supposed to make sure the regulations and guidelines are conformed to in the correctional homes did not play their supervisory roles. (ibid: 41).

Similarly, a recent study by Aaporekuu (2022) highlighted the insufficient oversight by the organization that oversees the correctional centers to guarantee that the regulations are being followed (ibid:10). Furthermore, the open layout of the center allowed for interaction between the inmates and other criminal boys from the Swedru municipality, giving them access to alcohol and drugs. This undermined one of the goals of incarceration, which is keeping the inmates free from the impacts of other criminals (ibid: 84). Knowing very well the role the social environment plays in the development of every child, it is quite disheartening that children seeking reformation were in such an unhealthy environment at the time.

The poor operations of the center defied Havana Rules 30 to 32 which recommend the creation of a standardized and unique facility that fits into the social, economic, and cultural environment of the society to fulfill all health and human dignity needs. Also, to ensure the mental, behavioral, and biological development of the CICL, the operations of centers should be enhanced, especially in terms of security, to prevent CICL from escaping into the community in which they committed the crime without properly reforming.

5.3 Conclusion

This chapter highlighted how poor nutrition, hygiene, operations of the center, inadequate mental health screening, psychosocial support, and victimization affects the biological and mental well-being of incarcerated CICL in correctional centres in Ghana. It further analyses how these circumstances breach international and national legislation and hence do not operate from a child rights perspective.

CHAPTER SIX: Summary and Conclusion

This chapter gives an overview of the main research findings and concludes in response to the research question and objectives. Chapter one gave a general introduction to the paper including the background, statement of the research problem, research question and objectives, and the research techniques and methodology of the study. Chapters two and three discussed the child development theories and CRBA and its legal standards and norms as the analytical framework of the study. Chapters four and five presented and analyzed findings from secondary data sources in relation to situations and operations of correctional centres and how it impacts the development of CICL in Ghana. Using a secondary data collection method, the study highlighted how the institutional cultures, treatment, and conditions in correctional centers in Ghana are detrimental to the CICL's development because they do not adhere to legal standards and requirements.

Through a child rights-based approach, the stipulations of legislation and standards must be adhered to ensure the wholesome development of the CICL in areas such as quality academic and skill training, quality and adequate food, hygienic environment and accommodation, mental health care and services, and operation of the facility. Yet, the findings from the study revealed that correctional centers do not operate from a child rights-based approach due to their violations of the provisions in international and national legislation which is detrimental to the development of the CICL.

In response to how the institutional culture and situations in correctional centers affect the behavioral and social development of incarcerated CICL, the study revealed that the education and skill training offered in the correctional center was insufficient and of poor quality and could not equip the CICL with the needed knowledge and employable skills to sustained them socio-economically after their release from detention. Also, due to the association of the CICL with other "delinquent" CICL in the center, they were likely to learn unacceptable behavior from other inmates. In addition, the study also disclosed how the teaching staff was inadequate, unqualified, and unprofessional in the center. Since adults are said to shape the behaviors of children according to behavioral and social learning theorists, such adults, unfortunately, cannot shape the behavior and interest of these CICL positively in the centers if they lack the necessary skills to train them. Therefore, the findings disclosed how the correctional centres fall shorts of ensuring the behavioral and social development of the CICL

Also, responding to how the treatment and care in correctional centers are harmful to the mental development of incarcerated CICL in Ghana, the study found that the centers lacked stationed psychologists, mental health facilities, counseling and therapy, and mental and learning screening devices. Another pertinent treatment that could greatly impact the mental health of these CICL was the increased cases of victimization in correctional centers in Ghana which are mostly carried out by senior boys in the centers. This affects the psychosocial and physical well-being of the CICL as well as exposes them to learning bad habits like bullying and victimization to support their survival in the centers. For the complete reformation of CICL, Social learning theorists emphasize the essence of forensic psychologists who make use of cognitive psychotherapy on CICL by taking into account their cultural, social, and educational backgrounds to determine the most appropriate approach for their development, change, and rehabilitation in the centers

(Umejiaku and Obi, 2020: p. 39). This study can therefore conclude that the operation of the correctional centres was inadequate in promoting the mental development of CICAL.

In reacting to how the institutional conditions and services in Ghana's correctional centers affect the biological development of incarcerated CICAL, the findings revealed that the food, water, and hygienic environment necessary for the biological development of the CICAL were inadequate, substandard, and harmful to them. A lack of biological growth could consequently cause nutritional disorders like anemia and affect the cognitive and intellectual development of the child.

Finally, the study explored situations and treatments in correctional centres in Ghana in relation to the requirements of international children's rights and the legislation and came to the realization that the operations of the child justice system deviate from the expectations of the laws and standards including the CRC, ACRWC, Beijing Rule, Havana Rule, JJA, Ghanaian constitution and the Children's Act of Ghana.

Ultimately, the study sought to assess how the Child Justice System's correctional centers were harmful to the development of incarcerated juveniles in Ghana. It came to the conclusion that the institutional culture, conditions, treatment, care, and sanitation were detrimental to the CICAL in the center's behavioral, social, mental, and biological. This is largely attributed to how the State has neglected the operation of the centers by not providing them with adequate funding, logistics, and supervision among others. This clearly demonstrates the lack of interest of the State in issues concerning children in Ghana which is likely to erode the human rights supposed to be enjoyed by children and resultantly lead to retarded development amongst CICALs. It is also worth mentioning that this study was limited by the sole use of secondary data, therefore future studies could explore using a mix method of data collection to solidify the generalizability of the findings and conclusion.

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