

**UNIVERSITY OF EDUCATION, WINNEBA**

**ASSESSING HUMAN RIGHTS COMPLIANCE IN GHANA'S PRISONS: A  
CASE STUDY OF AWUTU CAMP PRISON**



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CASE STUDY OF AWUTU CAMP PRISON**



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**JULY, 2023**

## DECLARATION

### Student's Declaration

I, **Frederick Bellson**, declare that this thesis, with the exception of quotations and references contained in published works which have all been identified and duly acknowledged, is entirely my own original work, and it has not been submitted, either in part or whole, for another degree elsewhere.

Signature: .....

Date: .....

### Supervisor's Declaration

I hereby declare that the preparation and presentation of this work were supervised by me in accordance with the guidelines for supervision of thesis as laid down by the University of Education, Winneba.

Supervisor's Name: Dr. Maxwell Acheampong

Signature: .....

Date: .....

## **DEDICATION**

I dedicate this work to my family for their support and encouragement during the course of the study.



## ACKNOWLEDGEMENTS

I am particularly grateful to the Almighty God, for giving me the strength, sound mind and direction to pursue this program successfully.

I am heartily thankful to my supervisor, Dr. Maxwell Acheampong, who made me believe in myself and guided me through the whole process. I am eternally grateful. May the Lord richly bless him.

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## TABLE OF CONTENTS

<b>Content</b>	<b>Page</b>
DECLARATION	iii
DEDICATION	iv
ACKNOWLEDGEMENTS	v
TABLE OF CONTENTS	vi
ABBREVIATIONS	xi
LIST OF FIGURES	xii
ABSTRACT	xiii
<b>CHAPTER ONE: INTRODUCTION</b>	<b>1</b>
1.0    Background to the Study	1
1.1    Statement of the Problem	3
1.2    Purpose of the Study	6
1.3    Objectives of the Study	7
1.4    Research Questions	7
1.5    Significance of the Study	8
1.6    Limitation	9
1.7    Definition of Operational Terms	10
1.7.1    Human Rights	10
1.7.2    Compliance	11
1.7.3    Treatment of Prisoners	11
1.8    Organization of the Study	11
<b>CHAPTER TWO: LITERATURE REVIEW</b>	<b>13</b>
2.0    Introduction	13
2.1    Theoretical Perspectives Underpinning the Study	13

2.1.2	Realistic Institutionalism	15
2.1.3	Theory of Reformation	17
2.2	The Origin and History of Prisons	18
2.3	Definition and Classification of Prisons	20
2.4	The Concept of Human Rights	21
2.5	Obligation from International Human Rights Instruments	24
2.5.1	The Universal Declaration on Human Rights	24
2.5.2	The International Covenant on Civil and Political Rights	25
2.5.3	Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment	26
2.5.4	UN Standards and Principles Pertinent to Rights of Detained Persons	26
2.5.5	The Standard Minimum Rules for the Treatment of Prisoners	27
2.5.6	Special Rapporteur on Prisons	29
2.6	Obligation from the 1992 Ghana Constitution	29
2.7	Criminal Code/Penal Code	31
2.8	Human Rights Application in Prisons Context	32
2.9	The Mandate of Ghana Prison Service	36
2.10	The Prisons Service and Human Rights	37
2.10.1	Prison Officers Training	37
2.10.2	Prisons Service Standard Operating Procedure (SOP)	39
2.10.3	Rights and Standards involved in dealing with Prisoners	40
2.10.4	Right to Dignity/Humane Treatment	41
2.10.5	Right to Protection against Torture	42
2.10.6	Right to Life and Security	43
2.10.7	Right to Privacy and Confidentiality	44

2.10.8	Right to Compensation upon Violation of Rights	45
2.11	Forms of Treatment of Prisoners that Exist in the Prisons	46
2.12	Factors Influencing Treatment of Prisoners within Prisons	54
2.13	Level of Knowledge of Human Rights	56
2.14	Reformation in the Prison	58
2.15	The Role of Prison Officers	61
<b>CHAPTER THREE: METHODOLOGY</b>		<b>62</b>
3.0	Introduction	62
3.1	Research Paradigm	62
3.2	Research Approach	64
3.3	Research Design	65
3.4	Description of Study Area	66
3.5	Population of the Study	67
3.7	Data Collection Techniques	68
3.8	Data Analysis	70
3.9	Trustworthiness	71
3.10	Ethical Consideration	73
<b>CHAPTER FOUR: DATA PRESENTATION, ANALYSES AND</b>		
<b>DISCUSSION</b>		<b>74</b>
4.0	Introduction	74
4.1	Human Rights Standards and Guidelines Applicable to Awutu Camp Prison	74
4.2	Assessing Compliance with Human Rights Standards in Awutu Camp Prison	76
4.2.1	Accommodation	76



4.2.2	Food	78
4.2.3	Sanitation	80
4.2.4	Medical Care	82
4.2.5	Complaints Unit, Lodgment Procedure and Record Keeping	84
4.2.6	Torture	85
4.2.7	Training, education and recreation	87
4.3	The key challenges and contributing factors that may lead to potential human rights violation within Awutu Camp Prison	89
4.3.1	Funding	89
4.3.2	Lack of necessary supply	90
4.3.3	Officers lack of knowledge of human rights issues	91
4.3.4	Poor infrastructure	92
4.3.5	Lack of monitoring	93
4.4	The impact of human rights compliance on the wellbeing and rehabilitation of inmates in Awutu camp prison.	94
4.5	Summary	96
<b>CHAPTER FIVE: SUMMARY, CONCLUSION AND RECOMMENDATIONS</b>		<b>97</b>
5.0	Introduction	97
5.1	Summary of Findings	98
5.1.1	What are the existing human rights standards and guidelines applicable to prisons in Ghana and specifically to Awutu Camp Prison?	98
5.1.2	How does Awutu Camp Prison comply with the established human rights standards?	99

5.1.3	What are the factors contributing to human rights violations within Awutu Camp Prison?	100
5.1.4	How does compliance with human rights standards impact the well-being and rehabilitation of inmates in Awutu Camp Prison?	101
5.3	Conclusion	101
5.4	Recommendations	102
5.5	Areas for further studies	104
<b>REFERENCES</b>		<b>106</b>
<b>APPENDICES</b>		<b>112</b>
APPENDIX A: LETTER OF INVITATION		112
APPENDIX B: PARTICIPANT INFORMATION SHEET		113
APPENDIX C: APPLICATION FOR INTRODUCTORY LETTER FOR DATA COLLECTION		114
APPENDIX D: INFORMED CONSENT FORM		115
APPENDIX E: INTERVIEW GUIDE FOR COMMANDER		116
APPENDIX F: INTERVIEW GUIDE PRISON OFFICERS		117
APPENDIX G: INTERVIEW GUIDE FOR INMATES		119

## ABBREVIATIONS

HR-	Human Rights
LEO-	Law Enforcement Officer
LEA-	Law Enforcement Agency
SOP-	Standard Operating Procedure
UDHR -	Universal Declaration of Human Rights
ICCPR-	International Covenant on Civil and Political Rights
CHRAJ-	Commission on Human Rights and Administrative Justice
UNCR-	United Nations High Commissioner for Human Rights
CP-	Convict Prisoner
UNODC-	United Nations Office on Drugs and Crime
NRCD-	National Redemption Council Decree
OHCHR-	Office of the United Nations High Commissioner for Human Rights
LMVC-	Let My Vote Count
UNCA-	United Nations Correspondents Association
ICESCR-	International Covenant on Economic, Social and Cultural Rights

## LIST OF FIGURES

Figure	Page
1 Geographical map to site of study	66



## ABSTRACT

The Study's main aim is to investigate compliance to human right standards by the Awutu Camp Prison. The study focuses on the identifying the human rights standards and guidelines applicable to prisons in Ghana and specifically Awutu Camp Prison, assess compliance to human rights standards in Awutu Camp Prison, identify factors responsible for human rights violations within Awutu Camp Prison, and how compliance with human rights standards impact the well-being and rehabilitation of inmates in Awutu Camp Prison. Interpretivism was utilized as the philosophical underpinning of the study. The study adopted the qualitative approach to guide data collection and analysis. The case study design was adopted as the research design of the study whilst the Awutu Prison Camp in Kasoa was utilised as the site for the study. Purposive sampling was used as the sampling method of the study and interview and observation were used to collect data. The interview data was transcribed and analysed using thematic analysis. The results of the study indicated that substandard accommodation, lack of knowledge of Human Rights, inadequate hygiene, insufficient food allocation, inadequate medical care were the major themes concerning the level of compliance with human rights standards. Also, the findings revealed that under-funding from government hinder provision of decent food and medical care, poor infrastructure, lack of necessary supply were the major factors regarding the challenges that contributes to human rights violations within the camp. The study found that there are non-existent reformatory structures to fully equip prisoners with trade skills to ensure reformation and rehabilitation. The study proposed incorporation of effective Human Rights education into the Prison Service at the training school to inculcate in both new and serving officers the standards and guidelines applicable to prisons in Ghana. The study also proposed an increment of the C1.80p per prisoner to ensure the provision of sufficient and decent meals were among some of the recommendations proposed. It is hoped that this study will be very useful to Prison Service by updating its training curriculum, determining what measures to take to sharpen the professionalism of its officers and also useful to other people who may write on issues that relate to the topic.

## CHAPTER ONE

### INTRODUCTION

#### 1.0 Background to the Study

The protection of human rights, including the rights of prisoners has been a significant concern since the establishment of the Universal Declaration of Human Rights (UDHR) after World War II. International human rights instruments, such as the Charter of the United Nations, the UDHR, the International Covenant on Civil and Political Rights (ICCPR), the Convention Against Torture, and the Mandela rules, emphasize the importance of upholding prisoners' rights and treating them with dignity. These instruments recognize the purpose of imprisonment as protecting society while also emphasizing the humane treatment and rehabilitation of prisoners (UNODC, 2001).

Prison systems worldwide have faced challenges and incidents of human rights violations, prompting increased attention to the treatment of prisoners. Historical examples, such as the mistreatment of prisoners of war during World War II in 1945, demonstrate the need for international focus on prisoner rights (Miller, 1995; Sturma, 2020). Despite the development of an extensive body of international law governing the treatment of prisoners, human rights violations persist, partly due to the hidden nature of prisons and the vulnerability of incarcerated individuals (Human Rights Watch, 1993).

Violation of human rights of prisoners raises a considerable concern. In several countries there is a common thread running through the nature of the violations. For example, in the United States, the United Kingdom, and Australia, issues such as overcrowding, violence, inadequate healthcare, and inhumane conditions of

confinement have been reported (Human Rights Watch, 1993; Reichstein, 2020; Naylor, 2021). The prisons conditions cannot be any better in developing countries than it is reported in developed countries such as have just been mentioned. This elevates the discussions around the protection of prisoners' rights as a pressing issue regardless of a country's developmental status.

Ghana, as a member state to various human rights instruments, including the UDHR, ICCPR, and Mandela rules, has obligations to respect, protect, and fulfil the rights of prisoners. However, periodic reports from the Commission on Human Rights and Administrative Justice (CHRAJ) and the US Country Reports on Human Rights in Ghana have raised concerns about human rights violations within law enforcement agencies, including incidents of arbitrary arrest, excessive use of force, and distasteful killings (US Department of State Country Reports, 2014). These issues highlight the critical scrutiny of law enforcement officers and the vulnerability of marginalized groups, including prisoners.

The Prison conditions in Ghana have been a subject of concern, with issues of overcrowding, inadequate sanitary conditions, insufficient medical care, food shortages, and lack of rehabilitation programs (Akapule, 2014). There is a preponderance of information bearing on the difficulties and deplorable conditions or experiences similar to what is mentioned above. Far from just facing the punishment of a wrongdoing, this kind of experiences that prisoners have had to endure in the secret abyss of prison confinement, are dehumanising. Such conditions not only fail to contribute to the reformation of prisoners, but also raise questions about compliance with human rights standards.

The Ghana Prisons Service is mandated by the Constitution of Ghana and the Prisons Service Decree, 1972 (NRCD 46), and other subsidiary regulations to provide safe custody of prisoners, ensure welfare of prisoners and their reformation and rehabilitation. By this, the Prisons Service is subject to the law of the land, including the human rights standards, which are set by the law. In light of the circumstances surrounding prisoners in Ghana, the issue about compliance to the principles of human rights is brought to the fore. In seeking to clarify the space that human right occupies in the engagement of prisons, this study eventually beams its searchlight on the compliance to human right standards by the Ghana Prisons Service. Such a study must start from somewhere and evolve into a fully-fledged, across-the-board investigation in the whole Prison Service setup in Ghana.

Being the path by which the difficulties in attaining the human rights standards can be achieved in the prisons, this study aimed to assess human rights compliance within Ghanaian prisons, focusing on the treatment of prisoners and their right to reformation. The Awutu Camp Prison served as a case study to examine potential human rights violations and their implications within the prison facility.

### **1.1 Statement of the Problem**

Several studies have explored human rights issues in various prison systems, providing valuable insights into different aspects of compliance, prison conditions, healthcare standards, rehabilitation efforts, and the implications of human rights violations on incarcerated individuals. One issue is clear; there are prison conditions that cause violation of human rights. The serious part of the issue is that while it is desirable to address this violation once for all, there are differences in how different prison facilities are faring in their treatment of human rights. Thus, in a developing



country such as Ghana, the conditions that lead to violation of human rights in prison facilities are sophisticated and seemingly intractable as compared to developed countries like the United Kingdom and United States.

Research in regards to challenges in prisons in Ghana are quite many, but they go as far as to uncover the serious negative environmental, physical, psychological, emotional, and developmental consequences on the persons that often are helplessly subjected to the challenges. A section of that research covers the violations of human right standards occasioned by the challenges confronting the prisons. The Commission on Human Rights and Administrative Justice (2019) published a report which highlights existing research that show that prisoners' rights are often abused in Ghana (Edudzi & Chelsea, 2006). Many other studies, such as Ansah et al. (2023), the United Nations (2014), and the Ghana Prisons Service (2015), show that Ghana's prisons face many challenges, such as overcrowding, poor physical and mental health, rehabilitation difficulties, ineffective supervision and relationships between prison officers and inmates.

Moreover, despite the development of extensive body of international law governing the treatment of prisoners of which Ghana is a member state to, human rights violation persists. For example, periodic reports from the Commission on Human Rights and Administrative Justice and the US country reports on human rights in Ghana have raised concerns about human rights violation within the law enforcement agencies including incidents of arbitrary arrests, excessive use of force and distasteful killings (US Department of State Report, 2014).

Quite recently, Baffour's (2020) investigation of the Ankaful Prisons found unclean conditions, insufficient food, and overcrowding. Boakye et al. (2022) focus on

rehabilitation efforts within the Ghanaian prison system, assessing prison conditions and the effectiveness of interventions for incarcerated adults. Their findings contribute to the broader understanding of the challenges faced by prisoners in Ghana and the need for improved rehabilitation programs.

The characteristics of the Ghana's prisons described above, unfortunately, put the Camp Prisons, which are at the lower end of the Ghana Prisons Service organisation into a bigger disadvantage in terms of support. Based on the size, security level and activities, higher prisons more than Camp Prisons stand better chance of receiving prime attention of the government and other stakeholders in leveraging the prisons to perform their functions. This leads to the situation where Camp Prisons of the nature of the Awutu Camp Prison, receive a passive attention.

Subtracting from the extent of research on Ghana's prison conditions, research on safeguarding human rights of prisoners is not deepened yet juxtaposed to endowed countries. For example, Whitty (2011) explores the management of risk and rights in the UK prison system, emphasizing the concept of human rights as a risk factor. This study provides insights into the potential tensions between managing risk and upholding human rights within a prison context. Existing research in Ghana has focused on different aspects, but the specific issue of human rights compliance remains largely unexplored given the Prisons Service duly established is subject to human right principles. Research is concentrated around socioeconomics of crime and discretionary punishment (Akpalu & Mohammed, 2013), difficulties faced by prison staff (Baffour, 2016), inmates' human rights concerns (Amnesty International, 2012), alternatives to incarceration and community service (Parimah,

Osafo, & Nyarko, 2016), and stigmatization and discriminatory experiences of inmates (Dako-Gyeke & Baffour, 2016).

While research offer valuable insights into prison conditions and human rights issues, there is a notable gap regarding an in-depth assessment of human rights compliance specifically within Ghana's prison system, with focus on lower security prisons. Furthermore, studies such as Goodman and Pegram (2011), Coyle and Fair (2018), Sarkin (2008), Golo (2022), Mackay (2020), Zinger (2006), Naylor (2016), Lines (2008), and Whitty (2010) provide perspectives on human rights compliance, external prison oversight, and the right to health of prisoners, which can be mirrored in Ghana. However, none of these studies directly address the compliance to human rights standards in Ghana's prisons.

Therefore, this study aimed to fill this research gap by conducting an assessment of human rights compliance within the Awutu Camp Prison in Ghana. By examining international human rights instruments and guidelines, as well as local policies and practices, the study sought to identify areas of compliance and potential challenges, ultimately contributing to the promotion and protection of human rights within the Ghanaian prison system.

## **1.2 Purpose of the Study**

The purpose of this study is to thoroughly investigate the compliance of Awutu Camp Prison in Ghana with human rights standards. The functioning and operation of the prison facility are closely linked to the overall mission and vision of the Ghana Prisons Service, which emphasizes the importance of ensuring the safety and well-being of prisoners. The increasing number of ex-convicts returning to prison due to reoffending raises concerns about the effectiveness of the service and raises

questions about the treatment of prisoners. Recognizing that human rights protection is a fundamental element of human development, it is crucial to conduct a comprehensive analysis of the prison's compliance with human rights standards. By examining the extent to which these standards are met, this study aims to shed light on potential areas of improvement and contribute to the advancement of human rights in the prison system.

### **1.3 Objectives of the Study**

The main objective of this study is to investigate compliance to human right standards by the Awutu Camp Prison. Flowing from this, the specific objectives of the study are as follows:

1. To describe the human rights standards and guidelines applicable to Awutu Camp Prison;
2. To assess compliance to human rights standards in the Awutu Camp Prison;
3. To identify factors responsible for human rights violations within Awutu Camp Prison; and
4. To explore the impact of human rights compliance on the well-being and rehabilitation of inmates in Awutu Camp Prison.

### **1.4 Research Questions**

The following questions are derived from the objectives to guide the study

1. What are the existing human rights standards and guidelines applicable to prisons in Ghana and specifically to Awutu Camp Prison?
2. How does Awutu Camp Prison comply with the established human rights standards?

3. What are the factors contributing to human rights violations within Awutu Camp Prison?
4. How does compliance with human rights standards impact the well-being and rehabilitation of inmates in Awutu Camp Prison?

### **1.5 Significance of the Study**

The significance of this study on assessing human rights compliance in Ghana's prisons, specifically focusing on the case study of Awutu Camp Prison, is multifaceted.

Firstly, the study sheds light on the factors influencing the achievement of a desirable human rights protection threshold by examining compliance with human rights standards. It provides vital information to the Ghana Prisons Service and policymakers regarding correction management. By identifying issues related to compliance, the study offers actionable insights to safeguard prisoners' human rights and supports the decomposition of human rights issues into manageable units.

Secondly, the study's significance lies in its findings on the compliance status of Awutu Camp Prison. These findings can inform the redesign of the training curriculum for the Training Unit of the Ghana Prisons Service. If the study reveals instances of non-compliance by prison officers, it serves as an objective basis to understand the causes and factors contributing to mistreatment. Ultimately, the study contributes to enhancing the professionalism of prison officers and aligning the service with its vision of building a world-class correctional institution for sustainable public safety while advancing human rights goals.

Thirdly, Ghana prides itself as a model democratic nation in Africa, emphasizing respect for individuals' fundamental human rights. For Ghana to maintain its reputation and global admiration for its democratic credentials, it is essential that State institutions, including the Ghana Prison Service, prioritize the respect and protection of human rights. This study contributes to the necessary national discourse by providing empirical evidence-based findings and conclusions, fostering discussions on whether institutions are adequately prepared to achieve human rights goals.

Lastly, this study enriches the existing literature and serves as a valuable resource for researchers and academics. It expands the discussion on improving the respect for human rights of individuals in prison custody in Ghana. By going beyond the challenges faced by the Ghana Prisons Service at the camp prison level, the study offers insights into the reasons behind the compliance status at Awutu Camp Prison. This scholarly contribution enhances the academic discourse on human rights and provides a foundation for further research in the field.

## **1.6 Limitation**

During the assessment of human rights compliance in Ghana's prisons, specifically the case study of Awutu Camp Prison, several limitations were encountered that affected the research process and its outcomes. One significant limitation was the lack of awareness among the participants regarding human rights, particularly the rights of prisoners. As a result, the researcher had to frequently interrupt the interviews to provide participants with necessary information on human rights issues. This interruption disrupted the natural flow of the interviews and hindered the collection of comprehensive data. Again, some officers were hesitant to disclose

certain information due to concerns about potential repercussions from their superiors or the public. This reluctance to provide complete transparency is a common challenge encountered by human rights activists in gathering data from prisons. Similar difficulties in accessing information have been observed in other prison settings, as highlighted by the Special Rapporteur to prisons of South Africa in 2004. Such limitations restricted the depth of information that could be gathered. All participants kicked against recording of their voices but rather prefer the researcher take a written response from them. Finally, the study relied on a small sample size consisting of a few prisoners and officers from Awutu Camp Prison who participated in interviews and were observed during the study. While this allowed for in-depth exploration within the specific context, the findings may not be easily generalized to other prisons or broader populations. Conducting a study with a larger sample size would enhance the ability to draw more comprehensive conclusions and facilitate generalization of the results.

## **1.7 Definition of Operational Terms**

### **1.7.1 Human Rights**

This study will depend on the definition by the Office of the United Nations High Commissioner for Human Rights, which refers to human rights as “universal values and legal guarantees that protect individuals and groups against actions and omissions primarily by state agents that interfere with fundamental freedoms, entitlements and human dignity” (OHCHR, 2015). Relating the definition to the Prison Service will mean that human rights are the universally recognized standard operations of the service that protects and promotes the fundamental freedoms, entitlements and human dignity of prisoners.

### **1.7.2 Compliance**

Compliance in general terms refers to ‘the state of being in accordance with established guidelines, specifications or process of becoming so’ (<http://www.merriam-webster.com>). For the purpose of this study, compliance is termed as complying with human right laws, rules regulations, International human right standards, convention etc. by prison officers of Awutu Camp Prison. That is, the treatment of prisoners is subject to a range of international laws, norms and standards, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and officers must ensure that such legal frameworks are obeyed in the handling of prisoner by officers. The study looks at how Awutu Camp Prison complies with the various norms and standards regarding prisoners that have been established nationally and internationally.

### **1.7.3 Treatment of Prisoners**

Treatment of prisoners as used in this study refers to the creation of a conducive environment at the point of a prisoner’s entry into the prison until the Prisoner is discharged. This involves the provision of food, clothing and bedding, accommodation, medical services, and prisoner education including therapeutic measures. The treatment must conform with what International Human Rights Instruments stipulate.

### **1.8 Organization of the Study**

This study is presented in five chapters. Chapter One deals with the background of the study, statement of the problem, purpose of the study, objectives, research questions, significance of the study, limitations of the study, and the organisation of the study.



Chapter Two covers the review of relevant literature. The review is done under themes including the concept of human rights, mandate of the Prison Service, and the rights and standards involved in the treatment of prisoners and its effects on their rights. This is done to shed light on the state of knowledge on prisons and human rights as far as the objectives of this study are concerned.

Chapter Three of the study is dedicated to the methodology used in the conduct of the study. The chapter discusses the research design, population for the study, sampling methods applied and data collection procedure. The chapter further looks at the instruments used in collecting data and the data analysis procedure.

The presentation and analyses of data is in Chapter Four. Four covers the result and discussion of the findings of the study.

The concluding chapter of the study, which is Chapter Five, is about summaries of the study and findings, conclusions, and recommendations. Moreover, a proposal for further studies to be conducted on a thoughtful subject is presented and argued out, and that closes up discussions on the study.

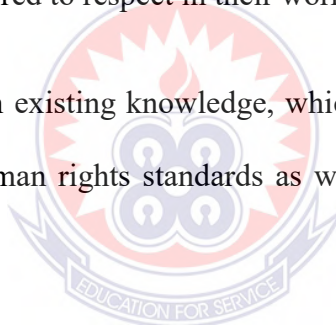
## CHAPTER TWO

### LITERATURE REVIEW

#### 2.0 Introduction

This literature review provides an overview of relevant literature regarding the treatment of prisoners and its implications for human rights and reformation within Ghana's prisons, with a specific focus on the case study of Awutu Camp Prison. The review explores the concept of human rights and the obligations of the Ghana Prison Service in upholding these rights. It examines various international human rights instruments and the 1992 Ghana Constitution that establish the standards for human rights in the prison environment. Additionally, the review considers the rights that prison officials are required to respect in their work.

It also identifies gaps in existing knowledge, which highlights the need for a study on compliance with human rights standards as well as the theoretical perspectives underpinning the study.



#### 2.1 Theoretical Perspectives Underpinning the Study

Assessing human rights compliance in prison systems is a complex task that requires an understanding of the underlying theories that shape institutional practices and approaches to reformation. In the context of Ghana's prisons, particularly the case study of Awutu Camp Prison, this theoretical review delves into the lenses of realistic institutionalism and reformation theory. By exploring these theories, we can gain insights into the historical development and fundamental notions/ideas that underpin the assessment of human rights compliance in Ghana's prisons.

Realistic Institutionalism, also known as legal realism, has a rich history rooted in the field of legal scholarship. This theory emerged in the early 20th century and

challenged traditional legal formalism, which prioritized abstract legal principles and doctrines. Legal realists argued that the law is not solely determined by formal rules but is influenced by social, economic, and political factors. They emphasized the importance of studying how legal rules are applied and interpreted in practice, taking into account the real-world context and the power dynamics within institutions (Kramer, 2009).

In the context of human rights compliance in Ghana's prisons, Realistic Institutionalism provides a lens through which we can analyse how legal rules and principles are operationalized within the prison system. It directs our attention to the actual implementation of human rights standards, shedding light on the role of prison administrators, staff, and other stakeholders in shaping compliance practices. By examining the gap between formal legal provisions and their practical application, realistic institutionalism helps us understand the complexities and challenges involved in upholding human rights within the prison context.

Complementing the perspective of realistic institutionalism, reformation theory focuses on the potential for transformative change and rehabilitation within the prison system. This theory recognizes that the primary purpose of imprisonment should extend beyond punishment to include the reformation and reintegration of incarcerated individuals into society. Reformation theory assumes that individuals can change their behaviour given the right opportunities, support, and interventions (McNeill, 2019).

When applied to the case study of Awutu Camp Prison, reformation theory allows us to assess the effectiveness of interventions aimed at promoting rehabilitation and reintegration. It prompts us to examine the availability of educational programs,

vocational training, mental health support, and other resources that contribute to the reformation process. By exploring the extent to which the prison system facilitates positive change and prepares individuals for successful reintegration, reformation theory helps us evaluate the fulfilment of human rights obligations and the promotion of individual dignity within the prison context.

### **2.1.2 Realistic Institutionalism**

The theoretical framework of Realistic Institutionalism provides a comprehensive lens to understand the complexities and dynamics of human rights compliance in Ghana's prisons, specifically in the case study of Awutu Camp Prison. Realistic Institutionalism is a theoretical perspective that combines elements of both realism and institutionalism, emphasizing the interplay between power dynamics and the influence of institutional structures on behavior and outcomes (Checkel, 2018; March & Olsen, 1989).

Realism posits that actors, in this case, the Ghana Prisons Service, are driven by self-interest and power considerations (Waltz, 1979). Realism recognizes that states or organizations operate in an anarchic international system where they pursue their own goals and interests. In the context of the research work, Realistic Institutionalism acknowledges that the Ghana Prisons Service may prioritize its own institutional concerns, such as maintaining control and order within the prison system, over ensuring human rights compliance. This perspective helps shed light on the potential tensions between the promotion of human rights and the practical constraints and power dynamics that influence decision-making and policy implementation within the prison system.

Institutionalism, on the other hand, focuses on the role of formal and informal rules, norms, and organizational structures in shaping behavior (March & Olsen, 1989; North, 1990). It recognizes that institutions, both domestic and international, exert significant influence on actors' choices and actions. Within the framework of Realistic Institutionalism, the institutions involved in the Ghanaian prison system, such as the Ghana Prisons Service, the Constitution, international human rights standards, and other relevant legal frameworks, provide the normative basis for human rights compliance. These institutional structures define expectations and standards for the treatment of prisoners and the protection of their rights.

The choice of the Realistic Institutionalism framework is justified for several reasons. First, it allows for a nuanced understanding of the interplay between power dynamics and institutional factors in shaping human rights compliance within the Ghanaian prison system. The framework acknowledges that while the Ghana Prisons Service may have self-interest and power considerations, the institutional context within which it operates provides normative guidelines and expectations for human rights compliance.

Secondly, Realistic Institutionalism provides a framework to analyze the potential constraints and challenges faced by the Ghana Prisons Service in achieving human rights compliance. This perspective recognizes that practical limitations, resource constraints, and organizational dynamics can affect the implementation of policies and the translation of institutional norms into practice. Third, the Realistic Institutionalism framework aligns with the qualitative nature of the research work, as it allows for an in-depth examination of the interactions and dynamics within the prison system. The framework provides a theoretical lens to analyze the actions,

motivations, and decision-making processes of the Ghana Prisons Service and other relevant actors involved in human rights compliance.

In summary, the Realistic Institutionalism framework is well-suited to underpin the research work on assessing human rights compliance in Ghana's prisons, specifically in the case study of Awutu Camp Prison. It offers a theoretical perspective that accounts for power dynamics, institutional structures, and practical constraints, enabling a comprehensive analysis of the complexities involved in ensuring human rights compliance within the prison system.

### **2.1.3 Theory of Reformation**

The Theory of Reformation, also known as the Rehabilitation Theory, emphasizes the importance of addressing the underlying causes of criminal behavior and providing opportunities for personal growth and change within the prison system (Clear, Cole, & Reisig, 2013). This theory recognizes that punishment alone is insufficient and that prisons should play a crucial role in facilitating positive transformations in inmates' lives. It aligns well with the research objective of assessing human rights compliance in Ghana's prisons, as it takes into account the holistic well-being of inmates, their rights, and the principles of human dignity.

The choice of the Theory of Reformation as the theoretical framework for this research work is justified by its relevance to understanding the challenges faced by incarcerated individuals and the potential strategies for addressing these challenges. The framework acknowledges that individuals within the prison system are entitled to their human rights, including dignity, autonomy, and fair treatment. It recognizes the need to protect these rights while also focusing on promoting the reformation, rehabilitation, and successful reintegration of inmates into society.

By adopting the Theory of Reformation, this research work acknowledges the limitations of punitive approaches and highlights the significance of a more comprehensive and humane approach to incarceration. It recognizes that by respecting and upholding human rights standards, prisons can create an environment conducive to positive change and facilitate the reformation process.

Furthermore, the Theory of Reformation provides a framework for evaluating the effectiveness of interventions and policies aimed at promoting rehabilitation and compliance with human rights standards within the prison system. It helps in examining the extent to which Awutu Camp Prison aligns with the principles and objectives of reformation, as outlined in Ghana's commitment to safe custody, humane treatment, and the reformation and rehabilitation of inmates.

In summary, the Theory of Reformation is a suitable theoretical framework for this research work as it enables a comprehensive understanding of the complexities surrounding human rights compliance in Ghana's prisons, particularly within the context of the Awutu Camp Prison case study. It provides a lens through which to analyse the interplay between human rights standards, reformation efforts, and the challenges faced by incarcerated individuals, ultimately informing strategies for promoting human rights compliance and facilitating the successful reintegration of inmates into society.

## **2.2 The Origin and History of Prisons**

Prisons have been with us since the creation of controlled society, that is, when people established the practical skills to build firmly enough to incarcerate others. Since the early Roman times through the Middle Ages there are traces of imprisonment, mainly as a form of punishment. Imprisonment was used by Roman

masters to punish their defiant slaves. In the Middle Ages same was used for the detention of prisoners pending trial and for debtors. In England the origin of prisons can be traced to as early as the eighth century when some kind of 'prison is assumed to have first existed. The word 'prison' was initially used in a code of laws in C.890. The laws stipulated that should a man fail to fulfill his pledge; he was to be imprisoned for forty days with punishment as the bishop may wish. In those days' imprisonment appeared to be punitive. Later however, people who committed more grave offences like witchcraft or arson were also sent to 'prison' (Pugh, 1968).

Despite the early developments narrated above, arguments exist that prison as a place of confinement for the ordinary lawbreakers is less than 200 years old. The prison is seen as an establishment of purely American origin, regarded by its creators as an honorable humanitarian reform appropriate for the Age of Enlightenment as against ancient tyrannies. A lot of these development was sparked by a group of high-minded Pennsylvania Quakers. The Quakers were shaken by the ruthless corporal punishment of that era, mainly the shedding of blood. The Quakers' revolt led to the replacement of imprisonment for corporal punishment in American colonial areas which the Quakers dominated. This effort by the Quakers led to the first penitentiary (word coined by the Quakers), the Walnut Street Jail in Philadelphia, was established in 1790. A block of cells on the principle of solitary confinement was constructed in the yard of the Walnut Street Jail between 1790 and 1792, and in this manner the modern prison system had its permanent and effective birth (Mitford, 1974).



### 2.3 Definition and Classification of Prisons

In the context of assessing human rights compliance in Ghana's prisons, it is important to understand the definitions and classification of prisons. A prison refers to a place where individuals are confined as a form of punishment or while awaiting trial. There are various terms used to describe such institutions, including jails, goals, penitentiaries, correctional centers, correctional facilities, and reformatories. Prisons are categorised based on factors such as the length of the sentence, severity of the crime, and the type of offender.

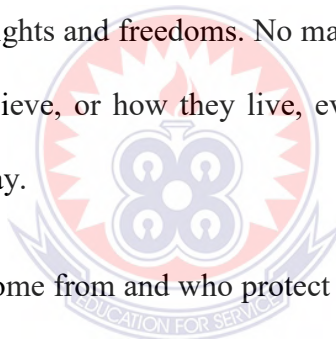
- a. **Maximum Security Prisons:** These prisons are designed for individuals serving long sentences and high-risk prisoners. Offenders convicted of serious crimes like murder, robbery, kidnapping, rape, treason, and other grave offenses are typically housed in maximum security prisons. These facilities have stringent security measures in place, including strong barriers, electronic detection devices, and limited contact with the outside world.
- b. **Medium Security Prisons:** Medium security prisons are intended for individuals serving medium-term sentences and those who have committed less serious crimes such as assault and theft. These prisoners are generally considered less dangerous, and the security measures and restrictions in these facilities are comparatively less stringent. Some recreational facilities may be available to the inmates.
- c. **Minimum Security Prisons (Camp Prisons):** Minimum security prisons are reserved for prisoners deemed least dangerous. Typically, these inmates have committed nonviolent crimes such as forgery, tax evasion, perjury, and obstruction of justice. Minimum security prisons offer even more recreational

facilities and have fewer restrictions on the inmates. They are sometimes referred to as camp prisons.

- d. Juvenile Correctional Institutions: These institutions are specifically designed for juvenile offenders under the age of 18. The aim is to separate young offenders from the influence of adult criminals. Juvenile correctional institutions focus on counselling, job training, and other corrective measures to rehabilitate the young offenders.

## **2.4 The Concept of Human Rights**

Human Rights is one of the most important concepts in our modern era. Activist, governments and corporations use it to draw on a collective understanding that all people deserve certain rights and freedoms. No matter who the person is, where they are from, what they believe, or how they live, everyone has the inalienable rights that cannot be taken away.



Where do these rights come from and who protect them? What is considered a right? These are critical questions at the core of the understanding of human rights. The modern expression of Human Rights can be historically traced to struggles to end slavery, to guarantee the equal rights of women and minorities, and to protect people against oppression by their government. The atrocities of World War II spearheaded by Adolf Hitler's Nazi regime of Germany catalysed the world community to create the Universal Declaration of Human Rights (UDHR) after the formation of United Nation in 1945. This document held governments accountable regarding their treatment of people within their territories. The UDHR was the first international document that spelt out the basic civil, political, economic, social and cultural rights that all human beings should enjoy. It was ratified by the General Assembly on

December 10, 1948. The UN expressed its aspiration in Article 1(3) of UN Charter that it aims at promoting and encouraging respect for Human Rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion (United Nations, 1945).

The United Nations did not stop there; it introduced, in furtherance to the determination to ensure the fundamental human rights of people, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Together, the UDHR, ICCPR, and ICESCR are known as the International Bill of Rights. They contain a comprehensive list of human rights that governments must respect and promote (Rights Sites News, 2009). This has been followed by a litany of international Human Right treaties, conventions and organizations.

The concept of Human Rights rests on some key principles. These include Universality, Inalienability, inter-relatedness, Indivisibility, and Non-Discrimination. These principles mean that human rights belong to all people equally regardless of status; it cannot be taken away or transferred; No right can be treated in isolation and they should be respected without distinction, exclusion, restriction, or preference based on race, colour, age, national or ethnic origin, language, religion, sex, or any other status. Examples of these rights include right to life, right to safety, right to security, right to education, right to health, right to privacy, right to food, and right to shelter. On the whole, rights are categorized into political rights, socio-economic rights and group rights (Rights Sites News, 2009).

\*Kwasi Wiredu (2005), for instance, defines human rights as claims that people are entitled to by virtue of their status as human beings. Also, according to the Rights

Sites News (2009), human rights are rights everyone has simply because they are human beings; a set of standards that protect the dignity and freedom of individuals; the foundation of equality, justice and peace. Most definitions reviewed show that human rights are simply the rights that people are entitled to for the mere fact that they are human beings.

Although the above suggests that there are no wide variations or differences in the definition of human rights, and therefore, the meaning of human rights is a stable one, this study will depend on the definition offered by the Office of the United Nations High Commissioner for Human Rights, which refers to human rights as universal values and legal guarantees that protect individuals and groups against actions and omissions primarily by state agents that interfere with fundamental freedoms, entitlements and human dignity (OHCHR, 2015). Relating the definition to the Prison Service will mean that Human Rights are the universally recognized standard operations of the service that protects and promotes the fundamental freedoms, entitlements and human dignity of prisoners. Moreover, the primary entity responsible for protecting and promoting Human Rights is the government. International Human Rights treaties are binding on governments, to ensure that those human rights are protected (Edudzi & Chelsea, 2006).

However, governments are not the only ones responsible for ensuring human rights. The UDHR intimates that every individual and every organ of society, keeping this declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance. This means that not only the government, but also businesses, civil society, and

individuals are responsible for promoting and respecting human rights. Thus, human rights have become necessary in the sense that it protects people against abuse by those who have more power, guaranteeing their life, liberty, and safety (Rights Sites News, 2009).

But how do human rights apply in prison settings for which reason it earns a separate study in that situation, at least, in this study? The first rule regarding the treatment of prisoners goes as far back to the English Bill of Rights in 1689, which provided that no cruel and unusual punishments should be inflicted on prisoners (Pereira 2019). It is trite knowledge that human rights is prominent in prisons settings, at least, because a lot of understanding have gone into the need to highly regulate that environment to protect humans. Most important in this direction, there are several legal instruments from which derives the regulation of prison settings. Hence, there are many grounds on which human rights apply in prison settings, and these are addressed in a couple of sections that follow from here.

## **2.5 Obligation from International Human Rights Instruments**

### **2.5.1 The Universal Declaration on Human Rights**

The Universal Declaration on Human Rights is the founding instrument that came up with elaborated human rights to give effect to the human rights objective set under the United Nations Charter. Article 5 of UDHR expressly prohibits torture, cruel, inhuman or degrading treatment or punishment. Almost all States of the world have ratified and incorporated in their constitutions as the first human right instruments though it remains a declaration which has no binding effect on member states. This status of the UDHR, gives it the premise of customary international law.

Thus, Treatment or punishment of detainees inhumanly is the violation of this instrument.

### **2.5.2 The International Covenant on Civil and Political Rights**

The ICCPR as one of the recognised international human rights conventions is binding on member states and has made significant contribution on the protection of the rights of detainees. The UDHR as instrument failed to be binding and subsequently adopted by UN member states due to the ideological reasons: the westerns adherence to civil and political rights and the eastern attachment to socio economic rights only. This debate later ensued with the formation of the ICCPR and ICESCR as binding instruments in 1966. The ICCPR reaffirmed article 5 of the UDHR under its article 7 which states that 'no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment'. Simply, no one shall be subjected without his free consent to medical or scientific experimentation. As human being; therefore, detainees are protected from torture or cruel, degrading or inhuman treatment or punishment by reason of their status. In addition, unlike the UDHR, the ICCPR has addressed the rights of detainees specifically under article 10. It states that all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person. It also envisages the segregation of arrested persons from convicted ones and juvenile offenders from adults and it calls for their separate treatment based on this statute. Traditionally there are different theories on the objective of punishment. The ICCPR has highlighted the objective of punishment as social rehabilitation and reformation of any offender. This means any penitentiary system shall comprise treatment of prisoners with primary focus on their reformation and social rehabilitation.

### **2.5.3 Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment**

The rights of detained persons are usually addressed through Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Therefore, state parties have to make review of arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment. According to Article 27, State parties are obliged to make conducive environment for victims of torture to make compliant for redress. The convention obliges the states to include education against using torture in the training of their law enforcement personnel. Also, Article 11 of the Convention maintains that, methods, practices and arrangements as well as treatment of people in custody should be held under observation, with the express purpose of preventing acts of torture.

### **2.5.4 UN Standards and Principles Pertinent to Rights of Detained Persons**

These are international instruments which deal specifically with prisoners and conditions of detention aside the main human rights instruments, such as the ICCPR and the ICESCR which are legally binding on all states which have ratified or acceded to them and contain references to the treatment of people who are deprived of their liberty. These are detailed standards which are set out in principles; minimum rules or guidelines. These standards serve as thresholds to enforce general provisions embodied under the respective binding human rights instruments which provide a valuable complement to the broad principles contained in the legal treaties.

### **2.5.5 The Standard Minimum Rules for the Treatment of Prisoners**

The Standard Minimum Rules for the Treatment of Prisoners is the first of such instruments that was devoted specifically to protect the rights of persons under any form of detention which exclusively addresses the detainees. Among other things, the rule enjoins states to keep register of newly admitted detainees. It must be emphasised that though the UDHR, prohibit cruel, inhuman or degrading treatment or punishment, it does not address exclusively the detainees as beneficiaries of the provision. Also, it was general principle which calls further clarification to be invoked as rights by the alleged victims. However, the provisions of the Standard Minimum Rules for the Treatment of Prisoners are so elaborated for easier application. The standard explicitly points that custody of any person shall not be arbitrary. Again, mandatory registration requirement, as stated under article 7 of the Rules, presupposes that failure to do so is violation of all the rights that could be affected only on the bases of entrance of the identity of each prisoner. It expressly declares that prisons must have the registration book which spells out the identity', reason of commitment ', and day and hour of his admission and release. Thus, it is the right of the prisoner to be identified and be treated as such. This is supported by Article 8 of The Standard Minimum Rules for the Treatment of Prisoners. That calls for the segregation of prisoners based on sex, age, criminal record, the legal reason for their detention and the necessities of their treatment.

In respect of accommodation, Article 9 of the Standard Minimum Rules for the Treatment of Prisoners points out that accommodation could be in the form of cells or dormitories. It further stressed that when prisons are using cells, two prisoners shall not be held together, unless, for temporary overcrowding reasons. For prisons which use dormitories, the prison administration is required to make careful



selection of inmates that suits to one another and this must also be supported with regular supervision by night, in keeping with the nature of the institution. All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating ventilation. There shall also be regard to sanitary considerations to the accommodations where adequate bathing and shower installations shall be provided so that every prisoner may be enabled and required to have a bath or shower, at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week in a temperate climate.

Also, to ensure their welfare and dignity the standard proclaims that Prisoners must be provided with water and toilet facilities to keep their person clean. They must also be provided with utensils to take care of their hair and beard to maintain their dignity. It makes it clear that where prisoners do not have to wear their own clothing, they shall be provided with clothes which is suitable to the climate and adequate to keep the health of the inmate. Inmates should be provided with bed and bedding. Drinking water must be available at all times. Detainees shall be served with food with due consideration to its quality and quantity. At least one hour per day of outdoor exercise is required, while Young Offenders are to receive recreational training.

For the purposes of equipping in the area of rehabilitation, there are also sets of rules regarding the educational, labour and social rights of the prisoners.

### **2.5.6 Special Rapporteur on Prisons**

African Commission on Human and Peoples 'Rights has selected Special Rapporteur on Prisons and Conditions of Detention (SRP), 1996. The role of the SRP is to check and account on prison conditions in order to protect the rights of prisoners. The SRP visit prisons communicates with African governments regarding the condition of the prisons, entertains individual complaints about prison conditions, and reports to the Commission. The SRP suggests advice to challenges facing African prisons. The SRP also trains law enforcement personnel, Prison officers, and attorneys to make prison a better place. Special Rapporteur perform their duty by visiting countries, inspecting their prisons, and reporting on conditions in prison. They conduct follow-up visits. During their visit the SRP meet with government and stake holders and holds a press session prior to visiting various prisons, and police holding cells.

Ghana as a member state has ratified all the international instruments mentioned above and thus is bound to implement the tenets or provisions stipulated by the instruments. However, literature reviewed show that treatment of prisoners is contrary to what the international instruments like Article 9 of the Standard Minimum Rules for the Treatment of Prisoners which points out that accommodation could be in the form of cells or dormitories. It further stressed that when prisons are using cells, two prisoners shall not be held together, unless, for temporary overcrowding reasons specify.

### **2.6 Obligation from the 1992 Ghana Constitution**

Article 12 of the 1992 constitution of Ghana captioned “the protection of fundamental human rights and freedoms” enjoins the Executive, Legislature,

Judiciary government agencies including Ghana Prisons Service to respect and uphold the fundamental human rights as enshrined in the constitution.

Moreover, it stipulates in the same Article, that these fundamental human rights shall be applicable to all natural and legal persons in Ghana and shall be enforceable by the courts as provided by the constitution. In other words, fundamental human rights are justiciable. Also, Clause 2 of Article 12 grants and details clearly non-discrimination in the application of the fundamental human rights. It emphatically states that, “Every person in Ghana, whatever his race, place of origin, political opinion, colour, religion, creed, or gender, shall be entitled to the fundamental human rights and freedoms of the individual contained in this chapter but subject to respect for the rights and freedoms of others and for the public interest.” Furthermore, the preamble of the constitution touts the rule of law, equality, justice, accountability and the preservation and protection of fundamental human rights.

Additionally, Clause 2 of Article 1 states thus: “this constitution shall be the supreme law of Ghana and any law found to be inconsistent with any provision of this constitution shall, to the extent of the inconsistency, be void.” These are keys to the proper implementation of prisoners’ rights. The 1992 Constitution of Ghana grants the right to life in Article 13(1); the right to personal dignity in Article 15(1); right to be free from torture or other cruel, inhuman or degrading treatment or punishment in Article 15 (2)(a); and the right to privacy in Article 18(2). The strong worded constitution in the area of ensuring fundamental human rights obligates the government and the Ghana Prisons Service to respect, protect and promote the human rights of prisoners.

## 2.7 Criminal Code/Penal Code

Harper (2005), defined penal code as body of rules relating to crime and its punishment. In Ghana, the criminal jurisdiction is controlled by the Criminal Code (Act 29) of 1960. This legal document defines what constitute a crime in Ghana as well as prescribed the requisite punishment for such acts. Two of the three categories of offenses cited in the Criminal Code concern offenses against the individual. The third category includes a series of offenses against public order, health and morality, and the security of the state as well as piracy, perjury, rioting, vagrancy, and cruelty to animals. Several offenses reflect Ghana's traditional laws, including drumming with the intent to provoke disorder, cocoa smuggling, and settlement of private disputes by methods of traditional ordeal. A crime is the commission of an act prohibited or the omission of an act required by the penal code of an organized state. There can be no crime unless there is an advance notice of the above behaviour prohibited or required (Swanson, Chamelin and Cerrito, 1996). The above is buttressed by Bartol and Bartol (2005) which says, crime is any behavior or an act in violation of the law for which there exist penalties upon conviction and therefore, criminal behaviour is the kind of behaviour in violation of a criminal code or law. Furthermore, Attafuah (2008, p.3) suggested that “crime is behaviour which the law will punish”.

To a large extent, prohibition of conduct is relative, as cultural differences play a paramount role in determining what conduct is acceptable in a community depending upon the premium placed on certain characteristics within the community. What might be acceptable in one region would be a prohibited act in another where punishment will be awarded. However, some of the first coded laws can be traced to the Israelites who were theocratic and were given written laws

through Moses their leader, (Exodus chapter 20). Section 1 of the Criminal Code of Ghana Act 29 of 1960 defined crime as “any act punishable by death or imprisonment or fine”. Mensah-Bonsu (2001) argued that the issue of what constitutes a crime is a problematic one and besides, this definition is particularly not a healthy one since the individual has to determine in advance as to whether his/her action is criminal or not. To this, I do agree because traditional law allows a man to take more than a wife however, Section 262 of the Criminal code Act 29 of 1960 forbids anyone to take more than a wife and defaulters may be committed to prison (Mensah-Bonsu, 2001). Nonetheless, ignorant of the law is said to be no defence.

However, other jurisdiction where Islamic Faith is the predominant religion, the Shariah law is practiced. Shariah is a system of laws based on the Quran (the religious text for Islam), Hadith (sayings of the Prophet Muhammad) Sunnah, Ijma, and Qiyas. It is the Islamic religious law as interpreted by various sectors of Islam. The term Sharia means “way” or “path to water source” and it is the legal framework within which the public aspects of life are regulated for those living in a legal system based on Muslim principle (UNAMID, 2010).

## **2.8 Human Rights Application in Prisons Context**

It is globally admitted that prison facilities were meant to punish offenders of acceptable laws, and also keep public safe. The Ghana Prisons Service seems to draw its vision from this noble idea by aiming at building a world-class Service to attain sustainable public safety through excellence in corrections management. It is charged specifically to undertake safe custody, humane treatment, reformation, rehabilitation and re-integration of inmates to make them responsible, productive

and law-abiding citizens to ensure public safety (Ghana Prisons Service, 2022). The Commission for Human Right and Administrative Justice (CHRAJ) in a 2019 report indicated that the Ghana Prisons Service was not following this noble path it charted for itself. The Commission's monitoring activities have constituted an integral part of an overall system that has in the past, sought to protect the fundamental human rights of people who are deprived of their liberty. This is in keeping with the provisions of the 1992 Constitution of the Republic of Ghana, specifically Article 15, which provides that the dignity of all persons shall be inviolable and that no person, arrested, restricted or detained, shall be subjected to torture or condition that detracts or is likely to detract from his dignity and worth as a human being (Constitution of Ghana, 1992).

This provision implies that the government through its institutions, including law enforcement agencies, is expected to work towards the promotion and protection of basic Human Rights in the country. Periodic reports from the Commission on Human Rights and Administrative Justice (CHRAJ), as well as annual US Country Reports on Human Rights in Ghana, often cite law enforcement personnel and agencies in Ghana for Human Rights violations.

Recently, Ghanaian media became prevalent with accusations of rights violations usually when law enforcement officials were reported to have physically brutalized an individual or a group of people. Although these reports do not speak about infringements in prison facilities, learning about why and how the infringements occurred, plus the fact that the infringements were committed by law enforcement officers against perpetrators of the law, they birth relevant perspectives to look at human rights in the prisons. A case in point is when officials of the National

Security of Ghana meted out gross abuse on civilians at Ayawaso West Wuogon by-election in the greater Accra region (Daily Graphic, 2019). Also, Police Officers exerted violence on a civilian at Kasoa in Central Region of Ghana by beating and stomping a woman in the stomach on 9th December 2019 (Starrfm.com), and at Midland savings and Loans Company, a civilian was brutalized by a police officer in January 2018 (Daily Graphic, 2018). In August 2021, policeman with the visibility unit of the Sekondi Police Command in the Western Region beat a journalist with Takoradi based Sky FM for questioning him. (US Department of State Country Reports, 2021). Again, on the 16th of September 2015, a group of demonstrators belonging to Let My Vote Count Alliance (LMVC) and the New Patriotic Party (NPP) were violently and brutally confronted by the Police for veering off an agreed route (Daily Guide, 2015).

These incidents above received widespread condemnation and reportage as examples of human right violations by law enforcement officials. More seriously, they show how individuals who wield power, in this case, coercive power, have sought to apply undue and illegally sanctioned force on other helpless individuals. From all the cases mentioned, one can discern abuse of power against the vulnerable. The cases also bring to mind that, where care is not taken, it is the vulnerable in society who, instead of benefitting from the protection of the state, stand victimized.

The overall objective of the 2019 exercise by CHRAJ was to monitor Ghana's compliance with international human rights obligations in terms of the prevention of torture and inhuman treatment. Unfortunately, this report was national in nature. Although it comes closest to this current study, it fails to nuance the compliance to

human rights issues in Ghana's prisons, especially, those to do with why the compliance status is what it is. Moreover, the report lacks specificity in terms of telling the real story as pertains in different classes of prison facilities in the country. Consequently, a closer understanding of the issues in Camp Prisons is lost in the report let alone the situation in the Awutu Camp Prison. This is a gap that this study seeks to bridge by focusing, specifically, on the Awutu Camp Prison to bring out more nuances on the subject of compliance to human rights in the prisons.

Monitoring prisons' compliance with international human rights obligations is a highly complex task. The commission of human rights and administrative justice which has the mandate to monitor for compliance of human rights in the prisons and the entire country do not have the resource muscle to do so on regular basis. International organizations strongly rely on state's self-reporting. As such in several cases of human rights breaches, and states actors happens to be violators of the norm, why, then, would it provide information to the international organizations to implicate itself?

Secondly, human rights violations in prisons do not normally have an impact on wider community population who already see inmates as deserving of the abuses. For these reasons, the rational incentives for states to establish forceful human rights mechanisms or to pressure each other into compliance are lower. According to the United Nations, Human Rights: "Ensure that a human being will be able to fully develop and use human qualities such as intelligence, talent, and conscience and satisfy his or her spiritual and other needs" (United Nations, 1945). With this detail concept of Human Rights, the review now moves into how human rights is inculcated in the Prison Service scheme of service.



## **2.9 The Mandate of Ghana Prison Service**

The Ghana Prisons Service was established under article 205 of the 1992 Constitution of Ghana as a public service institution. There are other statutes that govern the Ghana Prison Service, these are Prisons Service Decree 1972 (NRCD 46), Prisons Standing Orders, 1960, Prisons Regulation L.I. 412/58, Prisons (Declaration of Prisons) Instrument, Prisons (Amendment) Regulation, 1970 (L.I), Criminal and other Offenses Act 1960 (Act 29) Criminal and other Procedure Act 1960 (Act 30), Juvenile Justice Act, Prisons Service Scheme of Service Administration, Prison Service (General Administration) Regulations 2016, C.I 92 and Prison Service Disciplinary Regulation 2016, C.I 93 ([www.ghanaprison.gov.gh](http://www.ghanaprison.gov.gh)).

The Ghana Prisons Service is mandated to ensure safe custody of prisoners, ensure the welfare of prisoners and undertake reformation and rehabilitation of prisoners where practicable. The Service has however moved from mere safe custody (warehousing of inmates) to the correction and treatment of offenders which was hitherto seen by the service as non-core function. But it has become an essential aspect of the Service since it is a yardstick for measuring the performance of the Service in line with international standards ([www.ghanaprison.gov.gh](http://www.ghanaprison.gov.gh)). The mandate of the service is undertaken in a humane manner to reduce recidivism. The strategies include offering opportunities to prisoners to develop their skills through vocational training, moral and formal education, encouraging public/private participation in the provision of skills training. Also, the service ensures improvement in the welfare of prisoners in the area of health care, clothing, bedding, feeding, recreation, library facilities, and Protection of rights of prisoners ([www.ghanaprison.gov.gh](http://www.ghanaprison.gov.gh)).

## **2.10 The Prisons Service and Human Rights**

The Legal and Justice Sector Institutions are made up of a system of practices and institutions of government, directed at upholding social control, deterring and mitigating crime, or sanctioning those who violate laws with criminal penalties and rehabilitation effort. The Ghana Prisons Service is a key institution in the Criminal Justice System. It contributes enormously to the efficient running of the Justice Delivery System by ensuring the safe custody of prisoners, (remands and convicts) their reformation and rehabilitation. Individuals who may be officially charged with or convicted of crimes are confined until, they are either brought to trial to determine their guilt or otherwise or complete the period of incarceration ordered upon conviction by the trial courts of competent jurisdiction. All these are done with due regard to the tenets of human rights ([www.ghanaprison.gov.gh](http://www.ghanaprison.gov.gh)).

### **2.10.1 Prison Officers Training**

In democratic societies the law grants and protects the fundamental values of society. The most important of these is respect for the inherent dignity of all persons, whatever their personal or social status. However, one of the greatest tests of this respect for humanity lies in the way in which a society treats those who have fallen foul or suspected to have fallen foul of the criminal law. These are people who may well have shown a lack of respect for the dignity and rights of others. Prison staff has a special role on behalf of the rest of society in respecting their dignity, despite any crime which they may have committed to treat prisoners in a manner which is decent, humane and just. They are to ensure that all prisoners are safe so that the hardened prisoners do not escape and also to make sure that there is orderliness and control in prisons; to provide prisoners with the opportunity to use their time in prison positively so that they will be able to resettle into society when they are

discharged. Prison officers are to do this with respect to the international standards that spell out clearly their operations (Coyle, 2009).

In view of the above, the training given to prison staff must be embedded with human rights tenets as suggested by the United Nations Guidelines for the effective implementation of the Code of Conduct for Law Enforcement Officials. The document stipulates in section I(A4) that, “Governments shall adopt the necessary measures to instruct in basic training and all subsequent training and refresher courses, law enforcement officials in the provisions of national legislation connected with the Code as well as other basic texts on the issue of human rights” (United Nations, 2015). Furthermore, principle 20 of United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials stipulates “In the training of law enforcement officials, Governments and law enforcement agencies shall give special attention to issues of police ethics and human rights... Law enforcement agencies should review their training programs and operational procedures in the light of particular incidents” (OHCHR, 2015).

Additionally, Prisons do not have the opportunity to select their prisoners; they are obligated to accept whoever is sent to them by the court or the legal authority. However, they can carefully select their staff and properly train them, supervise them and support them. Prison duties calls for a lot of hard work. These includes working with men and women who have been deprived of their liberty, some of whom are likely to be mentally disturbed, suffer from addictions, have poor social and educational skills and come from marginalized groups in society. Others will be a threat to the public, will be dangerous and aggressive and will try very hard to escape. These is because none of them enjoys the prison system, so do not want to

be in prison. Also, due to the isolated and enclosed nature of where prison officers work, may over time, make them narrow and inflexible. Their training therefore, must be designed to reflect current times. This will be particularly important where prisons are remotely sited and staff live in accommodation closer to the prison (Coyle, 2009).

### **2.10.2 Prisons Service Standard Operating Procedure (SOP)**

The Ghana Prisons Service is one of the key stakeholders in Criminal Justice Administration in Ghana. It is tasked to take care of offenders who have been sentenced by courts of competent jurisdiction. The Service seeks to build an effective staff capacity, improve its processes and procedures to make its operations meet international standards for keeping offenders. In this light, it is important to state that prisoners in custody are in deferent categories. The service begins its work when law enforcement officials apprehend an offender who is pronounced guilty beyond reasonable doubt and sent to prison. The Prisons Service uses incarceration and various treatment programs to correct the behavior of the offender. Other duties include preparing convict prisoners for discharge, ensuring prisoners' rights and responsibility, maintaining good order and prison security, addressing offender grievances, provision of basic necessity of prisoners with special needs, control of prisoner's records, document compilation, identification and traceability ([www.ghanaprison.gov.gh](http://www.ghanaprison.gov.gh)).

The purpose of this standard operating procedure (SOP) is to establish measures for the safety, security and good order of prisons by providing offenders a channel to voice grievances/complaints about policies, division directives, employee actions, actions of other offenders, and other incidents occurring within the prison facility.

The SOPs mentioned above have human rights tenets embedded in it, but the question is whether these tenets are practiced in the various prison establishments. Due to the possibility of state agencies such as the Prison Service engaging in violations, chapter 6 of the 1992 Ghana Constitution, under the Directive Principles of State Policy, Article 34 (2), states that the President shall report to Parliament steps taken to ensure in particular the realization of basic human rights, among others in Ghana. The review goes on in the next sub-section to specifically discuss rights and standards involved in dealing with prisoners.

### **2.10.3 Rights and Standards involved in dealing with Prisoners**

There are various rights and standards involved in the treatment of prisoners from the moment they are received at the gate of the prison to the time they are discharged from the prison. These rights and standards serve as a guide to prison officers in their function of safe custody, ensuring the welfare of prisoners and reformation and rehabilitation of the prisoner. The rights and standards have been documented to ensure that the fundamental human rights of people who for one reason or the other have fallen foul of the law and incarcerated are properly observed. These documents include Universal Declaration of Human rights (UDHR), International Covenant on Civil and political rights (ICCPR), Basic Principles for the Treatment of Prisoners, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Code of Conduct for Law Enforcement Officials, and Mandela Rules for the Treatment of Prisoners. The various rights that prison officers must ensure in their line of duty are as follows;

#### **2.10.4 Right to Dignity/Humane Treatment**

Dignity is our inherent value and worth as human beings; everyone is born with it. The prisoners have a right to humane treatment as espoused in the various human rights documents. For example, the Universal Declaration of Human Rights in Article 4 stipulates that “No one shall be held in slavery or servitude.”, the ICCPR in Article 10 states that “All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person”, The Basic Principles for the Treatment of Prisoners Principle 1 stipulates that “All prisoners shall be treated with respect due to their inherent dignity and value as human beings.” Moreover, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment Principle 1, asserts that “All persons under any form of detention or imprisonment shall be treated in a humane manner and with respect for the inherent dignity of the human person”, and the Code of Conduct for Law Enforcement Officials also buttressed it by saying in Article 2 that “In the performance of their duty, law enforcement officials shall respect and protect human

The enablement of these rights helps the individual prisoner maintain some level of respect for himself despite losing his liberty. In this light, search conducted on prisoners when they arrive at the gate of the prison and every other interaction with the prisoner must be done with utmost respect for their right to dignity. However, literature reviewed show that those incarcerated in Ghana’s prisons face years of confinement in often cramped and dirty quarters with insufficient food allocation, inadequate hygiene and little or no clothing or other amenities. This condition is dehumanizing and an affront to prisoner’s dignity.

### **2.10.5 Right to Protection against Torture**

Torture is the deliberate, systematic, or wanton infliction of physical or mental suffering by one or more persons acting alone or on the orders of any authority, to force another person to yield information, to make a confession, or for any other reason (World Medical Association, 1975). For the purposes of this research, torture will be defined as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by, or at the instigation of, or with the consent or acquiescence of a public official or other person acting in an official capacity” (United Nations, 1987).

The closed and isolated nature of prisons can lead prison officers to commit abusive actions with impunity, sometimes in an organized manner and at other times through actions of individual members of staff (Coyle, 2009). It is clear that the act of torture is forbidden by the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights in Articles 5 and 7 respectively. Both documents stipulate that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Moreover, The United Nations Code of Conduct for Law Enforcement Officials states in Article 5 states that no circumstance, including a state of war or the threat of war, a threat to national security, domestic political unrest, or any other kind of public emergency should necessitate the use of torture. It is also, important to note,

that the fifth paragraph of the preamble of the UDHR states, “Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for the observance of human rights and fundamental freedoms (OHCHR, 1948). This means that, member states are obligated to under no circumstances tolerate torture or create an environment that supports torture.

### **2.10.6 Right to Life and Security**

The right to life is a fundamental right to all persons regardless of race, color, sex, language, religion, opinion, national or social origin, property, birth, political or other status. In this light, prisoners have the same right so the government together with the prison administration must do everything possible to safe guard the life of prisoners. Moreover, international human rights documents such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights grant right to life and security of person in Articles 3 and 6 respectively. The documents emphasis, that this right shall be protected by law.

However, the 2021 United State Department report stated clearly that the overcrowding in Ghana prisons is “alarming.” The report indicated that while prisoners had access to potable water, food was inadequate. Many prisoners were housed in facilities with poor ventilation and sanitary conditions that were either colonial forts or abandoned public or military buildings. The Prisons Service regularly cleaned and fumigated the prisons, but the conditions of cleanliness remained subpar. Also, prisoners, mainly women, are vulnerable to sexual abuse. This may be forced or as a result of coercion or barter in exchange for privileges. In some cases, the perpetrator may be a member of staff or another prisoner. In many cases sexual abuse by prisoners may be reinforced by staff as a form of punishment



or control. Apart from the physical and psychological trauma the prisoner goes through, it accelerates the spread of diseases like AIDS and HIV. The responsibility of prison management is to protect inmates from the risk of sexual abuse (Coyle, 2009).

### **2.10.7 Right to Privacy and Confidentiality**

The concepts of privacy and confidentiality are integrally related, especially with regard to the counseling relationship, privacy being broader in nature. Beauchamp and Childress (2001), in a widely acknowledged work on biomedical ethics, noted the importance of privacy and confidentiality. They defined privacy as allowing individuals to limit access to information about themselves while defining confidentiality as allowing individuals to control access to information they have shared. In prison standing orders (1960), it is stated clearly that a search conducted on a prisoner with the aim of discovering any concealed article must be done with due regard to decency and self-respect and that a female prisoner will be searched by a female officer while male prisoners are searched by male officers. This is to ensure that, privacy of both sexes is respected. The Universal Declaration of Human Rights Article 12 states that “no one shall be subjected to arbitrary interference with his/her privacy, family, home or correspondence, nor to attacks upon his/her honor and reputation. Everyone has the right to the protection of the law against such interference or attacks.”

The UN Code of Conduct for Law Enforcement Officials Article 4 buttressed it by stating that “Matters of a confidential nature in the possession of law enforcement officials shall be kept confidential, unless the performance of duty or the needs of justice strictly require otherwise.” The code of conduct adds in commentary that “by

the nature of their duties, law enforcement officials obtain information which may relate to private lives or are potentially harmful to the interests, and especially the reputation of others. Great care should be exercised in safeguarding and using such information, which should be disclosed only in the performance of duty or to serve the needs of justice. Any disclosure of such information for other purposes is wholly improper.”

Privacy and confidentiality are an essential tool in counselling a prisoner. In other words, the disclosure of information given by the prisoner may have a negative impact on security in the prison or on the prisoner and also derail the effort of reformation and rehabilitation of the prisoner. Moreover, the study will ascertain whether, the international treaties are observed in this regard.

#### **2.10.8 Right to Compensation upon Violation of Rights**

Apart from liberty that is taken away from the prisoner, he or she is entitled to all the rights that human beings enjoy. Prisoners’ rights include right to education, health, recreation, culture, religion, decent food and accommodation. Member states such as Ghana that have ratified the international human rights treaties are obligated to respect, protect and promote the rights of prisoners (Edudzi and Chealsea, 2006). Some of these rights are violated with impunity, but the prisoner has the right to compensation upon violation of his or her rights. This is spelt out clearly in the Universal Declaration of Human Rights article 8 that “Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him/her by the constitution or by law.” The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment also states in principle 1 that “Damage incurred because of acts or

omissions by a public official contrary to the rights contained in these principles shall be compensated according to the applicable rules or liability provided by domestic law.” Moreover, our domestic law which is the 1992 Ghana Constitution asserts in Article 14 Clause 5 that “A person who is unlawfully arrested, restricted or detained by any other person shall be entitled to compensation from that other person.” Therefore, prisoners have a right to compensation upon violation of their rights.

### **2.11 Forms of Treatment of Prisoners that Exist in the Prisons**

Violations in the prisons are rampant and so degrading despite the various human rights document and more especially the UN standard minimum rules for the management of prisons currently known as the Mandela Rules. For instance, according to Borkowska (2019), there has been a historically high prison population in the UK prison. Population remains high both by historic and international standards. England, Wales and Scotland have the highest imprisonment rate in Western Europe. He asserts that this is largely due to an increase in long prison sentences, with about 60% of the prison population serving sentences over four years or indeterminate sentences. Although there has been a significant decrease in the number of children and young people in custody, Borkowska (2019) bemoans the worrying trend of the elderly prison population (aged 50+) having increased by over 100% since 2008.

Another area where Borkowska (2019) sees as an alarming trend in the UK prisons is the deteriorating conditions and safety concerns. Over the last decade, the number of prisoner deaths has almost doubled, as has the number of prisoners who self-harm and the number of prisoner suicides has increased by a quarter. The number of

assaults in prisons has doubled, the number of serious assaults has tripled, and proportionally, more of these assaults have targeted prison staff. From a qualitative perspective, prison conditions have worsened, with many prisoners spending twenty-two hours a day in their cells, which are often cramped and have poor hygiene standards (Borkowska, 2019).

This is out rightly comparable to the violations mention in the US prisons by Kerness and Breslaw (2011). They posit that a prisoner in the USA claim that he had not had any human contact for more than two years, that his mail was being opened, that he was not getting legal assistance, that his meals were being tampered with, that they served him without gloves or hair nets on, and that the supervising officer sometimes fed him hours after everyone else. He also claims that he was not allowed to wash any of his clothes, clean his cell, take a shower, they leave his tray there all night until they give him breakfast the next morning, which is when the bug builds up. He said also that, he is videotaped leaving as well as coming back into his cell at all times and this is done by a female S.I.D. officer making him bend over and spread himself as well as show his genitals (Kerness & Breslaw 2011).

Another, recounts that he has been in the (hole) for three years and now so paranoid that he cannot be around people. He cannot even sleep in a cell with someone else even if he knew him all his life. According to him, he has tried every treatment, medication possible, no help. He says “I am now so paranoid, I cannot even be on the yards. I am so paranoid now for being by my-self for three years” (Kerness & Breslaw 2011).

Pre-trial facilities worldwide often offer less amenities than prisons as they are intended for relatively brief stays rather than for long-term incarceration, according

to Human Rights Watch Report (1991), which states that the condition in American jails is of special concern. It was confirmed that, paradoxically, pre-trial detainees and prisoners who have committed less serious crimes or received short sentences that can be served in jail are subjected to much worse conditions than many of the most seasoned criminals in the United States. This is because they are presumed innocent and have not yet been tried. According to the research, it is particularly concerning that very lengthy sentences may be carried out in American jails. The statute permits the execution of sentences of up to several years in jail in various states. As a result, these convicts are frequently subjected to circumstances that, in the strictest institutions, are only employed as punitive measures, including no contact visits. Prisoners with no prior convictions who are confined among dangerous habitual criminals have major safety concerns due to insufficient classification and poor record-keeping, which can have fatal results like suicide.

Kalashnikov v. Russia was the subject of a fact sheet on the European Court of Human Rights. The applicant in this case was accused of embezzlement and held in pre-trial detention for over five years before he was exonerated in 2000. In particular, he complained about the overcrowding in his cell and the circumstances at the detention facility where he was being detained, among 24 inmates who consequently were housed on 17 square meters. He was forced to become a passive smoker because of the heavy smokers around him, it was difficult for him to get a good night's sleep because the TV and cell light were never turned off, the cell was crawling with cockroaches and ants, and he developed a number of skin conditions and fungal infections as a result, losing his toenails and some of his fingernails (European Court of Human Rights, 2017). Although the Court accepted that there had been no indication of a positive intention to humiliate the applicant, it

considered that the conditions of detention had amounted to degrading treatment in violation of Article 3 (prohibition of inhuman or degrading treatment) of the Convention, in particular the severely overcrowded and insanitary environment and its detrimental effect on the applicant's health and well-being (European Court of Human Rights, 2017).

The same fact sheet featured another case on *Modarca verses Moldva*. The applicant in this instance, who has osteoporosis, was held without charge for nine months in a 10 m<sup>2</sup> cell with three other inmates. The cell had very little access to natural light, was improperly heated or ventilated, and experienced intermittent power outages. The dining table was next to the bathroom, and each prisoner's daily food expenses were limited to 0.28 euros (EUR). The applicant was not given bed linen or jail clothes. The applicant claimed, among other things, that he had been held under abhorrent circumstances. The Court came to the conclusion that the applicant's detention conditions and the length of time he was subjected to them amounted to a violation of Article 3 of the Convention, which forbids inhuman or degrading treatment. It specifically pointed out that the Moldovan government had not denied the presence of three layers of metal netting on the cell window, that electricity and water supplies had been cut off for brief periods, that the applicant had to pay for the upkeep and furnishing of the cell and had not been given any bed linens or clothes, that the dining table was situated next to the bathroom, and that daily food expenses were only allowed to be EUR0.28 for each detainee (European Court of Human Rights, 2017). The Court further observed that the European Committee for the Prevention of Torture (CPT) had reported that the food was "repulsive and virtually inedible."

Clearly, there have been serious violations in countries deemed to be developed countries. There have been treatments that are contrary to the stipulations of the international instruments on the human rights of prisoners such as the Mandela Rules for Treatment of Prisoners, Body of Principles for the Protection of All Persons Under any Form of Torture and the Convention Against Torture.

No doubt, there is a strong connection between prison conditions and the economic development of a country. However, there is also a connection to the capacity of a state to manage its criminal system in such a way as to prevent overcrowding. How many people a system locks up and how it deals with them is very much a political and ideological choice (Iftene, 2011).

Except for the Scandinavian countries, all European states have faced an increase in the number of prisoners over the last two decades. The only downward trend was seen in Sweden and Finland. It is estimated that the prison population increased by 10% in half of the European countries. While the lowest rates of imprisonment are between 65 and 75 incarcerated people per 100,000 inhabitants, there are countries that had 599 prisoners per 100,000 inhabitants (Russia locks up 1 in 80 males) in 2010. However, the average is between 100 and 200 inmates per 100,000 people and the trend is for this rate to increase (Iftene, 2011).

In an effort to reject any kind of excuses, the European Human Rights Commissioner reiterated the ECHR view that the infringement of human rights conditions cannot be justified by the lack of resources. The researcher agrees with the position of the court in the sense that, the courts position trumpets the stipulation made by the various human rights instruments that lack of resources should not be an excuse for the violation of rights. The also urged the countries to solve their

systemic overcrowding problem as it generally results in tension, violence, improper accommodation, poor health care and as a result, undermines any attempts at rehabilitation. It is true that good practices can be found in Europe more than anywhere in the world, even when it comes to living conditions and regime (Iftene, 2011).

Admirably, the prison guards' union in Denmark, has imposed a ban on overcrowding in detention centers and on building new ones (Iftene, 2011). This move by the Danes corroborate the position taken by Coyle (2005) that, there is need to implement non-custodial sentences to curb the overcrowding in the prisons than building more prisons which does not solve the problem of overcrowding.

In Africa, the human rights violations of prisoners are not different from those mentioned above about European and other Western countries. Sarkins (2008) noted that generally speaking, prisoners imprisoned in African jails endure years of incarceration in frequently small and filthy rooms, with inadequate food allotments, subpar hygiene, and little to no clothing or other amenities. He noted that even if these circumstances are not commonplace across the continent, their presence is alarming and must be addressed via jail reform and a focus on human rights. Additionally, a number of obstacles, such as state secrecy, a weak civil society, and a lack of public interest, prevent the gathering of trustworthy statistics about African jails. This cover of ignorance about jail circumstances only encourages the mistreatment and neglect of those who are imprisoned in Africa. However, it is crucial to look into African jails and gather details regarding the problems the continent's justice system is facing.



More specifically Amand, (2001), narrates grievous human rights violations in Kenya's jails. According to Amand (2001), Kenya's jails have been dubbed "death chambers,". They are overcrowded and unsanitary. For instance, 14 cells in the Nakuru prison housed 450 convicted criminals and 780 detainees on remand. Prisoners rest their heads on soiled, soggy cement flooring. The shared quarters frequently have insufficient ventilation and lighting as well as inadequate washing facilities. The only restrooms are typically a corner cell with a corner of overflowing buckets. In certain institutions, severe water shortages have made the unclean conditions worse. In September 2000, King'ong'o Prison's water supply was cut off because it had not paid its water bill, and the prison's subsequent water deficit caused a cholera outbreak. Most jails also lack proper access to clothing and food.

Furthermore, the budgetary challenges the Kenyan government is facing have a significant influence on prisons like Nyeri, where reports indicate that inmates are starving as a result of the treasury's failure to pay for supplies. Their inability to obtain food from sources outside of prison made the issue worse. Last year, inmates at Kodiaga jail said that rations had been cut in half and that special meals that had been requested due to medical needs had been completely abandoned. They said that many prisoners were going hungry because they were unable to pay the warders to increase their limited meals. According to Amnesty International, hundreds of detainees die each year in Kenyan jails as a result of these conditions. Although statistics are unreliable, it is reported that 650 people passed away in 1997. HIV/AIDS, typhoid, tuberculosis, and other contagious diseases spread quickly and are ineffectively treated (Amand, 2001).

The news about the situation in Kenya jails is indeed horrifying and a stark violation of the provisions of the human rights instruments on prisoners such the Mandela Rule for the Treatment of Prisoners and the ICCPR in article 10 which states that “All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person”,

These horrifying incidents in the Kenyan prison and prisons all over the world are not different from that experienced in Ghana. The 2019 United State Department report stated clearly that the prison overcrowding is “alarming.” According to the report, the male part of Nsawam Prison was intended to house 8023 inmates, but there were already 3,773 there. 1,981 inmates were housed in the 800-bed Kumasi Prison. There were 115 convicts housed in cell blocks, each with their own 415 square foot cell. Pretrial detention areas were frequently even more packed, with cells so overcrowded (40 in a cell intended for four) that inmates were curled up in fetal position from head to toe. Without a mattress, mat, or blanket, many inmates slept on the ground. The UN special rapporteur did not note any improvements in the way that discipline was administered in his follow-up evaluation in October 2020. Prisoners had access to clean water, but the food was insufficient. Additionally, meals frequently lacked meat, fruit, or vegetables, requiring convicts to rely on their family for food supplements. Officials housed a large portion of the jail population in buildings that were once colonial forts or abandoned public or military structures, which had subpar construction, poor ventilation and cleanliness, and little room and light.

Additionally, Prisoners were physically abused by both guards and other inmates. Caning was a form of punishment sometimes utilized by prison officers, who were

typically the "black coats," or model inmates. The government recognized the existence of "black coats," but it denied that they had been granted special privileges or were permitted to use them.

Similarly, the human rights advocacy Centre of Ghana cited the Ghana prisons service for gross violations of the rights of remand prisoners. The Centre identified a huge number of remand prisoners being held past the expiry of their warrants of commitment (GNA, 2020). In October, 2020 Ghana news agency reported that the dehumanizing nature and the plight of the prisoners in the Navrongo prisons is not an isolated case. According to Sarkins (2008), these global violations have serious effects on reformation. As a result, of the many goals of imprisonment, retribution, deterrence, public disapproval, incapacitation, rehabilitation, and reintegration, the last two remain some of the most elusive and contentious, especially in Africa.

Ghana has been touted as a beacon of hope in the area of human rights in Africa. Ghana has also ratified international human rights documents and inculcated same in its domestic laws especially in the 1992 constitution of Ghana. However, the myriad of reports emanating from its treatment of prisoners create a different impression of Ghana being the beacon of human rights in Africa indeed.

## **2.12 Factors Influencing Treatment of Prisoners within Prisons**

Among the factors of human rights violation in the prisons are deficient mental health treatment in correction facilities, inadequate policies to protect prisoners from unnecessary force, insufficient staff training and supervision, a lack of accountability for the misuse of force, and poor leadership (Human Rights Watch, 2015). Sarkins (2008) sees rehabilitation which an inmate is entitled as a difficult end point for many African prisons to achieve, mostly, due to lack of resources. She

adds that overcrowding and under-funding impedes the implementation of effective rehabilitation schemes. While rehabilitation remains the goal of many penal policy makers in Africa, lack of political will stifles its ultimate realization.

The ten years' strategic plan by the Ghana prisons service has identified that Ghanaian society appears apathetic towards the reformation and reintegration of offenders, as a result of which a large number of them suffer stigmatization on release. The service bemoans the fact that effective criminal justice administration cannot be achieved through the efforts of the governmental agencies alone, it is essential that the full range of society's resources are mobilized to assist and support reformation and social reintegration of offenders. The system is characterized by slow police investigations, protracted court trials, increasing numbers of remand prisoners. The strategic plan of the service indicated that, there is lack of synergy or proper coordination between institutions within the criminal justice system. Again, the service has stated that, lack of funding, dilapidated physical structures, lack of staff training and lack of tools and equipment for training inmates have bedeviled the service rehabilitation and reformation agenda ([www.ghanaprison.gov.gh](http://www.ghanaprison.gov.gh)).

In its study from 2018 on the human rights of prisoners in Ghana, Amnesty International also made note of a number of other problems. According to the study, the prison in Ghana needs to be repaired, renovated, and maintained because some convicts do not have access to restrooms at night, so they urinate and defecate in buckets or plastic bags. The research also claims that prolonged pre-trial detention is widespread and violates international human rights legislation. This is coupled with lack of trained medical personnel and well-equipped medical facility. Moreover, the 2018 United State Department report indicates that, the physical prison structure

were originally colonial forts or abandoned public or military buildings, with poor ventilation and sanitation, substandard construction, and inadequate space and light. There were inadequate toilets available for the number of prisoners, with as many as 100 prisoners sharing one toilet, and toilets often overflowed with fecal matter. In addition, the report bemoaned the situation where medical assistants provided medical services, but they were overstretched and lacked basic equipment and medicine. Furthermore, inadequate record keeping according to the human rights report led to prisoners being held in excessive pretrial detention, some for up to 10 years. This situation is compounded by the lack of prison ombudsperson or comparable authority to respond to complaints.

### **2.13 Level of Knowledge of Human Rights**

This section of the review looks at what researchers have suggested or opined on issues that this study set out to investigate. Specifically, what those studies have suggested regarding how much knowledge LEOs have on issues of human rights. And again, what those studies have opined regarding the role training could play in imbuing people with good knowledge of the concept of human rights.

These studies which were conducted by persons pursuing higher academic degrees, focused among other things on people's perceptions about police adherence to human right principles, and the achievement of international human rights goals. Examining these studies referenced in this section, it looked as if (Law enforcement officers) LEOs in Ghana and especially the police, did not seem to have adequate knowledge and understanding of human rights. This conclusion was drawn by this literature review because of findings and pronouncements made by researchers in other studies. Ofori (2011) in investigating the "Perceptions of Police Powers of

Arrest, Detention and Human Rights of Suspects in Effutu Municipality of Ghana” also among others covered police human rights violations in the targeted study area. In his findings Ofori (2011 p. 123), intimated that the police “normally do not respect the human rights of suspects.”

Not only did Ofori (2011) hold that view but Yiribaare (2006, pp. viii, 59) also observed, “The Ghana police service has come under a barrage of criticisms for brutalities, unjustifiable use of force and firearms and unsatisfactory performance and is widely perceived as not making positive impact on the human rights goals of the African Charter. “This claim by Yiribaare (2006) seems to be in line with Ofori’s claim that the police “do not respect human rights of suspect.”

In spite of these adverse claims against the police, Ofori’s interaction with them revealed that the police rather had a positive perception about their methods of operation (Ofori, 2011). This influenced the formation of the assumption that perhaps the police did not have that much knowledge of issues of human rights. This is because, the United Nations expect that LEOs with requisite knowledge and understanding of human rights should be able to identify and respect people’s fundamental human rights. Therefore, when the police fail to recognize and respect rights, it suggests lack of knowledge and understanding of human rights. This even influenced the UN’s push for the adoption of human rights training in LEAs as discussed in earlier sections of this review and it was the same idea of the positive impact of training and SOP that this study built its conceptual model on.

The inference drawn by this review regarding seeming lack of knowledge on human rights by the police might not be too far from the reality. This was because in a study conducted by Adomako-Boateng in 2008 to measure people’s knowledge of the

abortion laws of Ghana, he found that as many as 77 percent of the respondents had low knowledge about the law (p. 33). While the particular study was on a different issue, it suggests that Ghanaians have limited knowledge of rights and legal issues. It could be inferred that Adomako-Boateng's findings only gave an indication of what might be the case in the larger Ghanaian societies and among LEOs should knowledge of human rights law be examined. In any case, human rights are also seen as a form of international and national laws as contained in UN definition of human rights. It would therefore, not be out of place to draw a link between seeming lack of knowledge of abortion law, to that of human rights law as this review has sought to suggest to be the case with LEOs. The review has so far looked at what researchers have suggested regarding Ghanaian LEOs' level of knowledge and understanding of matters of human rights. The next sub-section takes a look at the views of researchers on the role human rights training can play in equipping LEOs with the required knowledge of the concepts of fundamental human rights.

#### **2.14 Reformation in the Prison**

The main issue is that after convicts are released from prison, they are supposed to be law-abiding, productive members of society who have been reformed, re-oriented, and provided with rehabilitation services to prevent recidivism. However, this is not how things actually are in most of Africa today. Numerous prisoners return to crime shortly after being released from prison to frighten society in several African countries, despite receiving vocational training in carpentry, electrical work, shoemaking, etc. They also return to prison to exacerbate the financial problems of the prisons (Nwolise 2010).

Criminologists, sociologists and academics from other fields are paying close attention to the rate at which released prisoners re-enter prisons in Nigeria (recidivate) a short time after release. Recidivism is the act of a criminal returning to their previous criminal behavior after facing punishment (Okunola 1986). According to Soyombo (2009), Nigeria had a 37.3% incidence rate for criminal recidivism in 2005. Additionally, according to Abrifor (2010), 52.4% of inmates in Nigerian jails experienced recidivism in that year. In addition, Wilson (2009) noted that, research done in Nigeria revealed that 81% of male criminal inmates who committed crimes and 45% of female criminal inmates were recaptured within 36 months of being released from custody. The high rate of recidivism indicates that prison reformative methods (programs) in Nigeria and many other African nations have either been absent or have been insufficient to ensure that offenders return to society morally altered.

According to Siegel (2005), the concept of rehabilitation stems from the notion that, with the right care and treatment, criminals can be turned around and turned into law-abiding, productive citizens. The rehabilitation school contends that people commit crimes for no fault of their own, in line with positivism criminology. Instead, criminals are the 'byproducts' of societal injustice; their poverty and racism are retaliations against a society that has deceived them, and as a result of their chaotic childhood and personality disorders, they may experience psychological issues that worsen their propensity for crime. The goal of this philosophy is to rehabilitate the offender so that, after release, they can live independently and legally. This justice system is viewed as a tool to provide care to persons in need. Offenders are viewed as individuals who need the assistance of the state to get back on the right path since they lacked self-control. Opara (2008) asserts that, it does



seem as though the institution's primary goal is to supposedly correct the deviant is more likely to keep him in his aberrant behavior. Punitive imprisonment is opposed on the grounds that it is incompatible with criminals' reformation. The current state of affairs runs counter to the prison system's new philosophy. According to Braggins and Talbot (2007), a prisoner should be released from jail in a better condition than when they entered. They pointed out that the statement of purpose for the prison service explicitly states this idea.

Surprisingly, the dangers that overcrowding poses to security and safety have not spurred any action in Africa to uphold prisoners' rights to adequate space (Sarkin, 2009, p.8). According to Adu (2009), Ghana's jail facilities, which are supposed to be places where crime ends, have turned into loopholes for recidivism. Sadly, according to Adu (2009) and other sources, the 43 prison facilities that are now located throughout the nation do not appear to treat or rectify criminal offenders so that they can become productive members of society after serving their sentences and being freed. He believes that the harsh living conditions, which include a shortage of food, water, clothing, inadequate medical care, and a dearth of detergents for inmates to use for washing and bathing, rather serve to exacerbate their resentment. He also recommended that Ghanaian jails double as storage facilities for actual people who have been arrested by the government.

Chapter 5 of the 1992 Ghanaian Constitution outlines the citizens' fundamental human rights and freedoms as well as their protection from violations of their basic human dignity, such as any cruel, inhuman, or humiliating treatment that could diminish that person's dignity and value as a human being. However, the human rights abuse of prisoners such as overcrowding, inadequate medical care, lack of

rehabilitation and reformation facilities, torture and poor nutrition impact negatively on reformation.

### **2.15 The Role of Prison Officers**

The essential principles of society are granted and protected by legislation in democracies. Respect for the inherent dignity of every individual, regardless of their personal or social station, is the most crucial of them. The way a society treats those who have broken the law or are accused of breaking the law is a greatest test to gauge how much of a regard for humanity that culture has. These are individuals who may have themselves been disrespectful of the rights and dignity of others. Prison staff has a specific responsibility to treat prisoners decently, humanely and fairly, honoring their dignity regardless of whatever crimes they may have committed. In addition to making sure that there is order and control in prisons and that all convicts are secure, their responsibility is to provide prisoners the chance to make the most of their time there so that they can successfully reintegrate into society after their release. Prison Officers are expected to act in accordance with the clearly outlined international standards that govern their activities (Coyle, 2009).

## CHAPTER THREE

### METHODOLOGY

#### 3.0 Introduction

This chapter provides an overview of elements and processes that underline the research work. These include: the study area, the research paradigm, the research approach and design adopted for the study, the population, as well as the sample, and the technique used in the sampling. The chapter also discusses the instrument used for data collection and the procedures that were involved in that exercise. Finally, it gives an idea as to how data was collected, analyzed and the formulae used in accomplishing that critical stage of the study. According to Creswell (2014), methodology encompasses plans and methods for research that cover the decision from wide-ranging assumptions to detailed methods of data collection and reasoning.

#### 3.1 Research Paradigm

This study adopts an interpretivist research paradigm to assess human rights compliance in Ghana's prisons, specifically focusing on the case study of Awutu Camp Prison for a number of reasons based on fundamental principles. Social science researchers often choose between interpretivism and positivism depending on the nature of facts or data required for the research and how best they can be obtained. In this study, facts about human rights standards, people's construction of knowledge on how their rights have been protected and respected, including the difference this makes in their life constitute the background from which data is elicited.

Whereas the positivists paradigm views data as objective, independently verifiable, and measurable fact, the interpretivist paradigm acknowledges that knowledge is value-laden and that achieving true objective knowledge is challenging. It recognizes that reality is perceived differently by individuals and that multiple realities exist, making it difficult to measure. Interpretivism, however, emphasizes understanding based on how people construct and maintain their perceptions of the world, recognizing that there are multiple ways of knowing beyond the scientific method. Instead of gathering facts to test hypotheses, interpretivists' research generates hypotheses through inductive reasoning, allowing for the development of theories or patterns of meanings. The issues of human rights protection or violation require individual subjective apprehension, feelings, knowledge, as well as inhibitions, all of which are hardly quantifiable, this study thrived with the interpretivists' philosophy.

Hence, in this study, qualitative techniques such as interviews and observations were employed to gather varied and multiple meanings regarding compliance with human rights in Awutu Camp Prison. By exploring the complexities of views and perceptions, the researcher aimed to gain insights into the nuances of human rights compliance within the prison setting (Cresswell, 2003).

By adopting the interpretivist paradigm, this research approach aligned with the nature of the topic and the need to understand the diverse perspectives and complexities of human rights compliance in Awutu Camp Prison. It allowed for an exploration of the subjective experiences and interpretations of both prisoners and officers, contributing to a comprehensive understanding of the compliance landscape within the prison system (Lincoln & Guba, 1985; McGregor & Murnane, 2010).

### 3.2 Research Approach

The research approach adopted for this study was a qualitative methodology. Qualitative research provided a deeper understanding of the human phenomenon under investigation by exploring the perspectives and experiences of those involved (Duncan, Drew, Hodgson, & Sawyer, 2009). It is suitable when the expected answers are uncertain and when there is a need to maintain an open-ended approach to responses (Duncan et al., 2009).

Qualitative research focused on exploring the "what, how, and why" of a phenomenon rather than quantifying measurements (McNicholl, Coates, & Dunne, 2008). It aimed to understand the complexities of the phenomenon and employed detailed and in-depth descriptions of events and experiences (Fraenkel & Wallen, 1996). Qualitative research emphasized the contextual analysis of data and the interpretation of signs and meaning rather than statistical analysis (Fraenkel & Wallen, 1996).

To assess human rights compliance in Awutu Camp Prison, this study utilized qualitative data collection methods such as interviews and observations. Interviews were conducted with both prison officers and prisoners to gather rich qualitative information about the compliance of prison officers with human rights standards. Observation was employed to provide additional insights into the daily practices and conditions within the prison.

By adopting a qualitative approach, this study aimed to delve into the complex nature of human rights compliance in Ghana's prisons, particularly focusing on the Awutu Camp Prison. It allowed for a comprehensive understanding of the

experiences, perspectives, and contextual factors that influence human rights compliance within the prison system.

### **3.3 Research Design**

The research design chosen for this study is a case study, focusing on assessing human rights compliance in Ghana's prisons, with a specific case study of Awutu Camp Prison. Case study allows for a detailed exploration of an authentic life situation, providing a deep understanding of the subject matter (Creswell, 2007).

Case studies are particularly useful when studying understudied or poorly understood subjects, such as prison officers' adherence to human rights issues (Leedy & Ormrod, 2005). This research approach involves gathering extensive data on the individual, institution, or specific events being investigated (Fraenkel & Wallen, 1996). By analyzing the collected data, researchers can identify patterns or regularities within the subject under investigation.

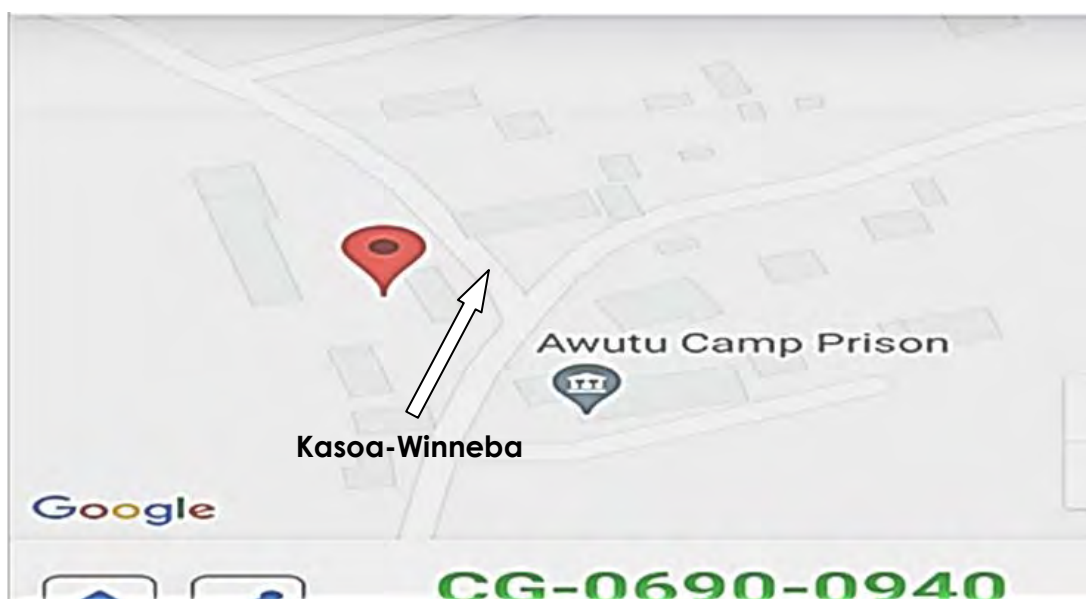
Furthermore, case studies provide a thorough understanding of phenomena, events, individuals, and organizations, giving real meaning to the processes developed and used within these settings (Berg, 2007). They offer an opportunity to examine how people, groups, or organizations process stimuli, respond to information, and take action to address issues (Weick, 1995).

In the case of this study, the case study approach is appropriate as it allows for an in-depth exploration of the treatment of prisoners and the compliance of prison officers with human rights standards. It enables a comprehensive examination of the conditions and variables that contribute to the specific situation or occurrence (Kumekpor, 2002).

The choice of a case study is justified by the aim to explore the particularity of Awutu Camp Prison and gain an in-depth understanding of the compliance of prison officers with human rights standards. By focusing on a specific prison facility, this research design facilitates a comprehensive investigation and provides valuable insights into the subject matter.

### 3.4 Description of Study Area

The site for the study is Awutu Camp Prison located at Kasoa in the Central Region. Awutu Camp Prison is one of the Forty-Eight prisons in Ghana established in 1982 as one of the camp prisons to decongest the Central prisons with capacity to accommodate 350 prisoners. It is located on a 200-acre land with latitude and longitude coordinates of 5.519540, -0.487992 respectively in the Awutu Senya East District in the Central Region of Ghana. This type of prison mainly houses low risk prisoners. The staff strength of the station is 360 which comprises of 220 male officers and 140 female officers. The station runs a shift system with the morning shift starting from 6:00am to 2pm, the afternoon shift from 2pm to 8pm and the night is from 8pm to 6pm.



**Fig. 1 Geographical map to site of study**  
Source: Google and Ghana Post address

### **3.5 Population of the Study**

The research population for assessing human rights compliance in Ghana's prisons specifically centred on Awutu Camp Prison. Population, according to Creswell (2013), refers to the complete set of individuals (subjects) or objects having common observable characteristics in which the researcher is interested. Kusi (2012) also defines a study population as a group of individuals or people with the same characteristics and in whom the researcher is interested. The population is also the complete set of subjects that can be studied: people, objects, animals, plants, organizations from which a sample may be obtained.

The target population was prisoners and prison officers of Awutu Camp Prison. The accessible population was all the 8 cell leaders, 1 black coat (main leader of the inmates), and 1 church leader and 5 units heads (officers) who supervised prisoners on daily bases. Each individual in any of these groups have their own expectations and understanding of how issues of human rights affect them.

The inclusion of prisoners allows for insights into their living conditions, treatment, and the extent to which their rights are respected. Involving prison officers provides an opportunity to explore their perspectives on policies, procedures, and challenges related to human rights compliance within the prison.

### **3.6 Sampling Procedure and Sample size.**

According to Creswell (2013), a sample is the selection of a portion of the study population for inclusion in a study. A sample size is therefore the total number of people who are selected from a given population to participate in a study. To obtain an appropriate sample size for prisoners, the researcher obtained a list of the cell leaders and other two leaders made up of the overall leader of the inmates (Black



coat) and a religious leader from the Officer in Charge. Similarly, on the part of the prison officers, a list of unit heads who work closely, supervised and escort inmates on daily bases were also obtained from the Officer in Charge.

Purposive sampling was used to select all the 8 prison cell leaders, a Black Coat and a religious leader of the inmates of Awutu Camp Prison. With regards to officers selected, purposive sampling was also used to select the five (5) unit heads comprises of a yard master, Senior chief officer, officer in of Inmates' welfare, Officer in charge of Infirmary and the commander of the station. These unit heads have served many years with diverse experiences and since their practical experiences and information provided would be of immense relevant to the study. In purposive sampling, researchers intentionally select individuals and sites to learn or understand the central phenomenon (Creswell, 2007). The standard used in choosing respondents and sites was whether they are "information-rich". Therefore, the researcher settled for inmates who have experienced the prison environment at Awutu Camp Prison and officers who holds many years of experience in prison duties and handled the prisoners for some years in the Camp.

### **3.7 Data Collection Techniques**

Data collection is a crucial step in assessing human rights compliance within Ghana's prisons, specifically focusing on the case study of Awutu Camp Prison. Effective and comprehensive data collection approaches are essential to answer research questions and gather information for analysis (Creswell, 1997). In this study, data collection followed a circular process consisting of various activities, including site or individual selection, gaining access and building relationships,

purposeful sampling, data collection, information recording, field issue exploration, and data storage (Creswell, 1998).

The main instruments for data collection in this study were in-depth interviews and observations, which align with qualitative research methods. Semi-structured interviews were conducted to obtain detailed data from participants regarding the effectiveness of prison projects and their perceptions of human rights compliance. The interviews were guided by themes and administered to all participants individually, either in the local dialect, Twi, or English, based on their preference. Prior consent was obtained, and interviews were audio-recorded to ensure accurate data capture. Handwritten notes were taken to validate the information provided.

Observation, both as a participant observer and as a relative outsider was conducted to closely and analytically examine events, as advised by Leedy and Ormrod (2005), within and around Awutu Camp Prison. The observations were purposefully unstructured and free-flowing, allowing flexibility to focus on emerging objects and events related to human rights violations and rehabilitation facilities. This approach enabled the assessment of the relationship between inmates and officers, as well as the identification of potential forms of human rights violations.

By employing in-depth interviews and observations, this data collection technique provided comprehensive insights into human rights compliance within Awutu Camp Prison. The combination of qualitative methods ensured a rich understanding of the experiences, perspectives, and practices related to human rights standards in the prison setting.

### 3.8 Data Analysis

In assessing human rights compliance in Ghana's prisons, specifically focusing on the Awutu Camp Prison, a systematic four-step process was employed in a textual data analysis. This process ensured the effective exploration of the research objectives and facilitated a comprehensive understanding of the collected data based on semi-structured interviews and observation.

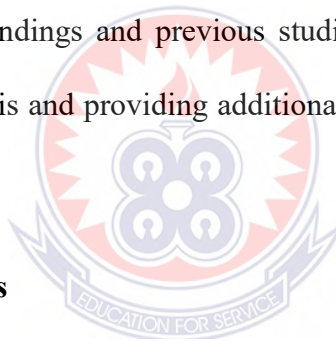
The data analysis process began with the first phase, which involved organizing the collected data into manageable segments, and ensuring easy accessibility. It also involved labelling and categorizing the data segments based on their content or meaning, establishing a systematic approach for the subsequent coding process. To facilitate easy reference to individual participants, an identification numbers (IDs 1 to 15) were assigned to each set of responses.

Drawing from the work of Strauss and Corbin (1998), established qualitative research techniques such as open coding, axial coding, and selective coding were applied to assign appropriate codes to the data segments. This coding process captured key concepts and ideas, allowing for the identification of patterns and themes within the dataset.

In the second phase, guided by theoretical frameworks and coding schemes, the researcher grouped the coded data segments into broader concepts or patterns, examining the underlying meanings and connections between different codes, categories, and concepts. Through this systematic analysis, themes emerged, representing recurring patterns and significant findings in the data. The use of established coding techniques and theoretical guidance ensured the trustworthiness and rigor of the identified themes (Saldaña, 2016).

In the third phase, following the development of themes, the researcher interpreted the data and drew conclusions, comprehensively examining the patterns and connections between themes, their relevance to the research question and objectives, and their alignment with existing theoretical frameworks. Adopting a deductive approach, the relationships between the identified themes and the relevant literature were analysed, providing valuable insights into human rights compliance within the context of Ghana's prisons (Bryman, 2016).

In the final phase, which was to validate and triangulate the research findings, the analysis results were compared with the existing literature. A systematic review of relevant scholarly works was conducted to identify similarities and differences between the research findings and previous studies, enhancing the credibility and robustness of the analysis and providing additional support for the research findings (Flick, 2018).



### **3.9 Trustworthiness**

Trustworthiness is crucial in assessing human rights compliance in Ghana's prisons, specifically in the case study of Awutu Camp Prison. To establish trustworthiness, four protocols were observed: credibility, transferability, dependability, and confirmability.

Credibility, an essential aspect of qualitative research, can be ensured through member checking. The researcher cross-referenced the transcribed data with the participants to verify the accuracy of the information provided (Birt et al., 2016). Additionally, the researcher shared summaries of the transcripts with the participants to allow them to correct any misinterpretations or errors.

Transferability, which relates to the external validity of the study, was addressed by providing detailed findings that could be used by other researchers. The aim was for future studies on assessing human rights compliance in Ghanaian prisons, particularly in relation to the treatment of prisoners, to reference and evaluate the present study (Morse, 2015). Participant observations and examination of external data contributed to enhancing transferability.

To ensure dependability, the researcher employed triangulation by comparing the findings with other research on the treatment of prisoners and its impact on their rights and reformation. This approach, along with meticulous record-keeping in a reflexive journal, established a clear decision trail and maintains consistency and transparency in data interpretation (Saldaña et al., 2016).

Confirmability, which relates to neutrality and objectivity, was addressed through various strategies. The researcher maintained an audit trail of the analysis stage, documenting all decisions made during the process. Peer debriefing sessions with a colleague provided an external review and feedback to prevent biases (Polit & Beck, 2014). Additionally, member checking further enhanced confirmability by ensuring that the study's outcomes reflected the participants' experiences rather than the researcher's own biases and preferences (Connelly, 2016).

By following these protocols, the study establishes trustworthiness, ensuring the authenticity and reliability of the research findings in assessing human rights compliance in Ghana's prisons, specifically in the case of Awutu Camp Prison.

### **3.10 Ethical Consideration**

The researcher revealed the intentions of the study to the participants and sought informed consent for their participation. The researcher verbally assured the participants of anonymity of their identities and confidentiality of the data that they would give. All the participants interviewed agreed before the researcher commenced the interview. The participants in this research work were given ample time to respond to the questions posed to them to avoid errors and inaccuracies in their answers. The respondents were assured that the data gathered from them would be treated with the utmost confidentiality that they deserved and be used for academic purposes only.



## CHAPTER FOUR

### DATA PRESENTATION, ANALYSES AND DISCUSSION

#### 4.0 Introduction

The data collated from the study is presented and analysed in this chapter. Additionally, a discussion is conducted based on the results and the findings from previously conducted studies. The data and the consequent analyses were intended to address the objectives stated in the introductory chapter to wit: (1) identify the human rights standards and guidelines applicable to prison in Ghana and specifically Awutu Camp Prison; (2) assess compliance to human right standards in the Awutu Camp Prison; (3) identify factors responsible for human right violations within Awutu Camp Prison; and (4) explore the impact of human rights compliance on the well-being and rehabilitation of inmates in the Awutu Camp Prison. The analysis was based on data obtained from selection of information-rich participants comprising 10 inmates and 5 prison officers. The textual analysis of the interviews and field data provided appreciation of the meanings and patterns of the experiences and knowledge about the subject under study.

#### 4.1 Human Rights Standards and Guidelines Applicable to Awutu Camp Prison

The research question one delves into the laid down standards and guidelines that Awutu Camp Prison follows. The researcher interviewed the commander of the camp prison to unravel the human rights standards and guidelines, which are in the knowledge of the participants. On the question of the standards or guidelines that are applicable to Awutu Camp Prison, the commander remarked that:

*“There are legislations that guide our work here in Awutu Camp Prison. These legislations include the 1992 Ghana constitution, Prison Service (General Administration) Regulation, 2016, (C.I. 93),*

*Prison Service (Staff Discipline) Regulations, 2016 (C.I. 93), Prison Regulations 1970 (L.I 648) and Prison Standing Orders (1960). We also adhere to policies emanating from the Director-General of Prisons”.*

The researcher further probed to know whether the Camp Prison is guided by international instruments as reviewed in the chapter two of the study. The commander averred that, the Camp Prison takes cognizance of international instruments such as the Mandela Rules for the Treatments of Prisoners and The Basic Principles for the Treatment of Prisoners.

The researcher asked a follow up question of how the Prison makes officers aware of these standards and guidelines applicable to Awutu Camp Prison. The commander asserted that:

*“Apart from the training officers received at the training school, a course is currently being run in the Prison to get the officers abreast with the Mandela Rules for the treatment of Prisoners. Officers have also been encouraged to run a certificate course online on the same instrument. I also take advantage of durbars that I organize to inform officers about the instruments and policies emanating from Director-General on treatments”.*

The researcher then asked whether the local legislations talk about the human rights of prisoners. The commander mentioned that:

*“The Prison is guided by article 15(2) of the 1992 Ghana constitution which says that detainees should be treated humanely and their dignity protected. The prison regulation and other legislations re-echo the humane treatment of prisoners specifically in the area of food, accommodation, health care, sanitation, inmate’s complaints and torture”.*

The interview with the commander plus the researcher observation shows clearly that the Awutu Camp Prison is guided by the international conventions and the local instruments reviewed in the chapter two of the study. Also, the interview indicates



that Awutu Camp Prison is guided by the general instruments guiding the Ghana Prison Service.

## **4.2 Assessing Compliance with Human Rights Standards in Awutu Camp Prison**

This is to inquire into Awutu Camp Prison's compliance to established human rights standards. For the relevant data, participants were asked a set of questions. The objective is to unravel the extent to which actions and inactions of Prison Officers violated the rights of inmates. From the responses obtained on compliance, a number of indicators projected the dimensions on which the respondents construct their knowledge about the extent of compliance to human rights in the prison. As a guide through the analysis that ensue, a list of these indicators includes rights associated to accommodation; food; sanitation; medical care; complaints unit, lodgment procedure and record keeping; torture; training, education and recreation. The interpretations on these subjects are presented in the following subsections.

### **4.2.1 Accommodation**

The researcher sets out to seek for information on the housing for the inmates in terms of the structure, bedding and the nature of accommodation in terms of floor space. In view of this, this question was posed. "what is the nature of your accommodation in terms of natural light, fresh air, artificial light and floor space?" Majority of the participants both inmates and Officers said it was good. Others said it was manageable. Responses that indicated that it was good were coded (Y) and presented as follows, two participants mentioned that:

*"It is good even though the place is overcrowded, one thing we must know is that we are prisoners and the fact that we get a place to sleep, we do not sleep in the opened."*

*“it is good because we have a roof on our head even though it is not the best, I wake up very early in the morning and carry out my duties without any hindrance. When it rains it does not beat me that only is enough”.*

Responses that express discontent about the nature of accommodation were captured and coded as (N). A participant indicated that:

*“My cell like this is overcrowded and others too. A block roof is too short as compared to the B block and so it prevents natural light and fresh air from coming into the room, however, artificial light and fans have been installed to make the cells very comfortable. Even though the cell ceiling looks good bed bugs have taken over the place”.*

On the question of “What is your opinion on inmates bedding in terms of beds, mattress and blanket?” A Participant reported that their mattresses were torn apart and any time they complained officers tell us that government has not supplied new ones yet so we should lay blanket on either the floor or metal bed and sleep.

Majority of the participants said they do not have good sleep because of the bed bugs infestation in all the dormitories. A Participants recounted a situation where a fellow inmate bed caved in and nearly injured the one on the down bed. All the Officers confirmed the inmate’s assertions with some indicating that, a huge chunk of the beds is broken down beyond repairs. However, the inmates bedding is a nightmare considering the invasion of bed bugs and mosquitoes coupled with torn mattresses and life-threatening beds.

The inmates condition in terms of natural light, fresh air, artificial light falls in line with rule 13 of the Mandela rules, but their bedding and floor space situation contravenes 21 which stipulates that “every prisoner shall, in accordance with local or national standards, be provided with a separate bed and with separate and

sufficient bedding which shall be clean when issued, kept in good order and changed often enough to ensure its cleanliness.”

#### 4.2.2 Food

The researcher sought to find out whether the nature of food served to the inmates and how the food is served conforms to human rights standards. In view of that a question was posed, “What is your opinion on the GHC1.80 pesewas for meals per Prisoner?” All the participants both officers and inmates said it was not enough using various expression to describe it. For example, two participants said:

*“It is woefully inadequate, we take each meal without getting satisfied. In fact, it is not reaching us. It is a big challenge but God is keeping us alive, eating every day without getting full is not easy at all.”*

*“The food is very bad and you cannot live on this for a normal life how can they serve you very scanty food without proper aroma. The money is too small for three square meal a day”.*

The answers to the question brought to light inmate’s situation in terms of their meals. The participants were asked to describe the kind of meals served to the inmates. A participant who is an officer and has been in the service for ten years and currently an infirmary attendant in the yard described the meals as lacking balance diet. She described most of the inmates as mal-nourished. Other participants agreed that the meals serve is not the best and generally not edible. Another participant, an officer who is in charge of inmate’s welfare said it is bad, to face the reality, the food is bad to the extent that they don’t even eat it. Participant serving 8 years reported that, the morning porridge that they always take in the morning is without sugar while the soup is tasteless. Another Convict Prisoner (CP) serving three years noted that the supper was always served at midday alongside the launch and this makes the supper run cold, A participant indicated that:

*“I know the food is not the best but I accept it like that because am a prisoner. How can you commit a crime and still want to enjoy good food, the food is tasteless but we managed it and we are still alive.”*

These responses fall in line with Amand (2001) who wrote in his research on Kenya Prisons that, the Prisoners were starving due to inadequate food supply. The US state department report 2020 on Ghana also stressed that food was inadequate despite access to potable water. It noted that, meals lacked fruits, vegetables or meat thus forcing prisoners to rely on their families to supplement their diet.

Article 11 of ICESCR, Article 20 of Mandela Rules for the Treatment of Prisoners and section 35 (a) of Prison Service Decree proclaim that detention centers have the duty to provide detainees with sufficient and healthy food. Drinking water shall be available to every prisoner whenever he needs it. Moreover, the human rights documents mentioned above stipulate that states have a core obligation to take the necessary action to mitigate and alleviate hunger. The right require that food provides sufficient quality of nutrition without dangerous contamination and is available as and when required. However, that is not the case in Awutu Camp Prison since it is evident that GHC 1.80 pesewas is woefully inadequate and cannot prepare a quality meal in right quantities for inmates. The fact that the supper must also be kept for several hours before eating presents some health issues since the food runs cold before they eat it. The inmate's rights to food is being violated in this instance and in effect the inmate's rights to health and life because he must eat well for good health and survival. This point buttresses the claim made by the infirmary attendant in the yard that most inmates are mal-nourished because they lack balanced diet. In this case, a Prisoner on medical treatment may not get the required diet for speedy recovery as specified by Ghana Prison Regulation N0. 26 (Prisons Regulation L.I.

412/58). The document specifies that prisoners undergoing medical treatment shall be given diet prescribed by the infirmary.

Meanwhile, UNHRC under general comment 21 states that persons deprived of liberty are not to be subjected to any hardship or constraint other than that resulting from the deprivation of liberty. The committee asserts that respect for the dignity of such persons must be guaranteed under the same conditions enjoyed by free persons. The committee maintained, “treating all persons deprived of their liberty with humanity and with respect for their dignity is a fundamental and universally applicable rule. Consequently, the application of this rule, as a minimum, cannot be dependent on the material resources available in the State party.” In view of this, the poor nature of food served the inmates violates article 10 of the ICCPR, Article 11 of the ICESCR and Article 20 of the Mandela Rules for the Treatment of Prisoners.

### **4.2.3 Sanitation**

The researcher delved into the sanitary condition of the inmate. This is to establish the hygienic condition of the inmate’s surroundings and the inmate’s personal hygiene. This question was directed to both Officers and Inmates, “What is your opinion about the sanitary conditions? Majority of the participants said it was not the best but they always ensured that the place was always tidy by sweeping and scrubbing it. Also, others said because the bathhouse was not tiled and no detergent to scrub it, the floor develops some “green green”. A participant who is an inmate said the yard is clean when it comes to sanitation. When the researcher further asked him to look around and tell him whether this yard is clean, he quickly said for us prisoners we do not care about sanitation. A participant who is an infirmary attendant complained of “irregular supply of hygiene kits such as soaps, toilet roll,

toothbrush, toothpaste and shaving stick. In fact, when the inmates come to the office, their body odor is bad. She added lack of toilet facility in some of the dormitories make their work difficult because they often fall sick.”

The picture painted by the participants plus my personal observation show clearly that the sanitary condition in the prison is very poor and inmates’ personal hygiene is also not the best. The Camp Prison environment generally is a bedrock for cholera, malaria, typhoid fever and the likes. The fact that there is no constant supply of personal hygiene kits such as shaving stick, tooth brush, tooth paste, washing soap and toilet roll to the prisoner, makes the prisoner prone to diseases.

The situation in the prison is far below what the Mandela Rules for the Treatment of Prisoners provides. The document stipulate that detainees must have sufficient sanitary materials as well as toilets that are necessary for the maintenance of their personal hygiene. The UN Special Rapporteur on the human rights on safe drinking water and sanitation has also underlined that, states "must ensure that everyone has physical and economic access to sanitation, in all spheres of life, which is safe, hygienic, secure, socially and culturally acceptable, provides privacy and ensures dignity".

The situation also runs counter to the Service Decree, section 35 (c) that says “every Prisoner is at all reasonable times permitted access to washing and toilet facilities sufficient to keep himself clean and decent in his person”. Moreover, the inmate’s situation flouts Article 15 of the 1992 constitution of Ghana, which stipulates that no prisoner should undergo degrading treatment.

#### 4.2.4 Medical Care

The researcher seeks to know the health care situation of the inmates in terms of their access to health personnel, medication and critical health care. In that case, this question was asked participants, “Please describe the difficulty or otherwise of access to health care.” Majority of the participants both inmates and officers said health personnel are absent at certain times due to the shift system run by the officers. An inmate remarked that:

*“There was a day two prisoners fought in the cell around 7pm. One inmate was seriously injured at the back of his head and he was bleeding profusely but there was no nurse to attend to him so they looked for a car that took him to the hospital that evening”.*

A follow up question was asked on how many health personnel manned the infirmary at the time of the research. A participant who is the yardmaster said:

*“the station has three (3) health personnel’s but one is on study leave another is on annual leave, leaving only one infirmary attendant manning the infirmary. The infirmary is not resourced to be able to treat patients. The medicines are mostly limited to paracetamol and some anti-biotic capsules”*

Other inmates said the infirmary attendant told them there was no medicine for their kind of sickness. Majority said they have stopped depending on the infirmary for drugs and instead depend on friends and family members for drugs. One participant mentioned that when you report sick, you are not allowed to recover properly before they escort you to the farm to work. A participant in charge of inmate’s welfare said, prisoners complain about their health but there is no money to take the prisoner to the hospital. The infirmary attendant the researcher interviewed confirmed the assertions of other participants that there are difficulties in inmate’s access to health care. She bemoaned that:

*“we don’t have enough drugs and even the ones we have when it gets finished, it takes time to replace. Making referrals are difficult*

*because administration will tell you no money unless severe wounds that needs to be stitched, the presence of diseases such as TB, HIV and chicken pox made matters worse.”*

The responses about medical care in the prison show that the situation in the Camp Prison is an affront to the rights of the inmates. The prison can only boast of a small structure with limited medical kits and one-health personnel at the time of collecting the data. This is juxtaposed to the over 150 inmate’s population. Furthermore, inmates have to be denied medical care with the excuse of no money or drugs. These findings corroborate the 2019 Amnesty Report on the human rights of inmates in Ghana. The report stated that many prisoners complained that they cannot get medicines and treatment that they need from the infirmary and disorders that require hospital attention is denied or delayed.

The UDHR stipulate in Article 25 that everyone has the right to a standard of living sufficient for the health and well-being of himself. Rule 24 and 25 of the Mandela rules for the treatment of Prisoners stipulate that Prisoners should have access to necessary health care free of charge from a qualified health professional. It added that prisoner’s health care must promote, protect and improve the physical and mental health of prisoners, with special attention to prisoners with special health-care needs or with health issues that hamper their rehabilitation. In the case involving Malawi African Association and Others v. Mauritania, the complaint noted that among other factors some prisoners died as a result of the lack of medical attention. The African Commission found that there was violation of article 16 and also of article 4 of the African Charter (Amnesty Report, 2012). Moreover, the Ghana Prisons Service Decree provides, at Section 35 (e), that each prisoner "is promptly supplied with all medicines, drugs, special diets or other things prescribed by a medical officer of health as necessary for the health of that prisoner" (Ghana



Prison Service Decree, 1972). However, the health care situation in the Prison violates the provisions of these documents.

#### **4.2.5 Complaints Unit, Lodgment Procedure and Record Keeping**

The researcher delved into complaints and record keeping of inmates. This question was posed, “Please describe the difficult or other wise of inmate’s access to complaint procedure.” All the participants indicated, they do not have access to complaints units not to even talk of the procedure. One participant asserted that:

*“Papers are given to us to write statements in the yard. The next moments the statements sheets are missing and you are being asked to write another one again. There are times you don’t even get someone to receive your complaints”*

This response is in line with the 2019 Amnesty international report on human rights of inmates in Ghana, which asserts that the prisons do not have a system that ensures that inmates’ complaints are resolved. However, the situation as it pertains in the Camp Prison falls in line with the Ghana Prison Service Act 1972, which stipulates that "(1) Any prisoner shall be entitled, without prejudice to any other means of redress legally available to him, make a complaint in writing, signed by him as to any instance of assault, maltreatment or intimidation by a prison officer.”

In my personal observation during the research, I notice that lack of reliable data on assaults by staff. Poor record keeping, inadequate complaints systems and other barriers to transparency mean that when ill-treatment of prisoners occurs, it is rarely thoroughly investigated, resulting in a void of accountability for those responsible. The lack of transparency and prosecution of individual perpetrators, in turn, obscures more systemic failings and constitutes a major obstacle to holding decision-makers to account. Moreover, this contravenes the Mandela Rules for the Treatment of Prisoners, which state at Rule 5(1) that "The prison regime should seek

to minimize any differences between prison life and life at liberty that tend to lessen the responsibility of the prisoners or the respect due to their dignity as human beings." This means that, the prison officers must make room for prisoners to lodge complaints when necessary.

#### 4.2.6 Torture

The researcher sought to find out whether inmates are ill-treated or punished inhumanely in the Prison. On the question of "What form(s) of torture have you observed?". Responses that capture what they have observed were presented as follows, majority of officers responded that inmates are sometimes beaten to ensure that they succumb to lay down rules and regulation of the Prison. A participant referred to Proverbs in the Bible that:

*"if you spare the rod you spoil the child, if the inmate is caught with a prohibited item, he is beaten sometimes to say where he got it from or why he was in possession of such an item, if you don't beat them they will not reform at all"*

The same question was asked the inmates of the Prison. Some of the inmates reported that they had not experienced or observed any human rights violation in the yard. Those who said they have not observed were coded (N) further interrogation shows that he did not understand the questioned posed by the researcher. After some education on torture the inmate confirmed having observe verbal abuse. He noted that:

*"Yes, I have seen officer insulting a prisoner that he is a smelling criminal and should get closer to her. the officer said also that the prisoner has nothing to in this life but to only go and steal other people things and be caught and beaten "* but one said he witnessed

Another participant revealed that an inmate cut another inmate with a blade in a fight. A participant responded to the same question with a YES and NO answer. He noted that:

*“the NO is because some officers speak to you well and encourage you and YES because some officers talk to you as if we are not human beings. They treat us like outcast but in all we are prisoners so we don’t mind. Living in prison is not easy at all some officers call you all sort of names that you don’t deserve.”*

Some of the participants had said the retaliatory beatings was not proper, they however explained the necessity for such things in some circumstances and others also think that the fact that an officer did not use his hand on him cannot be termed as torture.

Torture is defined as;

*“any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by, or at the instigation of, or with the consent or acquiescence of a public official or other person acting in an official capacity” (United Nations, 1987).*

With this definition, we can say without doubt that majority of the responses point to torture. The reference made to the Bible indicate a possibility that punishments of prisoners necessitates rights violation by officials especially in the absence of checks. The issue of an inmate cutting a fellow inmate with a blade also raises concerns of personal insecurity. The UN special rapporteur made similar observations to Ghana in 2015 that both guards and other officers physically abused prisoners. Coyle (2009) also noted that the closed and isolated nature of prisons can lead prison officers to commit abusive actions with impunity, sometimes in an organized manner and at other times through actions of individual members of staff.

The act of torture depicted in the answers by majority of the participants runs counter to the Universal Declaration of Human Rights and the International

Covenant on Civil and Political Rights in Article 5 and 7 respectively. Both documents stipulate that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Moreover, The United Nations Code of Conduct for Law Enforcement Officials states in Article 5 that no condition be it state of war or a threat of war, a threat to national security, internal political instability or any other public emergency should necessitate the use of torture. It is also, important to note, that the fifth paragraph of the preamble of the UDHR states, “Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for the observance of human rights and fundamental freedoms (OHCHR, 1948). This means that, member states are obligated to under no circumstances tolerate torture or create an environment that supports torture. The Mandela Rules for the Treatment of Prisoners and the 1992 Ghana constitution in Rule 1 and Article 15 (2) cautions against torture or other cruel and degrading punishment or treatment.

#### **4.2.7 Training, education and recreation**

The researcher, sought to find out the measures put in place to train and educate the prisoners that will make them law abiding persons and help them to be gainfully employed upon their discharge. On the question of “Do you have a well-equipped reformation and rehabilitation programs?” Majority of the inmates said No, and few said Yes. Some said they used to learn “Kente” weaving but the shop collapsed. Others said the only time they learn something was when there was an ongoing project like masonry, carpentry and electrical works. A participant reported that, the ICT program he was running has only three computers and the officers are also not always available to teach. Most of the officers interviewed confirmed that there was no training and educational program. While some said, inmates were taken to the

vegetable farm to acquire some skills in vegetable farming. On the question of “what recreational activity do you have”, all the participants said the Officers and inmates play football and volleyball together intermittently.

The picture painted by the participants plus my personal observation show that, the Camp Prison has not put in place a formal structure to propel education and training. What it means is that inmates are not properly engaged in an income generating activity or trade such as carpentry, shoe making, draught Manship, joinery, printing, electrical and metal work. Similar observation was made by the 2019 Amnesty international report on human rights of inmates in Ghana. It stated that “The existing training options seen by Amnesty International, while welcome in themselves, seemed not adequate to equip prisoners for life after release, tended to have only basic and outdated equipment and were also relatively poorly attended by prisoners.”

Those who are convicted do not have jobs and need to be exposed to education both for skills development and the training of the mind for self-development. This is articulated by the Mandela rule 104 that prisoners shall have access to academic education, vocational training and social work, employment counselling, physical development and strengthening moral character to facilitate their post-release rehabilitation.

Meanwhile, Rule 96-99 of the Mandela Rules also stipulate that prisoners should have sufficient work of a useful nature, which will keep prisoners actively, employed for a normal working day. Moreover, the Ghana Prisons Service includes in its mission statement the reformation and rehabilitation for the successful resettlement of prisoners into society. The Prisons Service has as part of its core

functions to "ensure the reformation and rehabilitation of Prisoners by offering them opportunities to develop their skills through trade, training and moral education". However, data gathered on recreation is contrary to both international and local human rights standards reviewed in chapter two of the study.

### **4.3 The key challenges and contributing factors that may lead to potential human rights violation within Awutu Camp Prison**

The researcher also explored the factors that may lead to potential human rights violation within Awutu camp prison. Data gathered so far show that accommodation in terms of infrastructure and bedding is appalling, prisoner's food is not good in terms of quality and quantity and sanitary conditions in the yard is in a sorry state. Also, the researcher identified poor medical care, poor record keeping, inadequate complaints systems and torture while education and training are nothing to write home about. These are human rights violations, so, the researcher seeks to explore the factors influencing such treatment of Prisoners. Prisoners and officers were then asked what are the challenges and contributing factors that may lead to potential human rights violation within the Prison?

#### **4.3.1 Funding**

All the participants who were asked what factors they think are responsible for such treatment of prisoners pointed to lack of money. The inmates reported that the C 1.80 pesewas for three square meals per prisoner which they say is woefully inadequate is because government has not increased the funding.

A participant said

*"if you are going to hospital it is difficult because the officer will tell you no money. Also, the food served us when you talk about the nature of the food officers will tell you that they have not received subvention from the government for quite a long time now"*

Another participant who is an officer confirmed that the station has not received subvention for the past three months. Other officers bemoaned the fact that the lack of funds is affecting the health care of prisoners, prisoner diet and other administrative work that will ensure the smooth running of the prison.

These assertions by the participants is corroborated by the 2019 annual Prison Service Report and the 10 years Strategic Plan for the Ghana Prison Service. Both documents indicate that, the lack of funds is a big challenge to the Prison Service. This challenge as indicated by the two documents has dire repercussions on the human rights of prisoners. These is because their health care and dietary needs will constantly be in limbo contrary to the ICESCR, the Mandela rules for the treatment of prisoners and the Ghana Prison Service Regulation.

#### **4.3.2 Lack of necessary supply**

On a follow up question of “Do you get regular supply of necessary items like soap, toilet rolls, detergents, blankets and mattress”. A participant stated that:

*“The lack of supply of some basic things have made the situation worse, there have not been regular supplies of blankets, mattresses, soap, detergents, toilet rolls, feeding pans and bucket for bathing. This makes our living condition pathetic and our hands are tied, there is nothing we can do because government has not supplied.”*

Other participants shared the same opinion. The lack of these necessary supplies makes it difficult for inmates to maintain proper personal hygiene and this is an affront to their dignity. It also fuels the human rights violations of prisoner’s contrary to the Mandela rules and Prison regulation section 35 that grants that prisoners must have sufficient sanitary materials as well as toilets that are necessary for the maintenance of their personal hygiene.

### 4.3.3 Officers lack of knowledge of human rights issues

A participant raised the issue of officer's sheer lack of knowledge of human rights issues or its implications. He said sometimes officers overstep their bounds by laying their hands on the prisoner without knowing the implication of that. He contended that the language spoken to the inmates is sometimes an abuse. This is further explained when a participant stated that:

*"I sometimes use insulting language on the inmates for instance "wuhubou" meaning you are smelling when they misconducted themselves. I notice they don't like it but I don't care, these are criminals."*

The above responses show that officers engage in physical and psychological torture because of their sheer lack of human rights issues. Similarly, Section 7 (c) of US Department of State Country Report on Ghana in 2019 observed that some laws were not enforced effectively or consistently because law enforcement officials were sometimes unfamiliar with the provisions of the law.

However, in the United Nations Guidelines for the Effective Implementation of the Code of Conduct for Law Enforcement Official, Section I(A), point (4) says, "Governments shall adopt the necessary measures to instruct, in basic training and all subsequent training and refresher courses, law enforcement officials in the provisions of national legislation connected with the Code as well as other basic texts on the issue of human rights" (United Nations, 2015).

Moreover, the Office of the United Nations High Commissioner for Human Rights defines human rights as "universal values and legal guarantees that protect individuals and groups against actions and omissions primarily by state agents that interfere with fundamental freedoms, entitlements and human dignity" (OHCHR, 2015). This means that, Prison Officers must be abreast with these universal values



and legal guarantees in order not to interfere with fundamental freedoms, entitlements and human dignity of prisoners.

#### **4.3.4 Poor infrastructure**

Some participants reported that they have weak beds and torn window nets which aids the influx of mosquitoes causing malaria. Officers who were interviewed confirmed weak beds and torn window nets. My personal observation show that inmates do not have facilities that are well equipped for training in trade such as carpentry, electrical, shoemaking, metal works, batik tie and dye and leather works.

Similar observation was made by the 2012 Amnesty international report on human rights of inmates in Ghana that “Many of the facilities visited by Amnesty International were not built to house inmates. The majority of facilities visited by Amnesty International needed considerable renovation and additional facilities for activities and training.” The poor infrastructural condition will lead to poor sanitation, health problems and will not facilitate the reformation and rehabilitation agenda.

Moreover, the ICESCR stipulate in Article 11 that state parties to the covenant which includes Ghana must recognize the right of every one to adequate standard of living including housing. Also, Prison Service Decree 37 (1) stipulate clearly that “The Commissioner shall satisfy himself from time to time that in every prison sufficient accommodation is provided for all prisoners.” The section 37 (2) of the same document grants that “No cell shall be used for the confinement of a prisoner unless a medical officer certifies in writing that its size, lighting, heating, ventilation, fittings and furniture are adequate for health and that it allows the prisoner to communicate at any time with a prison officer.”

#### **4.3.5 Lack of monitoring**

As a participant observer, the researcher realized that there was a “no show” by the mandated visiting committees to the prison. The Prison Service Decree under section 47 (1) stipulate that “The Prison Service Board shall appoint a visiting committee for each Prison, consisting of two or more visitors (other than the medical officer of the prison) who shall visit such prison not less than twice in every month to inspect all wards, cells, yards, solitary cells, kitchen, washrooms, toilets and every other part of the prison, and to hear the complaints of the prison.” Also, under section 48 (1) of the same document, it states that “Any magistrate or judge may visit a prison and may examine the condition of the prison and of the prisoners therein.”

The Mandela Rules for the Treatment of Prisoners in Rule 83 call for “a regular inspection of penal institutions and services by qualified and experienced inspectors appointed by a competent authority”. Principle 29(1) of the Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment states that: “In order to supervise the strict observance of relevant laws and regulations, places of detention shall be visited regularly by qualified and experienced persons appointed by, and responsible to, a competent authority distinct from the authority directly in charge of the administration of the place of detention or imprisonment.”

The researcher observed that none of these people visited the Prison for the purposes stated clearly in the Prisons Decree, Mandela Rules and The Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa. This assertion was confirmed by participants when enquired about the visit of these committees. The measures put in

place to serve as checks are not working. What it means is that procedures for external bodies to examine complaints and report same to the Director-General of Prisons or higher authorities have been ignored. This gives way to blatant human rights violations of prisoners. The Mandela Rules in 83 (2) maintain that “the objective of the inspections shall be to ensure that prisons are managed in accordance with existing laws, regulations, policies and procedures, with a view to bringing about the objectives of penal and corrections services, and that the rights of prisoners are protected”

#### **4.4 The impact of human rights compliance on the wellbeing and rehabilitation of inmates in Awutu camp prison.**

The researcher sought to unravel the effects of treatment of prisoners on their rights and rehabilitation. This was to establish whether a link exist between prisoners’ rights violation on their rehabilitation and reformation. On the question of “In your observation, would you agree that the at which ex-convicts return to prison is on the increase?”, all the participants responded yes. On the question of “Do you think the human rights violations have effect on the reformation process?”, All the participants both officers and inmates said yes. When asked why? The participants said they are non-existent reformatory structures. Two participants indicated that:

*“some people can change, but the facility has no reformatory structure to reform the hard ones. The structure allocated for rehabilitation of inmates is just nothing to write home about, it is too small to contain us for reformation process.”*

*“People cannot reform if they speak to them in a bad way, jail man is coming back because of the treatment they get when they come. I will not come back because I have seen how laws and regulations work. People come to learn bad things in the Prison without going through proper rehabilitation.”*

Majority of the officers said there are no adequate structures and not well equipped for reformation and rehabilitation of prisoners. An officer who was a participant declared that:

*“It is difficult to get them to participate in anything because these people are in the first place hungry, a hungry man is an angry man. They are mostly thinking about what to eat so availing themselves for reformation is difficult”*

The infirmary attendant opined that:

*“the prisoners cannot reform when we cannot provide medical care because the person is in pain and then you want to talk to them about reformation or send them to go and learn a trade or something, it is difficult oo”*

Data gathered on the effects of Prisoner’s rights violation on their reformation indicate strongly that despite Ghana Prison Service core function of undertaking reformation and rehabilitation, the reality is different. The Camp Prison as it stands, has no capacity to reform prisoners due to the non-existent reformatory structures coupled with low quality food, inadequate medical care, poor bedding and worsened sanitary condition. A hungry prisoner and a prisoner that is in pain because of poor health is one that will not avail himself for reformation processes. This situation is only deepening the rate of recidivism.

Similar observation was made by Adu (2009) who said that Ghana’s prison facilities where criminality is expected to end have become revolving corridors for recidivism. It is also worthy of note, that the Mandela Rules for the Treatment of Prisoners stipulate in Rule 91 that “The treatment of persons sentenced to imprisonment or a similar measure shall have as its purpose, so far as the length of the sentence permits, to establish in them the will to lead law-abiding and self-supporting lives after their release and to fit them to do so. The treatment shall be such as will encourage their self-respect and develop their sense of responsibility.”

Ghana Prisons is clearly not implementing the rules that binds it since Ghana is member state to the Mandela Rules.

#### **4.5 Summary**

This chapter presented the research results from data analysis and provided a critical discussion of the findings using relevant empirical and theoretical literature as the basis of discussion. The next chapter concluded the study and makes recommendation based on the findings presented in this chapter.



## CHAPTER FIVE

### SUMMARY, CONCLUSION AND RECOMMENDATIONS

#### 5.0 Introduction

This chapter presents the summary of findings, conclusions, recommendations, and suggestions for further studies.

The aim of this study was to assess human rights compliance in Ghana's prisons: A case study of Awutu Camp Prison in the Central Region. This was achieved by examining the existing human rights standards and guidelines applicable to prison in Ghana and specifically Awutu Camp Prison, assessing the level of compliance with human rights standard in Awutu Camp Prison, identify the key challenges and factors that contributes to partial human rights violations with Awutu Camp Prison and explore the impact of human rights compliance on the wellbeing and rehabilitation of inmates in Awutu Camp Prison.

In attempt to find answers to the stated question above, the researcher came across interesting findings which summarized in line with research question. The study adopted the qualitative approach to guide data collection and analysis. Also, the interpretivism philosophy was utilised as the philosophical underpinning of the study. The case study design was adopted as the research design of the study whilst the Awutu Prison Camp in Kasoa was utilised as the site for the study. The target population of this study comprises individual who are incarcerated in Awutu Camp Prison. The accessible population refers to the subset of this target population that can be feasibly accessed for the purposes of the study. The study utilized a sample size of 15 participants, consisting of 5 officers and 10 prisoners from Awutu Camp Prison. Purposive sampling was used to select all the 8 prison cell leaders, a Black

Coat and a religious leader of the inmates of Awutu Camp Prison. With regards to officers selected, purposive sampling was also used to select the five (5) unit heads comprises of a yard master, Senior chief officer, officer in charge of Inmates' welfare, Officer in charge of Infirmary and the commander of the station. These unit heads have served many years with diverse experiences and since their practical experiences and information provided would be of immense relevance to the study

Purposive sampling was used as the sampling method of the study and interview and observation were used to collect data. Following the interviews, data was transcribed and analyzed using thematic analysis.

## **5.1 Summary of Findings**

In the presentation and analyses of data in chapter four of this study, the researcher discovered some findings. These findings were drawn out and discussed in detail in the same chapter. These discussions of the findings were done based on the research objective of the study. In achieving the set objectives however, some research questions were used to guide the data collection. For ease of perusal, the summary of findings has been based on the research questions.

### **5.1.1 What are the existing human rights standards and guidelines applicable to prisons in Ghana and specifically to Awutu Camp Prison?**

The study unraveled that there are international and local standards that serve as guiding principles for Awutu Camp Prison. The commander of the prison in an interview disclosed that the standards and guiding principles that Awutu Camp Prison works with are included in Mandela Rules for the Treatments of Prisoners, The Basic Principles for the Treatment of Prisoner, 1992 Ghana constitution, Prison Service (General Administration) Regulation, 2016, (C.I. 93), Prison Service (Staff

Disciple) Regulations, 2016 (C.I. 93), Prison Regulations 1970 (L.I 648) and Prison Standing Orders (1960).

The commander also mentioned that a course on Mandela Rules for the Treatment of Prisoners was currently being run in the prison to build the knowledge of officers on the treatment of prisoners. The course is arranged to supplement the knowledge officers gained from the training school. The researcher as an observer confirmed the assertions of the commander

### **5.1.2 How does Awutu Camp Prison comply with the established human rights standards?**

The researcher found that the prison has drastically failed to meet international obligations and standards on prison conditions, substandard accommodation, inadequate hygiene, insufficient food allocation, inadequate medical care, and many prisoners rely on family members and outside organizations for additional food, medicines and other necessities. Skin diseases are common; and tuberculosis, malaria is prevalent but the prison health system is unable to guarantee adequate medical care within the prisons.

The prison needs reformatory structures, refurbishment and maintenance. Many of the preventable illnesses that affect prisoners are as a result of the harsh conditions in the cells. In some cases, the conditions are so poor that they constitute cruel, inhuman and degrading treatment. Moreover, procedures for external bodies such as the visiting committees to examine complaints and report same to the Director-General of Prisons or higher authorities have been ignored. The Camp does not have a system that ensures that inmates' complaints are lodged, investigated and resolved. The existence of ill-treatment at whatever scale within the prison underlines the



importance of a secured mechanism for prisoners to speak of their experiences in confidence to people who are independent of the prison department. However, there appears to be little opportunity for prisoners to speak frankly to anyone independently and prison monitors do not necessarily see prisoners in confidence. These gives way to blatant human rights violations of prisoners.

### **5.1.3 What are the factors contributing to human rights violations within Awutu Camp Prison?**

The researcher found out that under- funding to run the prison basically affected almost all aspects of the prison. Due to under-funding, prisoners received inadequate medical care and this worsens the health condition of the inmates. There is also infrastructural deficit in the area of accommodation and workshops for the reformation and rehabilitation of inmates. This defeats the reformation agenda of Ghana Prisons Service. There is lack of necessary supplies such as blankets, mattresses, soap, detergents, toilet rolls and feeding pans. These make it difficult for inmates to maintain proper personal hygiene which is an affront to their dignity. Compounding this problem is the sheer lack of officer's knowledge of human rights issues or its implications.

The Ghana government is failing to provide prisoners with the minimum standards for humane conditions of detention because of its failure to provide decent food, health care, and sanitation to prisoners, in violation of its obligations under the ICCPR, ICESCR and the African Charter on Human and People Rights.

#### **5.1.4 How does compliance with human rights standards impact the well-being and rehabilitation of inmates in Awutu Camp Prison?**

The Camp Prison as it stands, has no capacity to reform prisoners due to the human rights abuse of prisoners such as inadequate medical care, lack of rehabilitation and reformation facilities, torture and poor nutrition. These impact negatively on reformation. Funds no longer come from government for the purpose of identifying the individual needs of prisoners so as to apply the necessary professional assistance in addressing these needs for rehabilitation and reformation of the prisoner. The unreformed convict prison who is on discharge becomes a security threat to nation and likely to perpetrate unlawful acts and go back to prison. According to Siegel (2005), the concept of rehabilitation stems from the notion that, with the right care and treatment, criminals can be turned around and turned into law-abiding, productive citizens.

#### **5.3 Conclusion**

The conversation through the various phases of this thesis has clearly pointed out the need for continuous fight against human rights abuse in Ghana's prisons.

The first conclusion the study arrived at was that prisoners' rights are blatantly violated by the Government and the Prison Officers. The study findings show that Awutu Camp Prison failed to comply with the established human rights standards and guides lines applicable to prisons in Ghana. Food served prisoners is insufficient and indecent, prisoners live in unhygienic sanitary condition, the medical care for prisoners is in shambles, and poor bedding in terms of mattress, blanket and bed.

The finding again led to the conclusion that under-funding from Government, lack of necessary supply, officers lack of knowledge of human rights issues and lack of

monitoring by mandated visiting committees to the prison were the key challenges and contributing factors that led to human rights violations within Awutu Camp Prison.

Furthermore, the study concluded that the environment created as a result of these violations make it impossible to reform a person who has committed an unlawful act and lost his liberty. The unreformed convict prison who is on discharge becomes a security threat to national peace which obstruct socio-economic and political development because he is more likely to perpetrate unlawful acts or go back to crime. The functioning and operation of the prison facility are linked to ensuring the safety and well-being of prisoners however that is not the case at Awutu camp prison. The increasing number of ex-convicts returning to prison is due to noncompliance of human rights standards.

#### **5.4 Recommendations**

1. It is recommended for the inclusion of Human Rights Education in the curriculum of the Prisons Officers Training School. This is because one of the major findings enumerated was noncompliance of established human rights standards by Awutu camp prison. This shows that, Human Rights should be taught as a subject at the Training School and measures should be put in place to train current staff on good professional practice which incorporates human rights standards. Again, law enforcement officials are obliged to know, and to apply, international standards for Human Rights. When the Prison Service takes this on board, it will mean that all subsequent recruits who will go through the Ghana Prison Service training school should receive Human Right Education. Personnel who go through a structured

HRE will acquire the requisite knowledge and understanding which will then equip them with the ability to recognize, respect and protect people's fundamental human rights.

2. The government must adjust the budgetary allocation upwards for the Ghana Prisons Service and increase the daily ration amount from Ghc 1.80 to reflect the prevailing inflation rate. These will help the service to upgrade its infrastructure capacity to meet internationally approved standard to accommodate prisoners and guarantee improved living conditions of the prisoners in terms of food, medical care, sanitation
3. The infrastructure at the prison must be improved and adequate funding be made available by the government to ensure that all prisoners access to adequate sanitation, which is safe, hygienic, secure, socially and culturally acceptable, provides privacy and ensures dignity. This means that prisoners must be provided with access to sanitation facilities such as toilet at night to meet international standards, as stipulated in the Mandela Rules for the Treatment of Prisoners.
4. The Welfare and Operations Directorate should be empowered and provided with adequate resources to establish Local Human Right Watch Councils to collaborate with governmental and nongovernmental organizations in human rights like the UN Special Rapporteur on Torture and Other Cruel, Inhuman or degrading treatment and the African Commission Special Rapporteur on Prisons and Conditions of Detention to visit Ghana intermittently as a watchdog human right association to monitor compliance and issue ISO certification for prison facilities where degree of compliance is satisfactory according to human right standard.

5. The government must provide adequate resources to the Commission on Human Rights and Administrative Justice appropriately to reinforce its role as a national institution for the promotion and protection of human rights; and its capacity to maintain regular monitoring and reporting on prisons in Ghana.
6. The prison authorities must retool the counselling departments and empower welfare units to investigate, through due process and fairness, all complaints by inmates of physical and verbal assault and abuse by officers and bring to justice those found to be liable. Advance adequate resources, which includes seeking international assistance and cooperation if needed, for the Ghana Prisons Service to improve access to health care in Ghana's prisons and to ensure that prison personnel are able to work effectively and safely to meet the goals of security and the rehabilitation of prisoners.

### **5.5 Areas for further studies**

The Ghana Prisons Service is mandated to ensure safe custody of prisoners, ensure the welfare of prisoners and undertake reformation and rehabilitation of prisoners where practicable. The Service has however moved from mere safe custody (warehousing of inmates) to the correction and treatment of offenders which was hitherto seen by the service as non-core function. It has become an essential aspect of the Service since it is a yardstick for measuring the performance of the Service in line with international standards ([www.ghanaprison.gov.gh](http://www.ghanaprison.gov.gh)). The mandate of the service is undertaken in a humane manner to reduce recidivism. The strategies include offering opportunities to prisoners to develop their skills through vocational training, moral and formal education, encouraging public/private participation in the provision of skills training however the recidivism is high.

Beneath the very high rate of recidivism lie the hard reality of rejection that prisoners face upon release from prison. Ex-convicts struggle to find work and people think they are dangerous and bad people, a believe that members of the public readily convey. This rejection make life after prison stressful and depressing, and stressed and unhappy ex-offenders often reoffend. According to Kyprianides (2019), research that a person's social world is a core determinant of his or her health and wellbeing. Kyprianides (2019) further asserted in his research that the stigma placed on ex-convict can affect their wellbeing.

Therefore, the proposed topic for further studies can be "Examine the coping strategies of ex-convict in Awutu Senya East.



## REFERENCES

- Akapule A. (2014). *Deplorable conditions of Ghana prisons service*. Ghana news agency. Available at <https://www.newsghana.com.gh/deplorable-conditions-of-ghanas-prisons> on 15th January.
- Ary, D., Jacob, L.C., Sorensen, C. & Razaviel, A. (2005). *Introduction to research in education* (7th Ed.). Belmont, CA: Wadson Thomas Learning.
- Attafuah, K.A. (2008). *Fighting armed robbery in Ghana. justice & human rights institute citizens court*. Accra: Second Floor Adjabeng Road.
- Baffour, F. D. (2020). *Factors Contributing to Recidivism among Inmates in Selected Ghana Prisons*. Doctoral Thesis, James Cook University, Townsville, Australia.
- BBC News (2021). *Ejura protest shooting of youth: Kaaka alleged murder – what we know of Ghana #Fixthecountry campaigner death plus Ejura clash*. 29<sup>th</sup> June 2021. Available at: <https://www.bbc.com/pidgin/tori-57659221>
- Berg, B.L. (2007). Qualitative research methods for the social sciences. *Pearson Education International*, 2-5, 285.
- Bernard, H. R. (2017). *Research methods in anthropology: Qualitative and quantitative approaches*. California: Rowman & Littlefield.
- Bernard, S. M. (1993). An eye for an eye: The current status of international law on the humane treatment of prisoners. *Rutgers LJ*, 25, 759
- Birt, L., Scott, S., Cavers, D., Campbell, C., & Walter, F. (2016). Member checking: a tool to enhance trustworthiness or merely a nod to validation? *Qualitative health research*, 26(13), 1802-1811
- Boakye, K. E., Akoensi, T. D., & Baffour, F. D. (2022). Rehabilitation in Ghana: assessing prison conditions and effectiveness of interventions for incarcerated adults. In *The Palgrave handbook of global rehabilitation in criminal justice* (pp. 201-218). Cham: Springer International Publishing.
- Bonsu, H. J. A. N. (2001). *The general part of criminal law: A Ghanaian casebook*. Accra: Black Mask Ltd Cantonments.
- Braggins, J. & Talbot, J. (2007). *The role of prison officer in supporting prisoner education*. London: Centre for Crime and Justice Studies.
- Checkel, J. T. (2018). Realism, institutionalism, and the social construction of norms. In K. E. Jørgensen, A. E. Dunne, T. P. Mattelaer (Eds.), *Handbook on theories of international relations* (pp. 97-118). Edward Elgar Publishing
- Citinewsroom (2023). *Jomoro MP, Constituents Petition IGP over West Hills Mall Killing*. Reported by Akwasi Agyei Annim. Available at: <https://citinewsroom.com/2023/02/jomoro-mp-constituents-petition-igp-over-west-hills-mall-killing/>

- Clear, T. R., Cole, G. F., & Reisig, M. D. (2013). *American Corrections*. Cengage Learning.
- Connelly, L. M. (2016). *Trustworthiness in qualitative research*. *Medsurg Nursing*, 25(6), 435.
- Coyle, A. (2009). *A human rights approach to prison management: Handbook for prison staff* (2nd Ed.). UK: International Centre for Prison Studies.
- Coyle, A., & Fair, H. (2018). *A human rights approach to prison management: Handbook for prison staff*. Institute for Criminal Policy Research Birkbeck, University of London.
- Creswell, J. W. (1998). *Qualitative inquiry and research design: Choosing among five traditions*. London: Sage publications.
- Creswell, J. W. (2003). *Research design: Qualitative, quantitative, and mixed method approaches*. 2nd ed. Thousand Oaks, California: Sage Publications, Inc.
- Creswell, J. W. (2014). *Research design: Qualitative quantitative and mixed methods approach*. (4th ed). New York: Sage Publications.
- Creswell, J.W. (1997). *Qualitative inquiry and research design: Choosing among five traditions*. London: Sage Publications.
- Criminal Code (Act 29 of 1960). Assembly of Ghana publishing corporation.
- Crotty, M. (1998). *The foundation of social research: Meaning and perspective in the research process*. Thousand Oaks, London: Sage Publications.
- Daily Graphic. (1st February 2019) *UNDP condemned Ayawaso bye election violence*. Retrieved from <https://www.graphic.com.gh>
- Duncan, R. E., Drew, S. E., Hodgson, J., & Sawyer, S. M. (2009). *Is my mum going to hear that? Methodological and ethical challenges in qualitative health research with young people*. *Social science & medicine*, 69(11), 1691-1699.
- Dupré, C. (2013). *Constructing the meaning of human dignity: Four questions*. In McCrudden, C. (Ed.), *Understanding Human Dignity*. OUP, Oxford, pp. 113-121.
- Ennew, J., Beazley, H., Sharon, B., & Waterson, R (2009). *The right to be properly: How to do right based research, scientific research with children. Knowing children*. Bangkok.
- Ghana Prisons Service (2022). *Ghana Prisons Service*. Available at: <https://ghanaprison.gov.gh/about-us/about-us.cits>
- Golo, H. K. (2022). Ghana prison officers' understanding and practices of international human rights instruments and guidelines that protect the rights of prisoners. *The Prison Journal*, 102(4), 439-457.



- Goodman, R., & Pegram, T. (Eds.). (2011). *Human rights, state compliance, and social change: Assessing national human rights institutions*. Cambridge University Press.
- Government of Ghana. (1992). *Constitution of the republic of Ghana*. Retrieved from <http://www.ghana.gov.gh/index.php/constitution>
- Graphic Online (2023). *Shadrach Arloos's Death: West Hills Mall's CCTV confirms he was confronted by police*. Reported by Enoch Darfah Frimpong. Available at: <https://www.graphic.com.gh/news/general-news/tasing-incident-west-hills-mall-confirms-shadrach-arloo-was-confronted-by-police.html>
- Guba, E. G. & Lincoln, Y. (1994). *Competing paradigms in qualitative research*. Retrieved from <https://psycnet.apa.org>.
- Harper, C. (2005). *Collins student's dictionary*. Glasgow: HarperCollins Publishers.
- Harrington, J. (2001). Special rapporteurs of the African human rights system. *African Human Rights Law Journal*, 1(2), 21-24.
- History of Ghana Prisons Service. Available at [www.ghanaprisonsservice.org.gh](http://www.ghanaprisonsservice.org.gh).
- Human Rights Watch (1993). *The human rights watch global report on prisons*. xv.
- Human Rights Watch and American Civil Liberties Union (1993). *Human Rights Violations in the United States*, pp. 98-114.
- IIAS. (2015). *Human rights as a global conversation about human dignity*.
- International Committee of the Red Cross (ICRC). (2014). *International rules and standards for policing*. London: Sage.
- International Covenant on Civil and Political Rights (1966). *Adopted and opened for signature, ratification and accession by General Assembly resolution 2200 A (XXI)*.
- International Covenant on Economic, Social and Cultural Rights. (1966). *Adopted and opened for signature, ratification and accession by General Assembly resolution 2200 A (XXI)*
- Ismail, N. (2020). Rolling back the prison estate: the pervasive impact of macroeconomic austerity on prisoner health in England. *Journal of public health*, 42(3), 625-632.
- World Medical Association (1975) Guidelines for Medical Doctors Concerning Torture Imprisonment [= Declaration of Tokyo].
- Jackson, E. & Keown, J. (2012). *Debating euthanasia*. Oxford: Hart.
- Kramer, L. (2009). *Theories of law and the state: Legal realism, pluralism, and instrumentalism*. Retrieved from <https://plato.stanford.edu/archives/win2009/entries/lawphil-theory/>
- Kumekpor, T.K.B. (2002). *Research methods and techniques of social research*. Accra: SonLife Press.

- Kypriandis, A. (2019). *We need to re think the way we treat Ex-prisoners*. Available at <https://www.spsp.org>
- Leedy, P. D. & Ormrod, J.E. (2005). *Practical research: planning and design*. (8th Ed.) Upper Saddle River, N.J: Prentice Hall.
- Lines, R. (2008). The right to health of prisoners in international human rights law. *International Journal of Prisoner Health*, 2(23), 558-568.
- Mackay, A. (2020). *Towards human rights compliance in Australian prisons* (p. 368). ANU Press.
- March, J. G., & Olsen, J. P. (1989). *Rediscovering institutions: The organizational basis of politics*. Simon and Schuster
- McNeill, F. (2019). Reformation. In D. Gadd, S. Karstedt, & S. F. Messner (Eds.), *The Sage Handbook of Criminological Theory* (pp. 372-388). Sage Publications.
- Myjoyonline. (2021). *Overcrowding a major challenge of Ghana Prison Service*. Available at: <https://www.myjoyonline.com/overcrowding-a-major-challenge-of-ghana-prison-service/>Newman, I., & Benz, C. R. (1998). *Qualitative-quantitative research methodology: Exploring the interactive continuum*. Southern Illinois, USA: SIU Press.
- Nations (2004). *Human rights standards and practice for the police: Expanded pocket book on human rights for the police*. Retrieved from <http://www.ohchr.org/Documents/Publications/training5Add3en.pdf>
- Naylor, B. (2021). *Human rights oversight of correctional institutions in Australia*. *European Journal of Criminology*, 18(1), 52-73.
- Neuman W, L (2007). *Basics of social research: qualitative and quantitative approaches*. Publishers Design and Production Services, Inc.
- Newman, I., & Benz, C. R. (2007). *Qualitative-quantitative research methodology: Exploring the interactive continuum*. Southern Illinois, USA: SIU Press.
- Nwolise, O.B.C. (2010). *Bridging the Funding gap in corrections: The urgent need for increased financial vitamins in African corrections service*. London: Routledge.
- Office of the United Nations High Commissioner for Human Rights. (2005) *Human rights and prisons*. New York and Geneva: UN Publications.
- Ofori, E. N. A. (2011). *Perceptions of police powers of arrest, detention and human rights of suspects in Effutu municipality of Ghana*. (M. Phil. thesis). University of Education, Winneba.
- OHCHR. (2015). *Convention against torture and other cruel, inhuman or degrading treatment or punishment*. Retrieved from <http://www.ohchr.org/Documents/Publications/Factsheet32EN.pdf>
- Patton M. (1990). *Qualitative evaluation research method*. (2nd ed). Thousand Oaks, CA: Sage Publications.

- Patton, M. Q. (2002). *Qualitative research and evaluation methods* (3<sup>rd</sup> Ed). Thousand Oaks, CA: Sage Publications.
- Reichstein, A. (2020). A right to die for prisoners? *International Journal of Prisoner Health*, 16(1), 56-66.
- Report of the Special Rapporteur on Prisons and Conditions of Detention in Africa Mission to the Republic of South Africa. Mission to the Republic of South Africa. Available at [www.http://old.achpr.org/english/ Mission \\_reports /South% 20Africa/Special%20 Rap \\_Prisons \\_South%20Africa .pdf](http://old.achpr.org/english/Mission_reports/South%20Africa/Special%20Rap_Prisons_South%20Africa.pdf)
- Rights sites news (2009) *Promoting human rights education in the classroom. Advocates of human rights*. Budapest, Hungary: COE Publishing.
- Rights Sites News. (2009). *Promoting human rights education in the classroom. Advocates of human rights*. Budapest, Hungary: COE Publishing.
- Rock, A. S. (2020). *Monsters or Men? Popular Perceptions of Japanese POWs on American Soil*. In *War and Stereotypes* (pp. 155-183). Brill Schöningh.
- Rubin, J.H., & Rubin, S.I. (1997). *Qualitative interview: The art of hearing data*. Thousand Oaks. London: Sage Publications.
- Saldaña, J., & Omasta, M. (2016). *Qualitative research: Analyzing life*. Sage Publications.
- Sarkin, J. (2008). *An overview of human rights in prisons worldwide. Human Rights in African Prisons*. Capetown, 1-39.
- Silverman, D. (2013). *Doing Qualitative Research: A Practical Handbook*. London: Sage Publications Limited.
- Statology (2020). *What is maximum variation sampling?* [www.statology.org](http://www.statology.org)
- Straus, U. A. (2011). *The Anguish of Surrender: Japanese POWs of World War II*. University of Washington Press.
- Sturma, M. (2020). Japanese treatment of Allied prisoners during the Second World War: Evaluating the death toll. *Journal of Contemporary History*, 55(3), 514-534.
- UNAMID (2010). *Gender & child protection officer's course. MHQ Training Department and Child Protection Unit: El-Fasher, Darfur- Sudan*, pp. 6-13, 23-31.
- United Nations (2014). *Framework of Analysis for Atrocity Crimes: A tool for prevention*. New York: United Nations Office on Genocide Prevention and the Responsibility to Protect. Universal declaration of human rights. (1948). *Adopted and proclaimed by*
- United Nations (2014). *Report of the special rapporteur on torture and other cruel, inhuman or degrading treatment or punishment*. United States of America: New York, United Nations.

- United Nations. (1945). *Charter of the United Nations*. New York: UN Information Department. Retrieved from <http://www.treaties.un.org/doc/publication/ctc/uncharter.pdf>
- United Nations. (2015). *Code of conduct for law enforcement officials*. Retrieved from: <http://www.un.org/disarmament/convarms/ATTPrepCom/Background%20documents/CodeofConductforlawEnfOfficials-E.pdf>
- United Nations. (2015). *Guidelines for the effective implementation of the code of conduct for law enforcement officials* Retrieved from <http://www.oe.int/t/dghl/cooperation/economiccrime/cybercrime/cy%20activity%20Interfa.pdf>.
- University College London. (2019). *The UK Prison system: Compliance with International Human Rights Law*. London: University College London. Available at: <https://www.ucl.ac.uk/global-governance/news/2019/mar/uk-prison-system-compliance-international-human-rights-law>
- US Department of State. (2011). *Country report on human rights practices in Ghana - 2010*. Retrieved from <http://www.state.gov/j/drl/rls/hrrpt/2010/af/154349.htm>
- Van Hout, M. C., Mhango, V., Kaima, R., Bigland, C., & Mariniello, T. (2022). *A legal-realist assessment of human rights, right to health and standards of healthcare in the Malawian prison system during COVID-19 state disaster measures*. *International Journal of Prisoner Health*, (ahead-of-print).
- Weick, K. E. (1995). *Sensemaking in organizations* (Vol. 3). Thousand Oaks: Sage.
- Whitty, N. (2010). *Rights as risk: managing human rights and risk in the UK prison sector (No. DP 57)*. *Centre for Analysis of Risk and Regulation*. London School of Economics and Political Science.
- Whitty, N. (2011). Human rights as risk: UK prisons and the management of risk and rights. *Punishment & Society*, 13(2), 123-148.
- Winch, C., (2012). Research in vocational education and training. *British Journal of Educational Studies*, 2(213), 2-75.
- Yin, R.K. (2009). *Case study research: Design and methods*. Applied social research methods series, 5, 1-15. Thousand Oaks, London: Sage publications.
- Yiribaare, F. K. (2006). *The role of the Ghana police service in achieving the goals of the African charter on human and people's rights*. (Master of Arts dissertation). Available at University of Ghana, Legon Balme library.
- Zinger, I. (2006). Human rights compliance and the role of external prison oversight. *Canadian Journal of Criminology and Criminal Justice*, 48(2), 127-140.

## APPENDICES

### APPENDIX A

#### LETTER OF INVITATION

Dear .....,

I am humbly asking you to kindly be a participant in a study, which involve officers and Prisoners. I am conducting this study to examine Prison officers' level of knowledge of human rights issues. If you accept this request, I would have one-on-one interview with you in a place of your convenience, as soon as you are ready.

You will only be requested to attend one interview and it may last up to one hour, depending on the nature of our discussion. Your participation in this study will greatly help in contributing to new knowledge. The research aims to generate enough knowledge in this subject area in order to create a more efficient and beneficial recommendations to address the challenges prisoners face during their incarceration.

Confidentiality of your involvement is highly guaranteed.

If you have any questions or problems, please contact me on 024478833 or e-mail me on [askia.askia1@yahoo.com](mailto:askia.askia1@yahoo.com)

Yours sincerely,

Bellson Frederick

.....

Master of Philosophy Human Rights, UEW

My supervisors' contact details:

Name: Dr. Acheampong Maxwell

Conflict, Human Rights and Peace studies, UEW

Contact: 0243953272

**APPENDIX B**

**PARTICIPANT INFORMATION SHEET**

**Statement by participant**

- I confirm that I have read and understood the information in the letter of invitation for this study. I have been informed of the purpose and the significance of my involvement.
- I understand what my involvement will entail.
- I understand that all information obtained will be confidential.

Participant's Signature.....

Date.....



**Statement by the Researcher**

- I have explained the purpose of this thesis to the participant without any secrecy and bias and I believe that the participants have genuinely agreed to take part.

Name of Researcher: Bellson Frederick

Signature of Researcher.....

Date.....

## APPENDIX C

Bellson Frederick  
Awutu Camp Prison  
Post Office Box 196  
Kasoa.

Center for Conflict, Human Rights and Peace  
University of Education, Winneba

Dear Sir,

### **APPLICATION FOR INTRODUCTORY LETTER FOR DATA COLLECTION**

I am a Bellson Frederick with index number 190012320 studying Conflict, Human Rights and peace Studies

I humbly write to apply for an introductory letter to enable me to collect data for my study.

I am working on the topic ‘Assessing Human Rights Compliance in Ghana’s Prisons: A Case Study of Awutu Camp Prison.

I hope that my application would be considered

Thank you

Yours faithfully,  
(.....)  
Bellson Frederick

## APPENDIX D

### INFORMED CONSENT FORM

1. **Research Topic: Assessing Human Rights Compliance in Ghana's Prisons: A Case Study of Awutu Camp Prison.**
2. **Objective of the Research:** To investigate compliance to human right standards by the Awutu Camp Prison in partial fulfillment of the award of Master of Philosophy.
3. **Significance:** This study provides an invaluable literature, which other researchers and academics can rely on to expand the discussion on how to improve upon the respect of human rights for persons in prison custody in Ghana.
4. **Anonymity and Confidentiality:** The names of all participants of this study will be treated with anonymity.
5. **Termination of Participation:** You have the freedom to at any given time withdraw from participating in this study if you so desire.
6. **Endorsement:** I have read and clearly understood this consent form, and willingly agree to participate in this research.

Date

Participant's Pseudo Name

Signature

.....

.....



## **APPENDIX E**

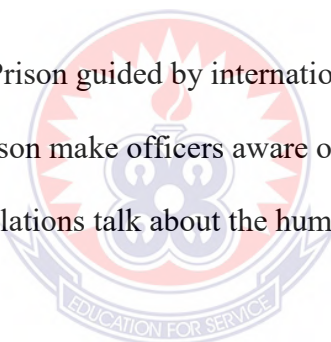
### **INTERVIEW GUIDE FOR COMMANDER**

#### **Interview with the Commander**

The interview guide is designed to collect information that will help the researcher to conduct a study on Human Rights Compliance in Ghana's Prisons: A Case Study of Awutu Camp Prison. The researcher will treat any information provided is strictly confidential.

#### **Information on existing established human rights standards and guidelines.**

1. What are the standards or guidelines for the treatment of prisoners in Awutu Camp Prison.?
2. Is Awutu Camp Prison guided by international instruments?
3. How does the Prison make officers aware of these standards and guidelines?
4. Do the local legislations talk about the human rights of prisoners?



## APPENDIX F

### INTERVIEW GUIDE PRISON OFFICERS

#### Interview with Prison Officers

The interview guide is designed to collect information that will help the researcher to conduct a study on Human Rights Compliance in Ghana's Prisons: A Case Study of Awutu Camp Prison. The researcher will treat any information provided is strictly confidential.

#### Part one– Information on treatment of prisoners

1. What is the nature of accommodation in terms of natural light, fresh air, artificial light and floor space?
2. In your opinion on inmates bedding in terms of beds, mattress and blanket?
3. What is your opinion on the C1.80 for meals per prisoner?
4. What is your opinion about the sanitary conditions relating to the prisoners?
5. Please describe the difficulty or otherwise of inmate's access to health.?
6. Describe if exists, any torture or inhumane or degrading treatment or punishment in the prison.
7. Do you have educational programs and well-equipped training centers enough and well-equipped reformation and rehabilitation programs?

#### Part two – Factors influencing compliance with human rights

- 1 what are the challenges and contributing factors that may lead to potential human rights violation within the Prison?
- 2 In what ways do you think the rights of prisoner can be effectively promoted

**Part Three- Impact of human rights compliance on the wellbeing and rehabilitation of inmates.**

1. In your observation, would you agree that the rate at which ex-convicts return to prison is on the increase?”
2. Do you think the human rights violations have effect on the reformation process?”
3. What other impact does such treatment of prisoners have on their reformation and rehabilitation?



## APPENDIX G

### INTERVIEW GUIDE FOR INMATES

#### **Interview with inmates**

The interview guide is designed to collect information that will help the researcher to conduct a study on Human Rights Compliance in Ghana's Prisons: A Case Study of Awutu Camp Prison. The researcher will treat any information provided is strictly confidential.

#### **Part One –Information on treatment of prisons.**

1. What is the nature of accommodation in terms of natural light, fresh air, artificial light and floor space?
2. What is your opinion on inmates bedding in terms of beds, mattress and blanket?
3. What is your opinion on the C1.80 for meals per prisoner?
4. What is your opinion about sanitary conditions?
5. Please describe the difficulty or otherwise of your access to health care.
6. Please describe the difficult or otherwise of your access to complaint procedure.
7. Describe if exist, any torture or inhumane or degrading treatment or punishment that you have experienced or observed
8. Do you have educational programs and well-equipped training centers enough and well-equipped reformation and rehabilitation programs?

**Part Two – Factors influencing compliance with human rights Standards**

- 3 What are the challenges and contributing factors that may lead to potential human rights violation within the Prison?
- 4 In what ways do you think the rights of prisoner can be effectively promoted?

**Part Three- Impact of human rights compliance on the wellbeing and rehabilitation of inmates.**

1. In your observation, would you agree that the rate at which ex-convicts return to prison is on the increase?
2. Do you think the human rights violations have effect on the reformation process?
3. What other impact does such treatment of prisoners have on their reformation and rehabilitation?

