

Chapter 10

Youth and Crime

Youth are among the most vulnerable members of society; in part because of their tendency to get involved in high-risk behaviours and their susceptibility to committing criminal offences. Those who are separated from their parents are clearly among the most vulnerable of this group. Extreme poverty, chronic illness of self or parents and lack of social support and education also leave youth vulnerable to violence (Arora et al., 2015). Adolescents in detrimental environments may feel more vulnerable to violence from peers at school or gangs in their neighbourhood and hopeless about their lives and their odds of surviving to adulthood. Ultimately, their exposure to violence may lead them to become violent themselves (Fagan and Wilkinson, 1998).

10.1 Defining youth crime

Youth crime, also called juvenile crime and delinquency, is a serious social problem. Its intensity and gravity depend mostly on the social, economic and cultural conditions of youth populations. In many cases, youth offenders are “street children” who have been exposed to violence in their immediate social environment, either as observers or as victims. Their basic education, when they have it, is poor; their primary socialisation from the family is too often inadequate; and their socio-economic environment is shaped by poverty and destitution. Rather than relying solely on the criminal justice system, approaches to the prevention of violence and crime should thus include measures to support equality and justice, combat poverty and reduce hopelessness among youth.

Youth who have few options often turn to crime (World Bank, 2007) and their engagement in crime can affect various sectors and development including, investment climate. Crime and the fear of crime and violence are widely seen to depress private investment among both households and firms (World Bank, 2007). Addressing the root causes of youth crime through approaches that encourage the provision of opportunities for youth populations and allow them to cultivate new skills and build on their abilities will aid them to become productive citizens and assets for their communities and the nation as a whole.

10.2 Juvenile justice legislation in Ghana

10.2.1 Juvenile Justice Act 2003

The Criminal Code references criminal offenders generally, with no specific focus on juveniles. As a result, in 2003 the Juvenile Justice Act was created, to better reflect the situations and circumstances of young offenders. This outlines the aspects of the juvenile justice system in Ghana and establishes junior and senior correctional centres. However, without comprehensive national data on youth in the justice system, it is

difficult for the Act to address the full nature and scope of the problem, and many gaps remain. Additionally, there are certain areas that the court and police officers generally ignore. For example, the Act mandates that juveniles can stay at the police station for a maximum of 48 hours. After this, they must be charged and brought to court. Police outside of urban centres often do not follow this rule, bringing the juvenile to court and to the remand home several days after their arrest, and in some cases as long as a month after. Sometimes juveniles are held in the same cell or in the same area as adult offenders. Even where police officers are aware of the stipulations in the Juvenile Justice Act, they simply do not have the necessary accommodations in place (Hoffmann and Baerg, 2011). Furthermore, juveniles may not have access to a lawyer and/or their guardian. Lawyers are only called by social workers once the juvenile arrives at the remand home; and a young person may be questioned without either a guardian or a lawyer present.

10.2.2 Criminal Offences Act 1960

This Act was introduced to consolidate and amend the law in Ghana relating to criminal offences, affording protection for children with respect to certain offences, such as sexual exploitation, abduction, and harm to a child at birth or defilement of child under 16 years of age. There is no one definition of the child in terms of age in Ghana. It is understood that the Law Reform Commission has been asked to solicit views concerning the age of majority. The 1992 Constitution defines a child as a person under 18 years old.

10.3 Factors influencing youth crime

The juvenile justice field has spent much time and energy attempting to understand the root causes of delinquency. Researchers have concluded that there is no single path to delinquency and note that the presence of several risk factors often increases a youth's chance of offending. A risk assessment may aid in determining the type of intervention that will best suit the offending youth's needs and decrease his or her risk of offending. Although much of the research on risk factors that youth face has focused on predicting serious and violent offences, risk factors are relevant to all levels of delinquency.

10.3.1 Individual-level factors

Several psychological, behavioural and mental characteristics have been linked to delinquency, including hyperactivity or attention problems, impulsivity and risk-taking, and low verbal intelligence, with aggression being the best predictor of later violent behaviour and delinquency (Hawkins et al., 1998; Tremblay and LeMarquand, 2001).

10.3.2 Social factors

- Family characteristics such as poor parenting skills, family size, child maltreatment, and anti-social parents are risk factors linked to juvenile delinquency.

- Youth involvement with a delinquent behaviour may be linked to the peer group they associate with (Lipsey and Derzon, 1998).
- Poverty and unemployment plays an influential role in shaping many social problems, including juvenile delinquency, as it often jeopardises the parent-child relationship by compelling some youth to enter into criminal activities.

10.3.3 Community factors

- The impact of school policies concerning suspension and expulsion, disproportionately affects youth and has negative consequences for at-risk youth (McCord, 2001). Youth with low academic performance, low commitment to school and low educational aspirations during middle school are at higher risk of delinquency (Herrenkohl et al., 2001).
- Access to basic services, including primary schooling and basic health care, as well as to enriched child care and early childhood development programmes, increases the likelihood of an individual graduating from high school and attending college – reducing the probability that they will become involved in criminal behaviour (World Bank, 2007).

Preventing delinquency represents a complex problem with no simple solutions. Risk factor analysis offers a way to determine which youth are most likely to become delinquent, as well as providing data to tailor prevention programmes to meet the unique needs of diverse youth populations and their communities.

10.4 Access to legal representation

According to the Juvenile Justice Act, the juvenile has the right to access legal advice. However, there is currently no structure in place under the Department of Social Welfare or any other government body to ensure legal representation for juveniles in conflict with the law. Most juveniles are not aware of their legal rights. In Accra, as part of the Juvenile Justice Project, two lawyers have been providing free legal representation for juveniles since 2008, with UNICEF paying their filing fees. One of the main goals of this project is to reduce the amount of time juveniles spend on remand. Before 2008, juveniles would often spend between one and three years waiting for their case to be heard. Since the project began, however, this amount of time has shortened significantly, and the entire process often does not exceed six months.

Although most districts and all 10 regions have juvenile courts with translators, a lack of trained judges and unavailability of the court mean many cases are adjourned (Hoffmann and Baerg, 2011). Juveniles under the age of 16 receive a maximum sentence of 3 months; those aged 16–17 years receive a maximum of 6 months; and other young people age 18 years and above can receive 24 months. If the offence is considered serious, the offender may receive three years, or may be sentenced to serve time at a senior correctional centre, even if they are seventeen years of age or younger. Serious offences include murder, rape, defilement, indecent assault, involvement in unlawful harm, robbery with aggravated circumstance, drug offences and offences related to firearms.

Box 10.1 SDG 16 – Paralegals for increased access to legal aid services in Ghana

SDG 16 seeks to promote the rule of law at both national and international levels to ensure equal access to justice for all. In the Ghanaian context, the technical nature of the law, with regard to both content and procedure, means those who are not versed in the law require technical assistance to guarantee reasonable access to and equality before the law. This assistance comes at great cost. Despite an increase in the numbers of qualified lawyers in the country, the ratio of lawyers to clients remains inadequate. Moreover, the practices of lawyers are confined to the urban and suburban parts of the country.

The use of paralegals and legal assistants has been identified as one means by which access to justice can be brought to the doorstep of people with little or no access to the justice delivery system. However, in order to improve the recognition and regulation of paralegals in Ghana's justice delivery system, it is recommended that further research be conducted on the Legal Aid Bill and that efforts be channelled towards detailing the nature of paralegal programmes Ghana needs, taking into consideration the role of private paralegals. Furthermore, there is a need to investigate ways to incorporate civil society, as well as how university faculties can help develop relevant industry-driven paralegal training programmes and engage those who have finished their LLB and are waiting to do a professional law course.

Source: Legal Aid Scheme, Ghana (2017)

Lack of access to legal representation puts youth offenders, especially those from poor families, at an unfair disadvantage. In 2015, Legal Aid in conjunction with UNICEF organised workshops aimed at enhancing staff knowledge in child rights and responsibilities, juvenile offending, procedures in juvenile courts and pre/post-trial issues. It also held a workshop to raise awareness on access to legal aid for vulnerable persons.

10.5 Robbery

Robbery is a social problem throughout the country, and particularly problematic in large cities. Pickpocketing and purse-snatching are the most common forms of crime, but burglary and armed robbery are increasingly occurring in parts of Accra, especially in congested urban areas (Kingsley Eyiah, 2018). Often, it is unemployed youth living on the streets who are the perpetrators. The vast majority of armed robbery is conducted by street youth, of whom 95 per cent are homeless (Kingsley Eyiah, 2018).

In order to combat this problem, the Anglican Church in Accra has been conducting outreach initiatives, including providing job training, Bible-based mentoring, counselling and leadership development (ARDF, 2018). Without meaningful

employment or skills development opportunities that enhance employability, youth populations often turn to gangs, with females at particular risk of involvement in prostitution. As such, the Diocese of Accra plans to build a youth development centre, where vocational and spiritual training will provide young people aged 17–25 with opportunities to take part in adult education and develop job skills such as technical and computer skills. The centre will also offer recreational facilities, a community library and a youth savings and credit cooperative (ARDE, 2018).

10.6 Criminal justice process

According to the Juvenile Justice Act, bail should generally be granted. However, in many cases it is not, because of the risk the juvenile poses to him or herself or to society as well as the likelihood that the juvenile will abscond after bail is granted (typically those without a guardian to vouch for them). If bail is not approved, the juvenile is sent to the nearest remand home or, if possible, to a responsible guardian. For instance, in the Greater Accra region, the remand home is located in Osu for both female and male juveniles. Males and females are separated but the two remand homes are located in the same compound along with the Girl's Correctional Centre and the Shelter for Abused Children. Juveniles frequently stay at the remand home for longer than the maximum stay of three months for most offences and six months for serious offences (Hoffmann and Baerg, 2011). Both remand homes provide juveniles with basic education during their stay. However, adequate space to house the juveniles is lacking; moreover, staff are insufficient and security inadequate, owing to a lack of funding (Hoffmann and Baerg, 2011). As such, compounds are forced to rely on support from organisations like UNICEF and other NGOs, in order to function.

10.7 Life for juveniles after prison

Judges are often forced to either commit the juvenile to probation or to a correctional centre as few alternative sentences, such as community service or restorative justice options, are available in Ghana as noted during research interviews with experts. Without a robust monitoring system, there are often issues with youth absconding. However, criminal punishment does not deter future criminal behaviour (World Bank, 2007). In fact, premature or excessive punishment, including incarceration and social stigma, can drive young people to continue to participate in criminal activities (World Bank, 2007).

10.8 Summary points

1. The Criminal Code, the Juvenile Justice Act, the Children's Act and the Criminal Offences Act determine juvenile justice legislation in Ghana.
2. Addressing the root causes of youth crime through approaches that encourage the provision of opportunities for youth populations and that allow them to cultivate new skills and build on their abilities will aid youth in becoming productive citizens and assets.

3. Access to legal representation is a challenge in Ghana. Several initiatives are in place to grant access to the largest number of people regardless of location (urban settlements or remote areas), income and abilities or disabilities. Legal aid is provided through various programmes.
4. Robbery is a major type of crime involving youth.
5. Probation is often the only option for youth after prison as no alternative sentences are available.
6. Punishing youth for crimes they have committed often results in a continued life of crime. Thus it is important to invest in youth development initiatives and alternatives to detention.

10.9 Recommendations

1. Priority should be given to developing preventive measures to fight juvenile delinquency and youth criminality. This means rural areas need adequate socio-economic opportunities for youth populations. It also requires enabling access to educational, employment and leisure programmes for youth from poor urban settings. Social programmes aimed at building self-esteem and confidence should be targeted at youth who have dropped out of school or come from broken families.
2. GoG and other relevant agencies, particularly youth organisations, should consider organising information campaigns and educational and training programmes to sensitise youth to the personally and socially detrimental effects of violence in the family, community and society, to teach them how to communicate without violence and to promote training so they can protect themselves and others against violence. A supportive social policy and legal framework should help foster the development of social organisation, particularly through youth organisations and community involvement.
3. Rehabilitation services and programmes should be employed to help marginalised young people, such as those living in destitution and in poor living conditions who face inadequate access to education, malnutrition, illiteracy, unemployment and lack of leisure time, in order to address the root causes of criminality through prevention. These programmes should also be made available to those who already have a criminal record.
4. Focus should be given to the treatment of youth who are incarcerated, in order to ensure their rights are protected and the principles of the penal code are upheld.
5. Further exploration of policies and programmes that allow second chances in the form of reintegration, treatment and restoration through education and skills development or community service is necessary. These are likely to enhance capabilities and improve the likelihood that youth populations will find their way out of criminal activities and violence.

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