
PARTICIPANTS' PAPERS

EFFECTIVE TREATMENT MEASURES FOR PRISONERS TO FACILITATE THEIR REINTERGRATION INTO SOCIETY: THE GHANAIAN EXPERIENCE

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I. TREATMENT OF OFFENDERS IN GHANA

A. Aim

This paper aims at examining the objectives and practice of treatment of the incarcerated, early release prisoners and the post-release offenders in Ghana. The various forms of treatment at different levels (of the penal system) will be evaluated to assess their effectiveness in transforming offenders into acceptable and useful members of society. Where there are shortcomings, suggestions and recommendations will be made.

B. Objective

Since independence in 1958, Ghana's penal system of forty-three (43) prisons and a juvenile facility, the Ghana Borstal Institute, has been guided by the objective of 'reclaiming' the criminal with the view of rehabilitation. All members of the Ghana Prison Service are trained to be very professional in their approach to work. By doing so, prison officers are able to exert the necessary moral influence over the prisoners.

All prison officers are particularly enjoined by section 165 of the Prisons Regulations, 1958 to "treat prisoners with kindness and humanity, to listen patiently to and report their complaints or grievances, at the same time being firm in the maintenance of order and discipline and enforcing complete observance of order and discipline".

In the course of work, the officer is guided by a plethora of legislation constituting the Penal Law of Ghana. They are particularly mindful of section 2 of the Prisons Service Decree (NRCD 46) 1972, which makes it an offence to torture or subject a prisoner to inhuman or degrading punishment. By treating prisoners with dignity, the prisoner sees himself as a worthy member of society who is undergoing correction.

As the first line of contact, prisoners learn to re-socialize from the prison officers. The officers closely monitor the progress of the prisoners and encourage them to be industrious. The Ghanaian prison officer serves the dual role of custodian of the prisoner, as well as a change agent in the inmate's quest for the acquisition of positive values.

II. THE FUNCTIONS OF THE SERVICE

Section 1 of the Prisons Service Decree requires the prison service to maintain "the safe custody and welfare of prisoners and, whenever practicable, to undertake the reformation and rehabilitation of prisoners". It is not only necessary to physically secure the prisoner (in custody) (remand and trial prisoners inclusive), but it is equally important to provide an environment which would guarantee their health and welfare. With this achieved, it is the further mandate of the service to adopt measures which would reform and rehabilitate the convicted prisoner. Reformation and rehabilitation programmes are solely for the convicted

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prisoner. It is the foundation of the penal system in Ghana that it is the reformed person who can be successfully rehabilitated into society.

III. MECHANISMS FOR TREATMENT

To operationalize the functions of reforming and rehabilitating the prisoner, the service has adopted a combination of a sound physical infrastructure and treatment programmes. Treatment is based on formal and informal education; technical and vocational training in the walled prisons and agricultural training in the camp prisons. The camp prisons are open facilities in farming communities. The prisons along the coast engage in fishing as the choice of vocational training.

A. The Juvenile System

The same approach has been adopted in the treatment of the inmates of the Borstal Institution. This facility houses youth offenders who are not older than seventeen (17) years. The dual themes of reformation and rehabilitation are embodied in the charter of the institution; "training for citizenship and a concern that the young and careless should be saved from a wasted life of crime".

The juveniles are given four (4) years of formal education by prison officers who are professionally certified teachers. They are prepared for national examinations. There is an option for trade training and well-equipped workshops are provided for practical training. The inmates who opt for technical training are prepared for trade certification tests at the national level.

After serving the mandated years, no criminal records are kept on the former inmates of the Borstal Institute. It is an offence to refer to the criminal history of these juveniles for any purpose. This is very important for their reintegration into society. As a result, a lot of former inmates

occupy responsible political, economic and social positions in the country.

B. Physical Conditions

The Industrial Unit of the Service carries out regular inspection and maintenance of its physical infrastructure. The Health Unit has responsibility for the maintenance of hygienic conditions. The Ghana Prisons Service operates in an environment of close monitoring of its activities. As part of the Security Services of the country, the National Security Council, chaired by the President of the Republic, keeps an 'eagle eye' on the activities of the Service, as does the Parliamentary Committee on Defence and the Interior.

The Commissioner for Human Rights and Administrative Justice has the constitutional duty of ensuring that the prisons of Ghana are managed in the best interest of prisoners and the society as a whole. In particular the commissioner checks for violations of the human rights of prisoners. The various branch offices conduct inspections of the juvenile facility and all the prisons in the country, in the presence of the state and independent press. The officials of the Commission conduct interviews of the prisoners as to their impressions of the facilities and conditions. Prison officers are not allowed to be present during the inspection and interview. The Commissioner's reports on the conditions of the prisons and the facilities available are sent to the President for reaction and directives.

The Government of Ghana, mindful of its constitutional obligations and the benefits of sound penal administration, has set up the Prisons Service Council for ensuring that the Prison Service performs its role efficiently. The members of the Council are: the Chairman who represents the President of the Republic of Ghana; the Minister responsible for the Interior; the Attorney-General and Minister of Justice or his/her representative; the Director of

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Social Welfare and Community Development; and representatives of the Bar and Medical Associations. Others are representatives of Chiefs and religious bodies, the Director-General of Prisons, two representatives from prison officers, the Chief Director of the Ministry of the Interior and two other appointees of the President, one of whom is a woman.

The Prisons Service Council advises the President of the Republic on matters of policy relating to the organisation and maintenance of the penal system in Ghana. The council regulates the conditions for imprisonment, the appointment and composition of welfare committees, and generally adopts measures for the humane treatment and welfare of prisoners and other persons in legal authority.

At the regional level, the Council appoints Prisons Committees to advise the Council and the Director General on any matters relating to the administration of prisons in the region. At the station level, the Service Council appoints a welfare committee for each prison. The Committee consists of two or more persons and excludes the medical officer of the prison. The Committee visits the prison at least twice a month to inspect all wards, cells, yards, solitary cells, kitchens, wash-rooms, toilets and every other part of the prison, and to hear the complaints of the prisoners and to inspect the registers, books and records of the prison.

Giving them sufficient quantities of good quality food ensures the health and welfare of prisoners. Special diets are given to particular prisoners the medical officer recommends. Generally, prisoners are allowed to supplement their diet by making their own arrangements for food, provided they go through the proper channels. The prison authorities supply sufficient quantities of clothing, soap, bedding and sundries to maintain their decency, cleanliness and good health. The prisoners can arrange for the supply of special items

of toiletries and have unrestricted opportunity to use these items. Prisoners in Ghana also have unlimited opportunity to perform exercise and to engage in games like volleyball, basketball, tug of war, football and table tennis. They also play indoor games like ludu, cards, draughts, chess, scrabble and locally invented games.

Officers keep a close eye on the health of prisoners, as the death of a prisoner can have adverse consequences for the Service. In this regard, every effort is made to procure prescribed drugs for any prisoner in need and the Service bears the cost of any kind of surgery the prisoner has to undergo. These facilities are maintained even when the prisoner is undergoing punishment for breach of prison regulations.

C. Communication

Every convicted prisoner is entitled to write and to receive mail once every two weeks. Special circumstances can warrant an increase. Non-sentenced prisoners are not limited in the number of mail they can send or receive.

All categories of prisoners have the right to unlimited correspondence with their legal advisers, the Commissioner for Human Rights and Administrative Justice and their religious advisers. These rights are entrenched and are without prejudice to any infraction of prison regulations. The Department of Social Welfare and Community Development has welfare officers posted to the various prisons to help provide for the welfare needs of the inmates, in particular helping them seek redress at the courts and maintaining links with their families.

D. Visits

While non-sentenced prisoners are entitled to visits at all reasonable times, the convicted prisoner is limited to one visit every a fortnight, except when s/he has a medical problem. In such situations, the

number of visits would be increased. Visits by legal advisers are not limited. At all times prisoners are allowed to receive food, provisions and medical supplies from their families, friends, benevolent societies and philanthropists.

E. Religious Observances

There is freedom of worship in the prisons; ministers of all faiths are permitted to visit their adherents in prison. This is also an entrenched right. Since the prison administration cannot interfere with religion, and is conscious of its relevance to reformation, religious leaders are encouraged to offer moral and religious instruction during their visits.

Religious instruction is an important means of giving a positive belief system and values to the prisoner, thus helping them to reform. The Service has a chaplaincy serviced by ordained priests. This unit coordinates religious activities and liaises with religious groups and civic organizations like the Rotary Club, who donate food, clothing, medicine and equipment for industrial training to supplement the efforts of the government. These organizations show films with reformatory and rehabilitative messages to the inmates. They also offer entertainment facilities like television sets to the prisons. The prison libraries are also usually equipped by the religious groups who help finance educational and training programmes in the prisons.

F. Observation

Generally, Ghanaian prisons are safe and clean. Given the state of the economy, the utmost is done to make life comfortable for the inmates. Healthcare is provided by the state with a low mortality rate; 0.028% for 1996. With the strict supervision of the powerful organs of state and various interests groups, high standards are maintained.

In 1996 the escape rate from prison was

0.026%. Escape in Ghana presents an interesting phenomenon, especially at the camp prisons where security is minimal. Dissatisfaction with conditions or crippling objection to particular officers usually leads to the escape of prisoners who are sent out to work. Examples abound of escapees reporting at other prisons, or to the residence of the Director-General, to seek transfers.

IV. PROGRAMMES

A. Formal and Informal Education

The major focus of the treatment programmes is education. By 1967, the Service had established schools for the inmates at all the central prisons. The central prisons hold long-term prisoners who stand to benefit from such long-term schemes. Libraries have been established in some of the prisons to facilitate education.

At the Borstal Institution, certified teachers were involved in the general, technical and vocational education of the inmates. As far back as 1967, nine (9) out of eleven (11) inmates presented for national examinations passed. As a major training centre, the Borstal Institution has industrial installations comparable with the largest factories in the country. At present, some junior high schools in the nation's capital use the facilities of the Institution for their practical training, under the guidance of specialist prison officers.

The 1967 Commission of Enquiry into the conditions of the Service, (the Asafo Adjei Commission), while acknowledging the role of education in the prisons, urged the prison administration "to provide prisoners with facilities to promote their formal and informal education within the prisons service and institutions under its administration". The Commission further stressed: "Although they [prisoners] may be incarcerated as a punishment, every

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thing done to avoid creating bitterness and resentment in them is ultimately for the good of the society to which they will eventually return. All programmes for civic or social education for the rest of the community may diminish in value, if prisoners, for whom there is ample opportunity now for their reform and help to become more responsible citizens than they have ever been, are neglected in the national effort for general re-education”.

Following the recommendations of the Asafo-Adjei Commission, the Service intensified its efforts by recruiting more qualified teachers to undertake the urgent task of educating the mass of illiterate inmates. Ghana has a large population of illiterates and this is naturally reflected in the prison population. It has long been felt

that ignorance prevents a large number of the incarcerated from presenting their cases properly. An examination of the educational background of inmates in two given years confirms this startling situation. Although recent statistics are not available, it is safe to assume that this situation is unchanged.

Of the categories of prisoners in Tables 1 and 2, the illiterate category registered the highest number of convicts. This defines the task of the Prisons Service in its bid to reform and rehabilitate the large band of illiterate and semi-literate prisoners who have overwhelmed the penal system. The correlation between illiteracy and criminality is well defined. The Service has adopted measures to enable illiterate

TABLE 1
EDUCATIONAL BACKGROUND OF CONVICTED PRISONERS, 1990

| Illiterate | Elementary | Secondary | Technical | Graduate | Post-Graduate |
|------------|------------|-----------|-----------|----------|---------------|
| 48% | 39% | 8% | 3% | 1.5% | 0.5% |

Source; Ghana Prisons Service Annual Report, 1990.

TABLE 2
EDUCATIONAL BACKGROUND OF CONVICTED PRISONERS, 1992

| Level of Education | First Quarter | Second Quarter | Third Quarter | Last Quarter |
|-----------------------------|---------------|----------------|---------------|--------------|
| Illiterate | 4028 | 3964 | 4106 | 4693 |
| Elementary / Secondary / | 3911 | 3569 | 2977 | 1781 |
| Commercial / Technical | 558 | 491 | 899 | 1229 |
| Tertiary | 33 | 55 | 140 | 157 |
| Other | 57 | 134 | 99 | 195 |
| Total | 8587 | 8213 | 8221 | 8055 |

Source; Ghana Prisons Service Annual Report, 1992.

prisoners to learn to read and write, and to afford teaching in preparation for advanced studies to prisoners who may so desire.

Prisoners are permitted to engage in studying for self-improvement and are provided books and stationery by benefactors like the churches and the non-formal education division of the Ministry of Education, which has extended its national programme to the prisons. Prisoners are encouraged to prepare and sit for educational examinations. For the purpose of education, library services have, since 1967, been extended to all the prisons.

Since the promulgation of this decree, a massive drive has been made towards improving the education of inmates. A batch of professional teachers were recruited in 1976 to teach prisoners. Professionals and technicians are recruited annually. Added to the lack of education is the lack of skills as shown in Table 3.

From a study of table 3 it is obvious that the higher the skills, the lower the rate of incarceration. Farming in Ghana is basic and does not need formal education. Indeed most farmers are illiterate and farming is the only way to survival. Together with the mostly poorly educated commercial drivers, farmers are largely

victims of ignorance.

B. Vocational Training

Vocational training, another component of the treatment package, is backed by Section 41 of NRCD 46, 1972. The Prisons Service is specifically charged to “establish in every prison courses of training and instruction assigned to teach simple trades, skills and crafts to prisoners who may benefit from such training.”

Vocational training is carried out in the walled prisons. These are the maximum and medium security facilities. Major industries exist in the central prisons. Trades such as carpentry and joinery, cane and basket making, black-smithing and masonry are undertaken, as well as taught. Other areas include shoe-making, tailoring and dress-making, textile manufacturing, ceramics, automobile repair, electrical and electronic goods repair. The Service relies exclusively on specialist prison officers for trade instruction and supervision of the industries. Trade training is in the form of theoretical instruction and practical experience in the workshop or on the field where the inmates serve as apprentices. Inmates who are already skilled are engaged as workers and are given incentives.

TABLE 3
OCCUPATIONS OF CONVICTED PRISONERS - 1992

| OCCUPATION | FIRST QUARTER | SECOND QUARTER | THIRD QUARTER | LAST QUARTER |
|---------------|---------------|----------------|---------------|--------------|
| Farmer (crop) | 3347 | 3285 | 3463 | 3141 |
| Fishermen | 398 | 315 | 273 | 291 |
| Artisans | 359 | 307 | 355 | 640 |
| Businessmen | 137 | 101 | 108 | 88 |
| Clerks | 129 | 298 | 176 | 87 |
| Drivers | 1114 | 946 | 789 | 707 |
| Teachers | | 8 | 21 | 9 |
| Other | 2162 | 2165 | 1924 | 1958 |
| TOTAL | 8587 | 8213 | 8221 | 8055 |

Source; Ghana Prison Service Annual Report, 1992.

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C. Agricultural Training

An off-shoot of working on farms, agricultural training is the most popular activity in the prisons. Almost all prisoners have rural backgrounds and can easily cultivate crops and generally imbibe modern farming methods. The same 'learning on the job' approach is applied in the fishing camps where officers fish alongside prisoners.

D. Assessment of Programmes

Tables 4 and 5 show the recidivism rate for two years. The 1992 rate of 9.2% rose to 14.1% in 1996. Generally recidivism has been the measure of the success of treatment programmes. In Ghana's situation, the comparatively low rate must be treated with caution. Record-keeping is unreliable and there is virtually no monitoring of discharged offenders, enabling prisoners who relocate to be tried for subsequent offences without the Court's knowledge of the previous record.

In reality, the range and degree of treatment programmes in Ghana do not lend to an assertion of a positive effect on

the rate of recidivism. As an observer-participant, one is of the opinion that the programmes are not structured and organized. Special programmes are required to treat the needs of some classes of prisoners. These would more particularly be seen during classification. At present, sexual offenders, substance and drug abuse offenders, prisoners with anger or psychological problems and psychiatric cases hang on without any programmes to take care of their needs. A lot of work needs to be done in the area of treatment inside the prison in this regard.

The greatest contributing factor to the probable low rate of recidivism is the ease of absorption of the discharged offender into their community, due to the cohesiveness of the social fabric.

E. Prison Labour

Prison labour is used in two ways in Ghana. One way is where prisoners are generally hired out for physical labour on farms and in industry. Skills are not required and the objective is to raise income for the state. The other form involves

TABLE 4
TYPES OF OFFENDERS, 1992

| Quarter | First Offender | Second Offender | Recidivists | Total |
|------------|----------------|-----------------|-------------|-------|
| First | 6389 | 1494 | 704 | 8587 |
| Second | 6119 | 1240 | 854 | 8213 |
| Third | 6248 | 1249 | 724 | 8221 |
| Fourth | 5985 | 1321 | 749 | 8055 |
| Total | 24741 | 5304 | 3031 | 33071 |
| Percentage | 74.8 | 16.0 | 9.2 | 100 |

TABLE 5
TYPES OF OFFENDERS, 1996

| | First Offender | Second Offender | Recidivists | Total |
|------------|----------------|-----------------|-------------|-------|
| Number | 6991 | 1904 | 1456 | 10351 |
| Percentage | 67.5 | 18.4 | 14.1 | 100.0 |

utilizing prisoners on contracts, especially for building constructions. Prisoners are placed on the field and work alongside the officers on such projects. These prisoners return to the prison in the company of their escort each working day. Except for a brief period during the revolutionary era when some prisoners were allowed to spend the weekend at home, prisoners in Ghana are not allowed to go out on their own.

Contracts are also taken for the manufacture of various items inside the prison, for instance, furniture and cabinets, tools, garment and baskets. Prisoners who have gained trade skills are exposed to the practical side of their training and are given work incentives.

Labour is governed by Section 42 of the Prisons Service Decree (NRCD 46) 1972, which requires every prisoner convicted of a criminal offence to perform work beneficial to the community or the Prison Service, or to assist them to lead a responsible life after release. Only the very strong prisoners get the chance to work outside. Even in the yard, sick, weak and old prisoners are not allowed to perform any duties. Prisoners are not forced to do any kind of work. It is enough that a prisoner claims they are ill, though the medical officer is always available to detect malingering.

Deployment of prisoners on jobs outside of the prison is becoming increasingly difficult. With a large mass of unemployed people, labour is cheap and readily available outside of the prison. Prisoners who perform duties in the yard, those who go on outside labour (if any) and those working in the shops are expected to be paid, but the very low level of income from the labour charges and the industrial activities make this almost impossible. In Ghana the problem is not getting prisoners to work; the issue is getting work for the prisoner.

V. ALTERNATIVES TO IMPRISONMENT

A. Fines

Fines have been the only traditional alternative to imprisonment in Ghana. Attempts made at introducing 'community service' as envisaged under the Public Tribunal Law (PNDCL 78), now replaced, were stillborn. Probation has not yet been introduced.

The Courts Act (Act 459) 1993 introduces 'restitution' as an alternative. By operation of section 35 of the Act, where an accused person, after conviction for causing economic loss, harm or damage to the state or any state agency, is willing and able to pay compensation or make restitution and reparation, the court may instead of passing sentence on them, make an order to pay compensation, make restitution, or make reparation. This is seen as a cross between imprisonment and the payment of a fine. It is however clearly limited and could be abused as a tool for the rescue of the affluent from the criminal justice system.

B. Bonds

A frequently used device in misdemeanour cases is the 'bond'. This is usually granted upon the intervention of the community heads or leaders. The accused persons are bonded to be of good behaviour for periods normally not exceeding one year. If during the period the accused is found guilty of breaching the bond, s/he is given a prison term for the period s/he was expected to observe the bond.

C. Probation

At the juvenile courts, probation reports are prepared by social workers for the consideration of the court before issuing its orders as to the treatment of the offender. However the offenders are not usually granted probation. On conviction they are

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sent to the Boys and Girls Industrial Homes or to the Borstal Institution, if the offence is serious.

Probation, as is commonly accepted, is not available in Ghana yet; it is part of judicial reforms being contemplated by the judiciary and relevant stakeholders.

D. Early Release System

Early Release in Ghana is usually by the 'remission system'. 'Amnesty', which is an annual affair, and 'medical release' are used in exceptional circumstances. 'Pardon' is a rarity.

E. Remission

Authority for the operation of the remission system is section 34 of the Prisons Service Decree (NRCD 46)1972 "A prisoner serving a sentence of six weeks or more may, by steady industry and good conduct, earn a remission not exceeding one-third of his sentence". Some categories of prisoners do not enjoy remission. These are those:

- a) Serving a sentence of imprisonment for life;
- b) Detained during the pleasure of the Head of State;
- c) Committed to prison for debt; or
- d) Committed to prison for contempt of court.

In theory, remission is earned while the prisoner is in custody and their conduct and enterprise are being observed. In practice, the third part of the sentence is calculated right at reception and the 'Earliest Possible Date of Release' (that is, having earned remission) and the 'Latest Possible Date of Release' (without remission) are known from the first day.

All remission (earned), or any part of it, can be forfeited when the prisoner fails to maintain steady industry or good conduct. The Director-General of Prisons and the Officer-in-Charge, the only authorities who can impose punishment on a prisoner, can respectively forfeit up to six

(6) months earned remission and 28 days earned remission. In both respects, the period of forfeiture should not exceed the remission already earned. Remission is a requirement of the law and it is a duty incumbent on the Officers-in-Charge of the prisons and the Director-General.

F. Amnesty

The Head of State exercises their prerogative of mercy by releasing prisoners annually. The beneficiaries are (initially) recommended by the Officers-in-Charge of the various prisons. The Director-General studies the recommendations and seeks the approval of the Minister Responsible for the Interior, who would present the final list to cabinet.

Annually, a medical board made up of independent medical personnel, tour all the prisons and recommend the release of the very sick, the aged and the mentally incapacitated. If the recommendations are acceptable, the Head of State orders their release. Article 72 of the 1992 Constitution empowers the Head of State to exercise this prerogative of mercy and, in consultation with the Council of State, may:

- a) Grant to a person convicted of an offence a pardon either free or subject to lawful condition or;
- b) Grant to a person a respite either indefinite or for a specified period, from the execution of punishment imposed for an offence ; or
- c) Substitute a less severe form of punishment for a punishment imposed on a person for an offence ; or
- d) Remit the whole or part of a punishment imposed on a person or of a penalty or forfeiture otherwise due to Government on account of any offence.

An example of the exercise of this prerogative is the amnesty granted during the first anniversary of the Fourth Republic in 1997 for :

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- (i) Condemned prisoners who had served more than 10 years as at January 7 were to have their sentences commuted to life;
- (ii) Prisoners condemned to death for economic sabotage were to have their sentences reduced to 15 years;
- (iii) Prisoners serving life imprisonment who had served at least 10 years as at January 7, 1994 were to have their sentences reduced to 10 years. This excluded armed robbers, those convicted for rape and narcotic drug offences;
- (iv) Prisoners serving sentences for 20 years and over and who had served five years thereof were to have their sentences reduced by 1/3 remission. This excluded convicts sentenced for armed robbery, drug trafficking and rape;
- (v) First and second offenders who had served half of their sentences were to be released on parole and were obliged to undertake community service. This excluded persons convicted for murder, manslaughter, rape, armed robbery and drug trafficking and
- (vi) Convicts found to be seriously sick and those 60 years of age were to be released. This excluded convicts sentenced for rape, murder, manslaughter, armed

robbery and drug trafficking.

To give an idea of the effect of the amnesty on the prison population during a year which averaged a daily lock-up of 7630 in the prisons of Ghana, a break-down of the convicts who were affected by the amnesty of 1997 is as follows.

- First and second offenders **938**
- Death sentence now commuted to life **11**
- Life sentence now reduced to 20 years **6**
- Those serving 20 years and those condemned to death for economic sabotage now with sentence reduced by 1/3 remission and by 15 years respectively **18**
- Those serving above 20 years **26**
- Those who benefited from presidential pardon **2**

G. Qualification for Early Release

With the operation of the remission system and amnesty, prisoners in Ghana are generally beneficiaries of early release. In addition to four categories of convicts who do not benefit from the remission system-i.e those serving life imprisonment, inmates detained at the President's pleasure, debtor prisoners and those held for contempt-the amnesty policy excludes those convicted for armed robbery, murder, rape, narcotic offences and manslaughter. Amnesty and the remission system combine to release a lot of convicts yearly.

TABLE 6

| PARTICULARS | POPULATION |
|--|----------------|
| Average population at the beginning of the year | 8,752 |
| Average population at the end of the year | 7,639 |
| Number of persons incarcerated during the year | 9,158 |
| Number of convicts discharged during the year | 9,874 |
| Average convict population | 7,693 |
| Rate of incarceration | 25 times daily |
| Rate of release (1/3 remission, fine paid, court order) etc. | 27 times daily |

Source; Ghana Prisons Service Annual Report, 1994.

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Table 6, for the year 1994 evidences this fact. Discharges in 1994 exceeded admission by 716 inmates, thus registering 14.6% decrease in the commutative prison population of 463,997 in 1993 to 396,474 in 1994.

H. Factors and Authority for Early Release

Considerations such as the victim's feelings and the prisoner's potential for reformation are not taken into account when amnesty is considered. The gravity of the offence, as the exemptions show, is contemplated. It is an exercise of mercy, entirely at the discretion of the President who has no obligation to heed the advice of the Council of State. It cannot be denied that the device is also used as a means of decongesting the prisons and cutting down on prison expenditure.

I. Release on Licence

Male prisoners who have served a term of two (2) years or more for a felony or any criminal offence involving fraud or dishonesty, but excluding murder, are required by the Prevention of Crimes Ordinance (Cap. 38 of Vol. II) of the Laws of Ghana to be released on licence after they have earned their remission. The range of offences which require release on licence includes the abetment, attempt or conspiracy to commit felony, fraud or dishonesty. All other prisoners who earn remission are released absolutely. Female prisoners are not released on license.

J. Conditions for Release on Licence

The prisoner released on licence shall not, for the unexpired period of his original sentence (the outstanding third) and while at liberty, be convicted of any criminal offence involving fraud or dishonesty. If he is so convicted, his licence is automatically forfeited. He is further required to notify the police of his presence

and subsequent change of address.

K. Breaches

For breaches of the conditions of release on licence, the forfeiture of the licence means the convict has to serve the unexpired period of his original term and then the fresh sentence for the current conviction. For failure "to report as a convict on licence" or "failure to notify police of the change of address" the convict either receives a twelve (12) month term of imprisonment or serves the unexpired term of his original sentence.

L. Supervision

The police are charged to monitor the movements of the convicts on licence, by the system of periodic reporting of the convicts to the police. This is certainly not enough by way of supervision. All other discharged prisoners do not report to any authority.

M. Parole

Though parole was cited as one of the mechanisms of implementing the amnesty policy of 1994, in reality no prisoners were released on parole. They were released on licence or unconditionally, and did not engage in any community service. This is because there is no one to supervise the conditions under which parole is granted. The place of parole in the penal system has been appreciated in Ghana and the Constitution of 1992 enjoins the Prisons Service Council, in Article 208, to provide for its introduction. Six (6) years later there is still only talk of a bill under consideration.

N. Guidance

The only form of guidance is the advice offered to the prisoners on their release by members of the Prisons Discharge Board. The Board provides, on an irregular basis, transportation fees to some of the indigent prisoners who are making their way home.

O. Halfway Houses

There are no such facilities in Ghana. The Presbyterian Church of Ghana, in its Prison Ministry, is committed to creating such a facility and is preparing for the housing and trade training of ex-prisoners.

VI. TREATMENT OF DISCHARGED PRISONERS IN THE COMMUNITY

In Ghana there is no programme for the treatment of prisoners outside of the prison. On release, the prisoner barely has sufficient money to live on. They are only given transportation to their place of original conviction; no state or non-governmental organization has a programme to help them get settled.

Though by law, the only restriction on re-entry into the public service is for financial positions for prisoners with convictions for offences involving fraud and dishonesty, in practice there is no avenue of employment in the public sector for a discharged offender, no matter what the offence. The only recourse is the family. Social ties are still strong and sayings like "one does not cut off a limb because her child had soiled it", reveal that family bonds are not broken by criminal conviction and subsequent imprisonment.

In the urban areas, it is usual for a well-to-do member of the family in self-employment to engage the discharged offender and offer them accommodation in their house in order to monitor him/her. In the village, the discharged offender is welcomed and has the same right to cultivate family land or engage in a cottage industry. The family and community offer physical and material help to resettle. If s/he is a 'royal', the only disability as a result of imprisonment is the chance of becoming a chief.

It is easy for the discharged prisoner who is willing to go back to the family to be reintegrated and rehabilitated. In cases where there is difficulty because the offence

was committed against a member of the community, the elders of the family pacify the offended party through the offer of money, livestock and drinks.

The problem of re-offending has to do with the discharged offender who is either ashamed of going back to their family or is still lured by the 'city lights'. In the face of massive unemployment and crippled by the stigma of imprisonment and general lack of education or skill, the attraction of crime soon claims him/her. The same persons, constituting the recidivists of the Ghanaian penal system, always revolve through the prison gates.

VII. FACTORS MILITATING AGAINST TREATMENT

A. Alternatives to Imprisonment

The absence of national policies for the institution of alternatives to imprisonment, such as probation, work release, community service, suspended sentences, committal to drug and alcohol detoxification centres and psychiatric centres, is a great disservice to the nation. Most of the convicted prisoners do not have to be in prison. Some offences are so trivial that community service orders could have been used. Many sentences are so short that it would have been better to convert them to any of the alternatives. Fines have been unreasonably fixed on many occasions, with the result that convicted persons in Ghana invariably serve prison terms. A lot of the drug-related cases need clinical help, not imprisonment, where the offenders deteriorate mentally. The same applies for alcoholics.

Prisons are full of offenders who could legally be serving their punishments outside the prison, thus avoiding overcrowding in the prisons. Alternatives to imprisonment does not mean avoidance of punishment, and recourse to amnesty can not be a long term panacea for the ills of the system.

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B. Treatment in the Prison

1. Congestion

It is certainly difficult embarking on any meaningful programme with a bloated constituency. While short-sentenced inmates cannot be offered any meaningful treatment, their presence puts tremendous pressure on existing facilities and on the time and energy of the officers who could otherwise be deployed in treatment programmes for the long sentenced inmates. With a reduced inmate population, some of the buildings could be used as classrooms, libraries, workshops and rooms for group therapy. Parliament has also been slow in passing the Parole Bill; perhaps intimidated by the cost of creating a new bureaucracy, a National Parole Service.

2. Financing

Until the beginning of the 1998 financial year, there was no budgetary allocation for treatment programmes in the Service. The paucity of the allocation does not give room for comfort. Massive investment must be made in terms of the repair and provision of new machinery and raw materials where necessary. The Prisons Service has long been the orphan of the public service and funding for its activities has traditionally been poor. Yet the service has a great potential of bringing in large revenue if its resources are properly utilized.

3. Attitude

The attitude of post-independence prison officers has largely contributed to the current state of affairs. If the officers had maintained the programmes left by the British in 1957, the Service would have made head-way in its treatment programmes. Advocating reforms in the penal system should have been the constant refrain of the prison officer, yet focus has been on security, not reformation and rehabilitation.

Ghana has no problem with trained

personnel in all aspects of treatment. The Service abounds in certified teachers in general, agricultural, technical and vocational education. These categories of employees, together with the psychologists and sociologists, were employed for the exact purpose of designing and implementing treatment programmes for reforming and rehabilitating the incarcerated, but now find themselves in general administration where their skills can not be fully utilised.

C. Treatment in the Community

1. Supervision

In the absence of a well thought-out supervisory system such as provided by the institution of a parole system, community based supervision is currently highly ineffective. The understaffed and over-worked police have no time to monitor the licencee system.

Moreover in Ghana it is difficult to track people down, as large parts of the country are virtually inaccessible. Record keeping is very poor and there is no national identification system. Unless somebody identifies the offender as a previous offender in the course of the trial, s/he can always hide the previous conviction.

VIII. RECOMMENDATIONS

The factors preventing the adoption of a systematic approach can be over come by a commitment of the Prisons Service Council and prison administrations to the ideals of reformation and rehabilitation. The Service has been obsessed with security, as it forms part of the Security Services of Ghana, and perhaps a re-designation to a socially-oriented ministry like Social Welfare or Justice would reshape the direction of the Service.

It is also plausible to amend the charter of the Service which requires it to "ensure the safe custody and welfare of prisoners and whenever practicable to undertake the

reformation and rehabilitation of prisoners". By removing "whenever practicable", it can make it mandatory for the prison service to perform the two tasks.

The Prisons Service Council also has a major role to play. By its composition, it is a very powerful and influential body which should be able to influence policy-making at the highest level. The 1992 Constitution charged the Council with the responsibility of introducing a parole system. With the Bill before parliament, the Council has to exert pressure to get it passed. Its passage would reduce the problems of post-release prisoners to a large extent.

The Council would do the penal system of Ghana a world of good by promoting the adoption of non-custodial sentences. This would revolutionize the system and pave the way for real reformation and rehabilitation programmes. However the Council would have to use its influence to secure adequate financing to enable the scheme to take-off. The Financial Administration Regulations must be amended to allow the Service to reinvest its self-generated income as capital for growth and expansion.

It would also be necessary for the Service to intensify its income generating activities by taking on jobs which can be undertaken inside the prison, for instance, assembling small components for outside companies.

Finally, all personnel who administer criminal justice must be re-oriented and sensitized on the need for reforms. This would involve holding refresher courses for prison officers in particular, and generally for police officers, social workers, the judiciary and staff of the Attorney-General's Department. Given the place of treatment in Ghana, immediate focus must be on alternatives to imprisonment and programmes inside the prisons. A step by step approach would have to be adopted in considering post-release programmes.

IX. CONCLUSION

Ghana can learn from many countries which have designed and successfully implemented programmes for the treatment of offenders at the pre-trial, incarceration and post-release stages. While it is true to say that the treatment methods reflect the level of sophistication of the various countries, the adaptation of commendable programmes to the local situation is possible.

Alongside the goal of reaching a middle-income country by the year 2020, there must be a recognition of the changing trends in society, and their possible effects on the penal system in Ghana. The adoption of reforms now would, in addition to solving a lot of problems, pre-empt a future situation where the system can no longer respond to the needs of society and the incarcerated.