

THE REHABILITATION OF INCARCERATED CHILD OFFENDERS: CHALLENGES FACED BY SOCIAL WELFARE OFFICERS IN ZAMBIA

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A large number of children worldwide are detained. Social workers are rendering services to these children with the aim of rehabilitating them and reducing recidivism. This study aimed to identify the challenges experienced by social welfare officers in the rehabilitation of child offenders in Zambia. It seemed most of the challenges were experienced because of a lack of resources relating to people power, capacity building, trained social workers and facilities. For Zambia to curb the challenges experienced, the custodians of the child justice programmes should strengthen their resources.

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INTRODUCTION

Children make up about a third of the world population. Africa alone accounts for the highest percentage of children in the world (Mumba, 2011). Children are vulnerable and therefore every society has to consider carefully how it will protect its children. Normative standards (laws, culture and religion) may shape and direct the way members of a community will choose to protect their children, and these choices will affect the very nature of their childhood (Wulczyn, Davo, Fluke, Feldman, Glodek & Lifanda, 2010). This means that the normative standards in each society should have the best interests of the child as the guiding principle at all times.

However, the harsh reality has been established that worldwide, at any given time, over one million children are detained by law enforcement bodies (UNICEF, 2008). This is an indication that, despite efforts to the contrary, children in conflict with the law still end up incarcerated. Child justice refers to a set of laws, policies, procedures and institutions put in place to deal with children allegedly committing crimes or accused of doing so (Odiambo, 2005). The goal of a child justice system is to ensure that children are better served and protected. Internationally, it specifically aims at ensuring full application of international norms and standards for all children who come into contact with justice systems as victims, witnesses and alleged offenders, or for other reasons where judicial intervention is needed, for example, regarding their care, custody or protection. Justice for children goes beyond juvenile justice – that is, working with children in conflict with the law – to include all children going through the justice system for whatever reason (victims, witnesses, care, custody and alleged offenders (UNICEF, 2008).

With regard to child justice, depriving children of their liberty, as indicated by the United Nations Convention on the Rights of the Child, should be utilised as a last resort and for the shortest appropriate period of time (UNCRC, 1989). Incarcerating children and separating them from their families and communities will seriously damage their physical, mental and social development. Detention results in lifelong stigmatisation, hampering reintegration of children into communities (Mumba, 2011). UNICEF (2008) indicates that despite the number of countries that have become party to the UNCRC and the African Charter (Zambia included), treatment of children all over the world is still not a top priority in the justice system. Todrys, Amon, Malembeka and Clayton (2011) state that despite such a high number of children being incarcerated worldwide, little research, particularly from Africa, has focused on this topic.

The African Union has noted that children occupy a unique and privileged position in African society and that for the full harmonious development of their personality,

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children should grow up in a family environment, in an atmosphere of happiness, love and understanding, (African Charter on the Rights and Welfare of the Child, (ACRWC) 1999). Even though African children constitute a small portion of the overall prison population, the numbers of children expressed as a percentage of the prison population in the African region range between 0.5% and 2.5% (Sloth-Nielsen, 2008). In addition, most governments, especially in Africa, have failed to adopt and implement policies, legislation and programmes to ensure the rehabilitation and reintegration of previously incarcerated child offenders into society. Several jurisdictions have explicitly expanded their theory of child justice, downplaying the role of rehabilitation (Saine, 2005).

REHABILITATION AND SOCIAL WORK SERVICES

Cullen and Gendreau (2000) mention that rehabilitation has been a contentious topic in criminology and penology. The term “rehab” itself simply means the process of helping a person readapt to society, or to restore someone to a former position or rank. However, the concept has taken on a range of diverse meanings over the years, and waxed and waned in popularity as a principle of sentencing or justification for punishment. Rehabilitation is an intervention that is planned or specifically undertaken, and is not a per chance event. It aims to change some aspects of the offender that are regarded as giving rise to criminal behaviour. These aspects extend to attitudes, cognitive processes, personality, mental health, social relationships, education, vocational skills or employment. This intervention is aimed at reducing the offender’s likelihood of breaking the law in future, that is, it reduces recidivism.

Executing child justice services requires multidisciplinary action. This may include, but is not limited to, social workers, psychologists, nurses, doctors, the police, magistrates, church clergy and teachers. Social workers are engaged in screening minors before a court appearance, counselling, facilitating the rehabilitation programmes in prison as well as ensuring the smooth integration of children back into society (Chitembwe, 2006). In Zambia, not all social welfare officers are trained social workers. Therefore the research study does not refer to the welfare service providers of child justice as social workers but rather as social welfare officers.

The availability of social welfare officers for incarcerated child offenders can be a very important factor for their wellbeing. The opportunities for social work practice in correctional institutions arise in two general forms: supportive roles and linkage roles. The supportive function is provided in the adjunctive fields of mental health and substance abuse, vocational rehabilitation and education, and it is generally limited to the particular condition involved. The second function of social welfare officers in correctional institutions involves advocacy, brokerage and linkage between incarcerated offenders and their communities. Social welfare officers are able to influence the acquisition of services for families of inmates in the community and for the residents themselves within the institution (Cantwell, 2013; Roberts & Springer, 2007).

In the execution of the social work tasks in the rehabilitation of incarcerated child offenders different practice perspectives, theories and models can be utilised. For the purpose of this investigation the strengths perspective was explored. The underpinning

principle of the strengths perspective was vital to the study, because it is regarded as one of the newer paradigms to have emerged in the social work field as it focuses on strengths rather than deficits (Rapp & Goscha, 2006; Saleeby, 2012). The focus is thus on the strengths of the child offender and on how this can help the child to rebuild self-confidence.

Besides employing a perspective that focuses on strengths, it was important that a theory centred on rectifying the harmful effects of wrongful actions through providing a deliberate opportunity for offender and victim to restore relationships (Mirsky, 2005) should be reviewed as well. The restorative justice theory concentrates on repairing relationships that may have been impaired during the committing of the crime, and should thus be applied in designing child justice programmes.

Systems theory is also important as it ties in well with the above-mentioned concepts, because it advocates for the inclusion of other systems involved with the client rather than focusing on the individual client in isolation; it sees human behaviour as the outcome of reciprocal interactions between persons operating within linked social systems (Hutchinson & Charlesworth, 2011). It postulates that an individual does not exist as an independent unit of society but rather as a sub-system of other systems.

The study employed the Risk-Need-Responsivity Model for Offender Rehabilitation, because it focuses on the treatment of the offender with the assumption that interventions such as probation, supervision, work readiness, cognitive skills training and behaviour therapy will change behaviour and reduce the frequency of juvenile offences (Andrews, Bonta & Wormith, 2011; Bradshaw & Rosenborough, 2005). The model links well with the restorative justice theory in that they both seek to restore relationships and build character rather than to mete out punishment. The above theoretical frameworks were important in this study, because they were considered to be significant in designing child justice programmes.

CHILD JUSTICE IN ZAMBIA

The department of social welfare in Zambia is the principal agency in the promotion and protection of the rights of children in the criminal justice system. When child offenders are involved, social welfare officers are usually brought into the child justice system as law enforcement agents, as cases are referred to them for the purpose of conducting social investigations and submitting reports and recommendations to the courts (Chitembwe, 2006).

Zambia signed the UNCRC in September 1990 and ratified it on 6 December 1991. This provides an important framework for the government and its partners to work together to improve the living conditions and promote the wellbeing of children in Zambia as well as create greater awareness of children's rights (Child Justice Forum, 2012). This objective becomes even more important when it relates to criminal proceedings affecting children who come into conflict with the penal law and face criminal prosecution in the courts of law. In addition to being a state party to the UNCRC, Zambia has also enacted its own legislation that deals with child offenders in the criminal justice system, such as

the National Child Policy (2006) and The Constitution of Zambia (Amendment) Act 2 of 2016.

A look at the Zambian situation indicates that the country has some 86 prisons. One of these prisons is dedicated exclusively to the incarceration of children, but it is evident that children are imprisoned with adults at other institutions (Todrys *et al.*, 2011). During an assessment of prison needs in Zambia it was established that despite the legal provision and the subsequent ratification of international protocols, the Zambia Prison Service has little or no capacity to separate juvenile offenders from adult prisoners. In most instances juvenile offenders were made to reside together with adult offenders. It was further observed that in congested prisons where separation did occur, the spaces allocated to the juveniles were similar to those for adult males, and were extremely limited; in one instance 15 boys were sharing a space of three and half by three and half metres in size. With such overcrowded conditions, the capacity to provide programmes to the juveniles, including basic education, was virtually non-existent (Tkachuk, Kriel & Clack, 2005).

In practice the procedures and infrastructural facilities for administering the law are fundamentally the same for both adults and children, despite an acknowledgement that children deserve special care and treatment. Again it seems that the theory does not tally with the procedures and infrastructural facilities as explained above. This made it imperative to examine and analyse the challenges experienced by the welfare service providers in the rehabilitation of incarcerated child offenders.

Based on the above, the aim of the study was to explore the challenges experienced by social welfare officers in the rehabilitation of child offenders, as it was established that there is a lack of research in Zambia with regard to this issue. The only studies available on child justice are those in the field of law and there are no recorded studies on the phenomenon from the social work perspective.

RESEARCH METHODOLOGY

A qualitative and quantitative research approach was employed. De Vos *et al.* (2013) define mixed methods research as a “type of research design in which qualitative and quantitative approaches are used in types of questions, research methods, data collection and analysis procedure or inferences”. In this study the utilisation of both research approaches enabled the researcher to develop a clear perception of the challenges faced by the social welfare officers when rehabilitating jailed child offenders.

Both the exploratory and descriptive research designs were used (Bless, Higson-Smith & Kagee, 2006; Creswell, 2009) Exploratory research is used in cases where the researcher hopes to develop insight into a situation, phenomenon, community or individual. Such a design was appropriate for this study as the aim was to answer the question: “What are the challenges experienced by social welfare officers in rehabilitating incarcerated child offenders?” (De Vos *et al.*, 2013). Bless *et al.* (2009) state that when a researcher is purely interested in describing a particular phenomenon, descriptive research is used. It was therefore necessary that the descriptive research design be utilised so that the

researcher could effectively describe the challenges experienced during the rehabilitation process.

Non-probability sampling, specifically purposive sampling (Bless *et al.*, 2006; De Vos *et al.*, 2011) was employed since the researcher was responsible for determining the characteristics of the participants. The population of the research study included all social welfare officers who render services to incarcerated child offenders in a specific district in Zambia. Twenty social welfare officers with at least one year working experience in child justice were interviewed individually.

The data were collected through a semi-structured interview schedule. The researcher transcribed all data collected and analysed them using the statistical package for the social sciences (SPSS) programme. The findings were then coded and represented by means of figures and tables. The following section discusses the findings.

Ethical clearance was obtained from the Departmental Ethics Screening Committee (DESC) at Stellenbosch University. All participants signed informed consent forms, were informed that participation was voluntary (De Vos *et al.*, 2013) and that they were at liberty to withdraw from participating in the study should it be inconvenient for any of them.

DISCUSSION OF THE FINDINGS

The focal point of this section is an analysis of the findings of the empirical investigation that were obtained through one-to-one interviews.

Profile of the participants

In terms of **age**, the majority of the participants were in their middle adulthood, between the ages of 40 to 49 years of age (9=45%) and 30 to 39 years (8=40%). An equal number of the social welfare officers have worked for the organisation for between one and five years (10=50%) and between six and 20 years (10=50%), which is beneficial for the study as it provides validated knowledge about the operation of the organisation.

All the participants had obtained a degree from a **tertiary education** facility (11=55%) or a college diploma in tertiary education (7=35%). A minority (2=20%) of the participants had attained postgraduate degrees at tertiary level. Concerning their **field of study** just more than half (11=50%) of the participants pursued their studies in Social Work, while the rest studied Development Studies (6=30%), Sociology 1=(5%), Law (1=5%) and Adult Education (1=5%). Despite the government of Zambia having gazetted some social welfare officers from other social science professions, a little more than 50% who are working with child offenders are still trained social workers (A. Sibanze, personal communication, 25 September 2015).

The social welfare officers without any qualification in social work were requested to indicate **other in-service training** they had received relevant to child justice. Of the nine (45%) participants who had not received any training in social work, four (20%) received training in child justice, while one (5%) trained in child justice administration, one (5%) trained in child-related issues and one (5%) received training in educational psychology.

The findings indicate that the social welfare officers who offer rehabilitation services to incarcerated offenders have at least some knowledge of child justice.

POLICY AND LEGISLATION

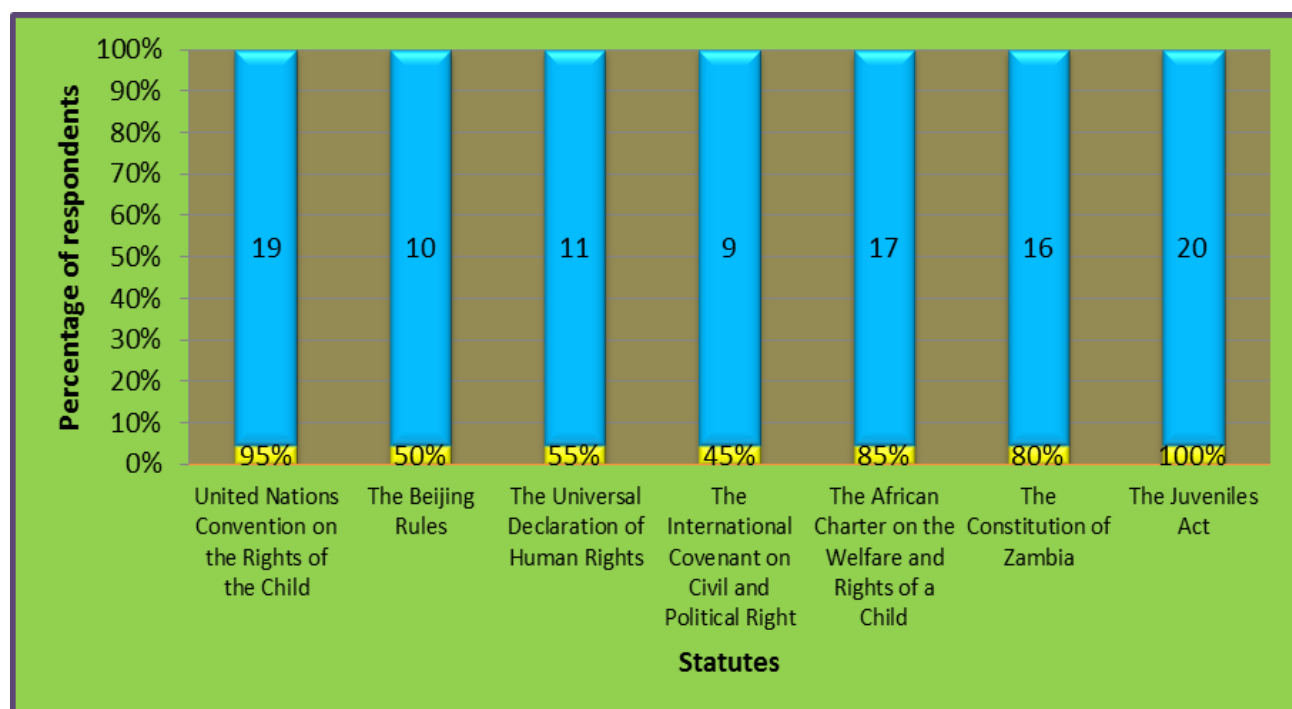
This section seeks to describe the legislation and policy that the Zambian government has adopted and implemented with regard to the child justice system, in conformity with international statutes on child justice.

Statutes applied in designing rehabilitation programmes

In designing rehabilitation programmes it is vital that the established statutes that make provisions for the care and treatment of children in conflict with the law are understood and utilised. There are international standards that most nations have ratified, while most states also have local standards. These standards at both levels provide specific guidance on how programmes should be designed in order to bring existing practices into compliance with the principles underlying these standards (United Nations Office on Drugs and Crime, 2012).

The above pointers provided the scaffold based on which the participants had to indicate whether statutes are applied when designing rehabilitation programmes for children in conflict with the law. The findings are provided in Figure 1.

FIGURE 1
STATUTES APPLIED IN DESIGNING REHABILITATION PROGRAMMES



N = 20

The findings in Figure 1 indicate that all (20=100%) of the participants are familiar with the contents of the Juveniles Act (2011) and utilise it when designing programmes. This Act is the primary law in Zambia that governs child justice programmes; it defines the different

age groups of children and outlines all the processes for conducting preliminary proceedings and court proceedings (The Laws of Zambia: Cap 53, 2011). It can be expected that when programmes are designed, they comply with the child justice system of the state.

Almost all the participants (19=95%) were familiar with the UNCRC (1989) and have applied it in designing child justice programmes. As stipulated in a report by UNICEF (2012), the provisions in the UNCRC are of vital importance when it comes to welfare services as this would ensure that programmes are designed with consideration of what is in the best interest of the incarcerated child offenders, cognisant of all their civil, political, economic and cultural rights.

Most of the participants (17=85%) utilised the provisions in the ACRWC (1999), which is the cornerstone statute on the welfare of African children. As stated in the ACRWC (Preamble), the charter is concerned that the situation for most African children remains critical because of the unique factors of their socio-economic, cultural, traditional and developmental circumstances, natural disasters, armed conflicts, exploitation and hunger; because of the child's physical and mental immaturity, he/she needs special safeguards and care.

As indicated, 16 (80%) of the participants were familiar with the contents of the Constitution of Zambia (1996) and were able to apply its provisions. The Constitution is the supreme law of the country, and hence any other law that may be inconsistent with it shall to the degree of contradiction be negated (Constitution of Zambia, Cap. 1, Art. 1 (3), 1996). It is further stated in the Constitution that every person is entitled to all the fundamental rights and freedoms regardless of race, creed, place of origin, political opinions, colour, sex or marital status. However, every person shall also be subject to the limitations contained in this part. It is important that the above provisions are utilised when designing rehabilitation programmes for child offenders to ensure that all the fundamental rights and freedoms of the child will be taken into account. However, four (20%) of the participants indicated ignorance of the contents in the Constitution. This is the ultimate law that should be known by every officer offering statutory services, and a lack of knowledge about the constitution may lead to inefficiency in service delivery.

Despite the Universal Declaration of Human Rights (UDHR) containing provisions that are vital to child justice, it was ascertained that only 55% (11) of participants indicated they were familiar with, or applied it when designing programmes. It is a cardinal piece of legislation when it comes to child justice as its ultimate principle is based on the premise that all human beings are born free and are equal in dignity and rights. It is further stated that everyone has the right to life, liberty and security, and that no one shall be subjected to torture or to cruel or degrading treatment or punishment (United Nations, UDHR, Section 57, 1948).

The fact that almost half of the study group were not familiar with this legislation is a matter of concern. This statute advocates against children being subjected to punishment and makes it a very important principle to be employed when designing rehabilitation programmes – the focal point is to rehabilitate and not to punish. Applying the

provisions in the UDHR will ensure that the child offenders are not subjected to torture and all programmes will focus on the dignity of the child offenders.

It was noted that only half (10=50%) of the participants were familiar with the Beijing Rules. The Beijing Rules were actually the first set of International Standard Minimum Rules for the Administration of Juvenile Justice (United Nations, 1985). According to Mumba (2011), the Beijing Rules provide for separate and specialised systems of child justice. Moreover, they make provision for the minimum standard rules for handling children in conflict with the law under any legal system of UN member states. This clearly signifies that it is almost impossible to design rehabilitation programmes for incarcerated child offenders without employing the provisions in the Beijing Rules.

Fewer than half (9=45%) of the participants were familiar with the provisions of the International Covenant on Civil and Political Rights (ICCPR). The statute mainly upholds the separation of child offenders from adults, as well as all the procedures of rehabilitation (United Nations, 1989). The ICCPR is thus an important piece of legislation when designing rehabilitation programmes for child offenders as it provides guidelines on how to ensure efficient rehabilitation.

National Child Policy (2006) and issues of child justice

The National Child Policy of 2006 is the only policy in Zambia to address issues pertaining to child justice. Participants indicated how the policy discourse impacts on criminal proceedings for children who come into conflict with the law. The data were analysed into sub-themes, illustrated by relevant narratives.

TABLE 1

NATIONAL CHILD POLICY (2006) AND ISSUES OF CHILD JUSTICE

| THEME: NATIONAL CHILD POLICY AND ISSUES OF CHILD JUSTICE | |
|---|--|
| SUB-THEME | NARRATIVES |
| Not aware of the policy | “...I <u>have never seen</u> the <u>document</u> before.” “The only challenge is that the <u>policy is not available for everyone.</u> ” |
| Provides guidelines on how child offenders should be treated | “It <u>explains how</u> child offenders should be treated.” “It <u>gives guidelines</u> on how to treat child offenders and focuses and focuses on access to child justice.” “It <u>provides guidelines</u> on how child offenders should be protected.” |
| It protects the rights of the children | “The <u>policy protects the rights of children</u> by stipulating how children in conflict with the law should be treated.” “...advocates for the <u>protection of all child offenders</u> ”. |
| Policy does not address the issues of child justice effectively | “The <u>policy does not address the issues</u> of child justice appropriately.” The <u>provisions in the policy</u> are <u>not feasible</u> because they <u>do not match the resources.</u> ” “...the <u>policy is out dated</u> ”. |

Not aware of the policy

The first sub-theme to be identified was that the majority of the participants were not aware of the policy and that they never had access to the document. This is a negative reflection on the child justice system in Zambia. As the policy is said to provide guidelines to address issues of child justice and complements the other statutes, it clearly indicates how vital the policy is in the administration of child justice. It is clear that there is a need for social welfare officers to be enlightened about the relevant policies in their line of duty.

Policy protects the rights of children

The second sub-theme to be identified by only a fifth of the participants indicated that the National Child Policy (2006) addresses issues of child offenders by providing protection for children. This view correlates with the literature as, according to Chitembwe (2006), the aim of the policy is to ensure that all the laws pertaining to child protection are adhered to. The policy does not operate in isolation but works in conjunction with other statutes that advocate for the protection of the rights of child offenders.

Provides guidelines on how child offenders should be treated

In the third sub-theme, about 25% of the participants indicated that the provisions in the National Child Policy (2006) provide guidelines on how child offenders ought to be treated. This view correlates with the literature, as Chitembwe (2006) highlighted that the policy provides strategies for implementing and updating all existing laws relating to children to make the laws fit contemporary situations. The government also undertakes, through the policy, to implement the principles enunciated in the UNCRC (1989). Given that the National Child Policy (2006) provides guidelines on how children in conflict with the law are to be treated, it is a matter for concern that a very small number of participants mentioned this aspect.

Does not address the issue of child justice effectively

The last sub-theme identified by a very small number of the participants indicated that the policy does not address the issues of child justice. The reasons stated were that the policy is outdated, hence does not have provisions relevant to the current child justice situation in Zambia. Participants mentioned that crime has now escalated to higher levels than ever before. Furthermore, the provisions in the policy do not match the resources in most of the institutions where child offenders are incarcerated. In essence it seems that simply having the policy for children is no panacea for addressing all the challenges experienced in child justice. This needs the involvement of all stakeholders to uphold the rights of children and to develop a culture that makes the welfare of children a national priority.

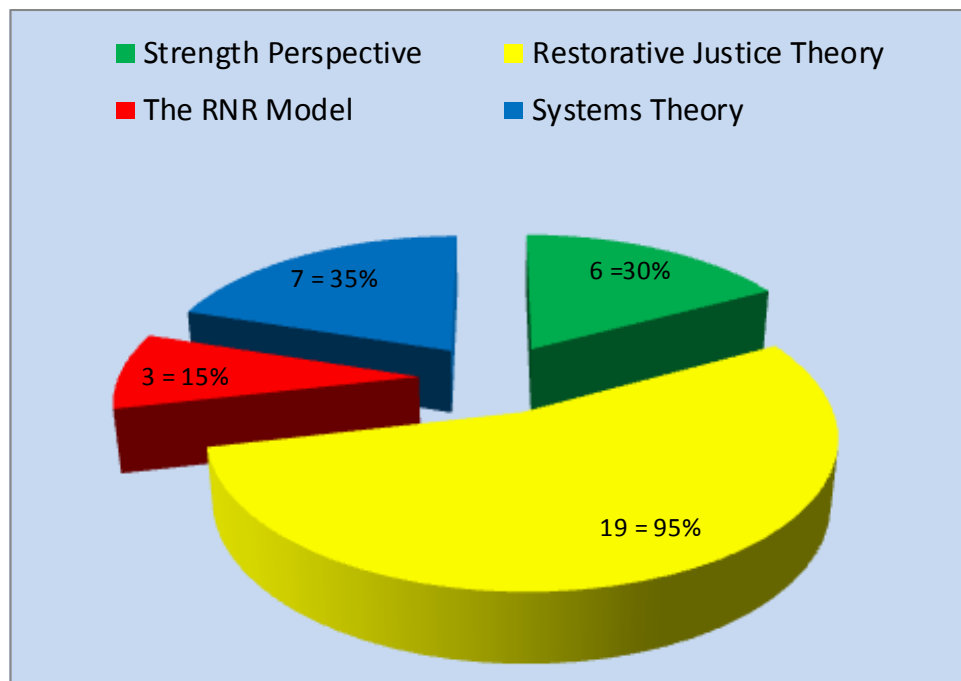
THEORY UTILISED AND PROGRAMMES EXECUTED

This section provides answers as to which social work theory is employed when designing rehabilitation programmes, as well as to the type of programmes executed.

Theory applied in designing programmes

The participants indicated the theories they had utilised when designing rehabilitation programmes for child offenders. The results are presented in Figure 2.

**FIGURE 2
THEORIES UTILISED**



N = 20

As can be seen from Figure 2, the majority of the participants (19=95%) indicated that they utilised the restorative justice theory in designing rehabilitation programmes. As pointed out by Braithwaite (2004), restorative justice is a process where all stakeholders affected by an injustice have an opportunity to discuss how they have been affected by the injustice and to decide what should be done to repair the harm. In the case of crime, restorative justice is rooted in the idea that because crime hurts, justice should heal.

A small number (7=35%) of the participants apply systems theory, as it is of cardinal significance in designing rehabilitation programmes. Authors (Bartol & Bartol, 1989; Schulman, 2009) postulate that systems theory provides the social welfare practitioners with a means to view human behaviour through a wide lens. This wide lens allows for assessment of clients across a broad spectrum of human conditions – as a person, as a member of a family, and as a participant in the community and the wider society.

Only six (30%) of the participants were familiar with, and had applied the strengths perspective. Saleeby (2012) indicates that the strengths perspective is a vital conceptual theory that assumes primarily that all clients and environments possess strengths that can be marshalled to improve the quality of life. This means that in order for social welfare officers to obtain positive results in rehabilitating child offenders, there is a need for a paradigm shift from focusing on the challenges that the child offenders encounter to drawing on their strengths. Children should be viewed as being capable of change by

finding and focusing on their assets and areas of resiliency, and facilitating the cultivation of pro-social and drug-free identities. This can be achieved by employing the strengths perspective in most child justice programmes. In this study it seems, however, that a very small number of the social welfare officers are utilising the strengths perspective.

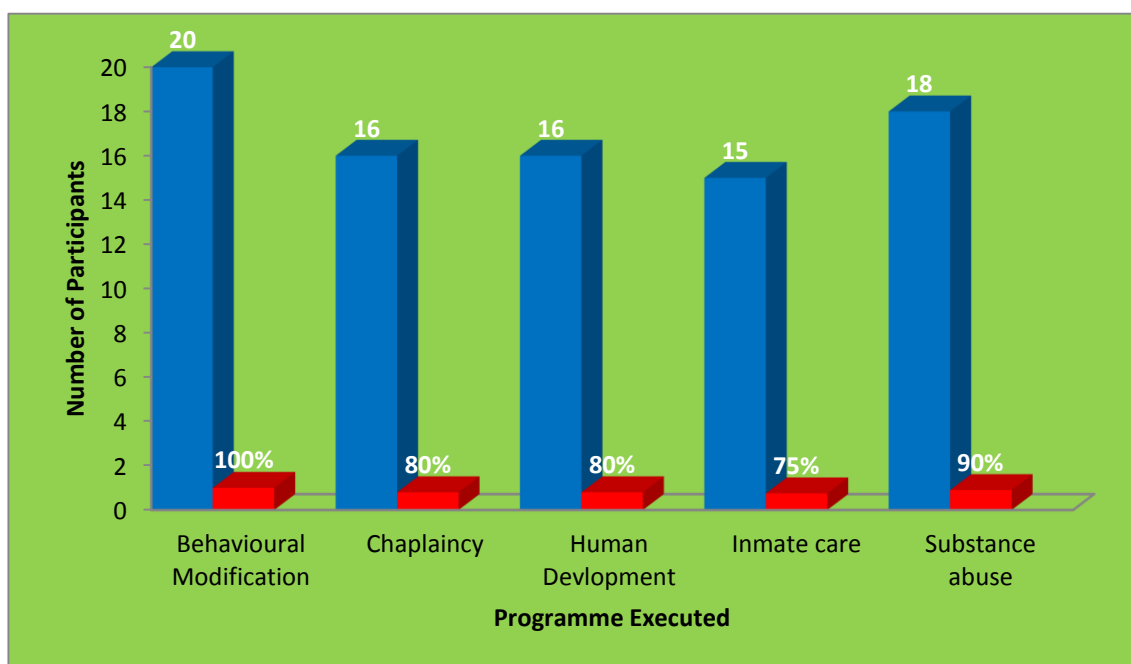
Only a few (3=15%) participants were familiar with and have applied the concepts of the Risk-Need-Responsivity (RNR) Model for offender rehabilitation. The RNR model focuses on the treatment of the offender with the supposition that interventions such as probation supervision, work readiness, training, cognitive skills and behaviour therapy will change behaviour and reduce the frequency of recidivism (Andrews, *et al*, 2011; Bradshaw & Rosenborough 2005:109). The above assertion indicates that the RNR model is an important reference source when designing rehabilitation programmes.

It is clear that participants seem to be familiar with the restorative justice theory, but do not employ any other theory consistently in programme design. Participants also indicated that they do not use any other social work theory than those mentioned in Figure 1.

Programmes executed in rehabilitating child offenders

The programmes that participants used in rehabilitation are indicated in Figure 3.

FIGURE 3
PROGRAMMES EXECUTED IN REHABILITATING CHILD OFFENDERS



N = 20

As can be deduced from Figure 3, all (20=100%) the participants had used the behavioural modification programme to rehabilitate child offenders. This was a positive outcome, because the programme plays a key role in helping child offenders to accept their stay in prison and live a law-abiding life and in harmony with the public after

discharge. As observed by Mincey, Maldonado, Lacey and Thompson (2008), behavioural modification programmes are used to try and decrease or increase a particular behaviour. This type of programme is therefore appropriate to address the aberrant behaviour of child offenders.

The substance abuse programme was also executed by a large number (19=90%) of the participants. According to the Office on the Auditor General's Report on Rehabilitation of Zambia (OAGR) (2014), the substance abuse programmes are mostly relevant for child offenders convicted of crimes related to drug use or to the influence of drugs at the time of committing the crime. The finding indicates that the majority of the minors who are incarcerated because of abuse of intoxicating substances are assigned to a substance abuse programme.

The chaplaincy programme was executed by 16 (80%) of the participants. This is a positive reflection on the child justice system in Zambia, because it supports the notion that holistic care is characteristic of the care offered at the penitentiary. As authors remark, it is an important programme as it provides morally enriched programmes that assist child offenders to adjust at the institution and prepare for reintegration (Zabel & Nigro, 2007).

The human development programme was executed by 16 (80%) of the participants, a finding showing that child offenders are not deprived of literacy programmes while incarcerated. It supports views of authors that literacy programmes are important tenets of child justice rehabilitation programmes, because they equip the offender with skills to deal with the complexities of life (Payne & Cornwell, 2007)

The inmate care programme was indicated to have been applied by 15 (75%) of the participants. This programme is important as Foster and Gifford (2008) found that the inmate care programme is usually administered from the moment the offender is admitted to the penitentiary, involving welfare and psychological services. The results of this study indicate a similar conclusion.

It is deduced that valuable programmes are provided to jailed child offenders. As indicated in the Ouagadougou Declaration on Acceleration of Penal and Prison Reforms (ODAPPR, 2003), it is a prerequisite that prisons demonstrate greater efforts to make positive use of the period of incarceration or other sanction to develop the potential of offenders and thus empower them to lead a crime-free life in future. This is done by offering various rehabilitation programmes.

CHALLENGES EXPERIENCED BY SOCIAL WELFARE OFFICERS IN REHABILITATING INCARCERATED CHILD OFFENDERS

The following section seeks to identify the challenges faced by social welfare officers in rehabilitating child offenders. The sub-themes and categories identified are indicated in Table 2.

TABLE 2
CHALLENGES EXPERIENCED BY SOCIAL WELFARE OFFICERS

| THEME: Challenges experienced by social welfare officers in rehabilitating incarcerated child offenders | |
|--|---|
| SUB-THEME | CATEGORY |
| Lack of organisational resources | Lack of office space to conduct casework Lack of transport Lack of recreational facilities |
| Anti-social and deviant behaviour of child offenders | Alcohol and substance abuse Lack of behaviour modification programmes because focus is on educational programmes |
| Lack of human resources | Lack of enough social welfare officers Lack of support professionals |
| Lengthy criminal proceedings for child offenders | Delay of cases at high court |
| Lack of knowledge by social welfare officers to execute the programmes | Lack of training in social work Lack of capacity building Lack of detailed and quality reports from social welfare officers at district level |
| Communication breakdown between service providers | Lack of coordination between the social welfare department and the police department |

Lack of organisational resources

The first sub-theme to emerge was that there was a lack of organisational resources, reported by all the participants. In this sub-theme three categories were identified.

Lack of office space to conduct casework

The first category to be identified by more than half of the participants was the lack of office space to conduct casework. The narratives of some of the participants are presented below.

- “There isn't enough office space to provide counselling to the child offenders as each office is occupied by 4 officers.”
- “...the main issue at hand is that there isn't enough work space”.

A lack of office space to conduct casework has important ramifications as upholding confidentiality is of paramount importance if the offenders are to have confidence in the child justice system (Chitembwe, 2006). Mugerwa (2010) remarks that the same challenge is experienced in Uganda as some programmes in the prison system cannot be fully implemented owing to limited space. It can be concluded that if child offenders are to be successfully rehabilitated, there is a need to ensure that social welfare officers operate from offices with adequate space.

Lack of transport

Lack of transport was the second category identified by about a quarter of the participants. Some of the participants indicated that:

- “We have no transport to go and conduct house visits”;
- “The institution has no transport to take the girls to and from school”;
- “The institution only has one car against many jobs at the school”.

The lack of transport seems to impact on the execution of tasks by the social welfare officers. Transport was also identified as a challenge in service delivery by social workers in the child and family welfare field in South Africa (Strydom, 2010).

Lack of recreational facilities

The lack of recreational facilities was the third category to be singled out by a fifth of the participants. It was established that the only recreational facility at the approved school for boys is a soccer field, without balls or jerseys, while the approved school for girls only has a television set. Some narratives are:

- “...the institution has never had any recreational facilities for the past five years”;
- “There are no facilities for recreation at the institution”.

The lack of recreational facilities is problematic as inmate care, which includes risk assessment, psychological services, sports and recreation must be provided to each and every child offender. Recreational programmes are meant to provide the offenders with physical, mental and emotional outlets to improve their wellbeing (Foster & Gifford, 2008).

Anti-social and deviant behaviour of child offenders

The second sub-theme to be identified was the anti-social behaviour and attitude of imprisoned child offenders. The categories identified are discussed below.

Alcohol and substance abuse among child offenders

Alcohol and substance abuse among child offenders was the first category to be identified. It was established that most of the common behavioural and attitude challenges facing the social welfare officers were the child offenders abusing alcohol and other substances such as dagga and alcohol smuggled into the institution. This resulted in some of the offenders physically accosting some social welfare officers. Some of the offenders would sneak out of their rooms to visit nightclubs in town for alcohol. The following narratives were obtained from the participants:

- “Most children abuse dagga and beer, and repeat offenders manhandle officers during the process of rehabilitation”;
- “Some of the big girls sneak out at night to go to the night clubs to go and drink alcohol”.

Although the majority of the participants indicated that they were implementing substance abuse programmes, child offenders seem to have easy access to substances.

This could be attributed to a weakness in the security systems at the institutions. This finding corresponds with the view of Chitembwe (2006) that the availability of drugs and alcohol in penitentiaries in Zambia was one of the main contributing factors to aberrant behaviour among incarcerated child offenders. Other African countries seem to struggle with a similar challenge, as Onyango (2013) found that the availability of drugs and other substances in Kenya makes the rehabilitation mandate impossible because when inmates are under the influence of alcohol and drugs, ill-discipline and infractions occur. Mugerwa (2010) established that anti-social behaviour by child offenders in Uganda remained a major challenge not only to social welfare officers but to other child offenders as well. The results indicate that social welfare officers in Zambia face the same challenges to quite a high degree. This could mean that programmes dealing with the psychodynamics of aberrant behaviour in child offenders should be strengthened.

Lack of behaviour modification programmes because focus is on educational programmes

The second category to be identified was the lack of behaviour modification programmes, because the focus was placed on educational programmes. Below are the narratives from some of the participants:

- “The children exhibit deviant behaviour and attitudes because so much focus is put on educational programmes than behaviour modification programmes”;
- “There is need to balance the provision of the behaviour modification and education programme”.

This finding is interesting as all the participants indicated that behaviour modification programmes are indeed implemented. It can be deduced that they perceive that there is still a stronger focus on educational programmes. Educational programmes are important as they equip the child offenders with skills that would help them deal with the complexities of life, especially after reintegration. However, a stronger focus on educational programmes does not provide a holistic approach to rehabilitation of the child offender. This view concurs with that of Mincey *et al.* (2008), who observed that it is vital for behaviour modification programmes to be offered immediately after offenders are incarcerated, as this helps to promote healthy behaviour as a result of its conditioning nature.

Lack of human resources

Lack of human resources was the third sub-theme to be identified. Two categories came to the fore.

Lack of social welfare officers

The first category to be identified under the sub-theme was a dearth of social welfare officers. The majority of the participants indicated that there weren't enough social welfare officers to undertake the designated roles in rehabilitating child offenders. The following were the narratives:

- “The Lusaka district office caters for a population of about three million people, yet there are only nine social welfare officers”;

- “The institution has only two social welfare officers and yet on the school structure it is indicated that there are supposed to be five social welfare officers”.

The above situation means that the social welfare officers would not be able to perform the duties to the best of their abilities, owing to the mammoth task expected of them. The lack of social welfare officers to execute tasks also seems to be problematic in other African countries. Mugerwa (2010) observed that a lack of social welfare officers to adequately execute the roles in the rehabilitation process in Uganda makes it difficult for the social welfare officers to provide quality service delivery. In South Africa various authors identified the lack of social workers as a very important reason for ineffective service delivery in child welfare services (Meintjies & Van Niekerk, 2005; Ismael, Taliep & Suffla, 2012; Strydom, 2010). It is evident that there is need for more social welfare officers in the field if better service delivery is to be realised.

Lack of support professionals

About a fifth of the participants indicated that a lack of support professionals is one of the factors impeding the effective rehabilitation of incarcerated offenders. The support professionals on board ranged from psychologists, teachers and doctors. The relevant narratives follow:

- “The institution is in lack of other professions that are important to be on board, e.g. teachers, doctors and psychologist”;
- “We have no trained teachers based at the approved school so the children have to attend school elsewhere.”

It was established that executing child justice required more officers from the other fraternities if the needs of the child offenders were to be met. This assertion is confirmed by Mumba (2011), who observed that child justice requires a multidisciplinary and multi-sectoral approach (linking closely, for example, with work in social welfare, education, health and criminal justice). It is thus vital to have the important professions activate all the levels of child justice to provide effective services.

Lengthy criminal proceedings for child offenders

The lengthy criminal proceedings for child offenders was one of the sub-themes identified.

Delay of cases at high court

The delay of cases at the high court was the only category identified. More than half of the participants reported that most of the cases that were heard at the high court were rarely tried or finalised in time. Below are some of the narratives from participants:

- “Child offenders are detained for longer periods and that the most outstanding excuse given for such delays was usually lack of transport”;
- “Juvenile cases are usually delayed at the high court”.

Most of the cases involving child offenders in the high court are for crimes like murder, attempted murder or committing a crime jointly with an adult. The Juveniles Act (The

Laws of Zambia: Cap. 53) stipulates that all cases involving juveniles are to be handled expeditiously and without delay. This piece of legislation holds that delay in the criminal proceedings involving child offenders at the high court is an injustice and a challenge to child justice. The lack of transport identified earlier has a direct correlation with the delay in addressing children's cases. As Chitembwe (2006) puts it, the lack of transport for children to be taken to courts in Zambia leads to long delays in trials as well as an increase in the number of child offenders at the institutions. This is because the court cases are usually postponed if the accused is absent. These findings emphasise that lack of transport in rehabilitation facilities can lead to a myriad of other challenges.

Lack of knowledge by social welfare officers to execute the programmes

The fifth sub-theme to be identified was the lack of essential knowledge among the social welfare officers. The categories that emerged are indicated below.

Lack of training in social work

The first category to be identified was the lack of social work training among the social welfare officers, which also meant a lack of skills. The following were some of the narratives:

- “It is a challenge to perform certain duties because of lack of training in social work”;
- “Some social welfare officers fail to provide inmate care to offenders because they have limited knowledge on the counselling process”.

This finding means that it is quite possible that when generalists have to function as specialists, service delivery maybe deficient. As found earlier, some of the participants were not familiar with certain social work theories and statutes pertaining to child justice. Moreover, some participants indicated that the lack of social work training contributed to the poorly written reports delivered by some social welfare officers. Most of the reports compiled by social welfare officers at the district offices lack valuable information that the courts of law would utilise in passing sentences. One of the participants stated that:

- “Social welfare officers from the district do not prepare reports that have all the information about the child offenders; they prepare scanty and shallow reports”.

This finding, that reports are not comprehensive, goes contrary to the point made in the literature, which states that the juvenile court must have as much information on the juvenile as possible and invariably a heavy onus lies on the social welfare officers to compile an adequate report (Chitembwe, 2006). This implies that the report must be of sufficient quality to facilitate a judicious adjudication of the case once it comes before the court.

Lack of capacity building

The lack of capacity building was the second category to be identified. The participants indicated that the lack of essential skills was mainly because the social welfare department did not provide capacity-building programmes. Social welfare officers were not empowered with new skills to enhance their service delivery, while newly recruited social welfare officers were not properly informed on how the system operates. The following narratives illustrate the above:

- “The ministry offers refresher courses to the same social welfare officers at management level and no orientation is given to new social welfare officers”;
- “There is a dire need for the ministry to organise more capacity building workshops in order to cater for everyone.”

It is concluded that where not all social welfare officers are trained social workers, there is a need for regular orientation and capacity building to ensure that the officers are equipped with the appropriate skills to dispense child justice services. As Mumba (2011) asserts, in order to have an efficient child justice system in Zambia, all welfare service providers in child justice should undergo mandatory in-service training. In-service training would assist in widening the knowledge base of the service providers.

Lack of coordination between the social welfare department and the police department

The lack of coordination between the social welfare department and the police was the sixth sub-theme identified.

Communication breakdown between service providers

Communication breakdown between service providers was the only category to be identified by the participants who reported that there was a lack of coordination between the police and social welfare departments. The narratives of the participants were:

- “Most of the police officers dealing with cases of children lack training in child related issues and have a not so pleasant attitude towards work, e.g. they take long to inform social welfare officers about the juveniles who are in police custody”;
- “Police officers are not equipped with skills on how to deal with juveniles”;
- “... the police have perpetrated a lot of injustice on the juvenile offenders. Most of them in Zambia do not understand their role when it comes to handling cases of juveniles and they exhibit bad disposition”.

This finding, namely that there is a lack of communication between these parties, does not correspond with the requirement stated in the literature. Chitembwe (2006) indicates that inter-ministerial and inter-departmental cooperation is vital and should be fostered for the purpose of providing adequate rehabilitation services. Left to stand alone, correctional institutions cannot achieve the desired objectives. This emphasises how imperative it is for departments providing child justice services to harmonise their duties.

CONCLUSIONS AND RECOMMENDATIONS

With regard to the challenges faced by social welfare officer in the rehabilitation of child offenders, it was determined that they face a myriad of challenges that impede service delivery. These challenges are experienced mainly within the organisation, and were interrelated and influenced each other.

A lack of people power greatly affects service delivery in child justice. This lack seems to be twofold as there is a shortage of social welfare officers as well as other support

professionals. Another challenge was the deficient knowledge of some social welfare officers, especially with reference to the poor quality of their reports. The poor reports were attributed to a lack of training in social work.

There also seems to be a lack of knowledge concerning the utilisation of social work theory, as the majority of the participants were conversant with only the restorative justice theory in programme design. A large number of the participants were not familiar with the systems theory or with the strengths perspective, while only a small number had ever applied the Risk-Need- Responsivity Model of offender rehabilitation in child justice programmes. They have also never employed any other theory apart from the ones mentioned in the interview. The fact that the social welfare department was not conducting any training or capacity building meant that the lack of knowledge was not addressed on a wide scale. Ministries should encourage social welfare officers to attend trainings sessions in order to promote continued professional development. Social welfare officers should engage in career development workshops to enhance their knowledge about appropriate perspectives, theories and models applicable to the rehabilitation of child offenders.

The lack of social work knowledge could result from the lack of training in social work, which limits service providers' ability to effectively rehabilitate child offenders. The government must advocate for more people to train as social workers so that the lag in the social work profession could be met. Only social workers registered with a national professional body should be allowed to practise to ensure that child justice services are performed by officers with the appropriate social work knowledge and skills.

Regarding policy and legislation, most of the social welfare officers seem to be conversant with the key legislation applied in child justice at both local and international level. The fact that the Juveniles Act was utilised by all participants is a positive aspect, because it is the primary law in Zambia to govern child justice programmes. However, quite a large number of the social welfare officers indicated ignorance of some of the key pieces of legislation. The fact that less than half of the participants had utilised the provisions in the ICCPR is a matter of concern, because this legal instrument emphasises the separation of child offenders from adults as well as upholding all the procedures of rehabilitation. The Beijing Rules were also utilised by less than 50% of the participants, despite it being the only piece of legislation that stipulates the standard minimum rules for the administration of child justice. Not being conversant with some key pieces of legislation would make achieving the goals of effective child justice delivery impossible.

Another concern is the fact that the majority of the participants indicated that they never had access to the National Child Policy (2006) before, and were therefore ignorant of its provisions. The NCP is the main policy that addresses issues of child justice in Zambia. Furthermore, it seems that the contents of the document do not address the issues of child justice according to the resources provided. Social welfare officers must ensure that they acquaint themselves with the necessary policies that govern their line of work, and government must ensure that the policy is made available to all stakeholders providing child justice services.

Apart from lack of people power and the lack of knowledge, social welfare officers were operating from offices that were not conducive to adequately providing the services designated in child justice, thus compromising on privacy and confidentiality. The social welfare department should ensure that social welfare officers occupy offices that create an environment for offering optimum child justice services.

Another issue impacting on effective service delivery is that the social welfare department does not have enough transport to meet the needs of the institutions. Some cases at the high court take a long time to finalise, because of a lack of transport to ferry the child offenders to and from court. The government must provide the institutions with proper transport to ensure that child offenders are on time for court appearances. High court judges must consider finalising all cases involving child offenders within the shortest possible time.

Anti-social and deviant behaviour among the child offenders was one of the most common challenges experienced by social welfare officers. Institutions must provide adequate security to ensure that the child offenders are kept within the confines of the penitentiary, as child offenders should not have access to alcohol and other intoxicating substances which would lead to anti-social behaviour and attitude problems. Substance abuse programmes should be strengthened and there should be a balance in the provision of education and behavioural modification programmes to ensure that the various needs of the offenders are met.

A lack of proper coordination on how to execute child justice roles between the social welfare officers and the police was identified. Social welfare officers should have training on child justice jointly with the police officers so that their roles are clarified and working relationships between the departments are strengthened. The inter-ministerial coordination among ministries providing child justice services should be strengthened to ensure effective service delivery in child justice.

It is thus evident that for Zambia to curb the challenges experienced by the social welfare officers, the custodians of the child justice programmes should strengthen their resources. It seemed most of the challenges were experienced because of a lack of resources relating to people power, capacity building, trained social workers and facilities. These challenges are similar in other African countries and means that effective service delivery to children in tough circumstances is still difficult to achieve.

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