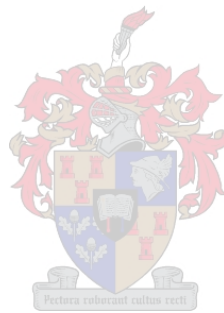


**CHALLENGES EXPERIENCED BY SOCIAL WELFARE OFFICERS IN
THE REHABILITATION OF INCARCERATED CHILD OFFENDERS**

by

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**Thesis presented in fulfillment of the requirements for the degree
of Master of Social Work in the Faculty of Arts and Social
Sciences at Stellenbosch University**

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DECLARATION

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March 2016

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Dedication

This piece of work is dedicated to my husband Sekelani Banda for
being the best buddy.

I thank Jehovah for giving me such a loving and patient husband.

This one is for you my soul mate

ACKNOWLEDGEMENTS

I would like to begin by giving my gratitude to **Jehovah God** for His faithfulness and making it possible for me to successfully complete my studies. Almighty God is your name and no one can share your glory.

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Even if they may not understand it now, I would like to thank my children **Towela** and **Tasheny** for being such angels and being a part of my motivation to carry on.

Last but not least, my profound gratitude goes to my husband, **Sekelani Banda**, I am so thankful for the emotional and financial support you rendered. Thank you for looking after our children during my time of study.

ABSTRACT

Children as estimated make up a third of the world population and Africa alone accounts for the highest percentage of children. However, it has been established that world over one million children are detained in prisons. This is an indication that besides other alternative/diversion options, children in conflict with the law are still incarcerated. The incarcerated child offenders undergo rehabilitation which is aimed at changing aspects regarded as the cause of criminal behaviour, such as attitudes, cognitive processes, social relationships, education and vocational skills. Paying attention to the various factors that may impede effective rehabilitation of child offenders is imperative for finding effective solutions that in the end contribute in preventing recidivism.

This study therefore aimed to investigate the challenges experienced by social welfare officers in rehabilitating incarcerated child offenders. A literature study aimed at describing the legislation and policy utilized in child justice programs and theories applied in designing rehabilitation programs was done. Thereafter an empirical investigation was conducted. Quantitative and qualitative research methodology was employed and explorative and descriptive research designs were utilized. Purposeful non-probability sampling was utilized to involve social welfare officers employed at the Ministry of Community and Social Development in Zambia in the study. Twenty social welfare officers that met the inclusion criteria for the study were selected to participate. A semi-structured interview schedule was used to collect the data during the empirical investigation.

Through analyzing the results the researcher made certain conclusions and recommendations with regards to the challenges experienced by social welfare officers in rehabilitating child offenders. The most important conclusions resulting from the research study indicated that social welfare officers are faced with a myriad of challenges in rehabilitating child offenders. The main challenge was the lack of resources which include: the lack of social work training among social welfare officers; the lack of human resources; the lack of organizational resources and the lack of coordination among stakeholders. The research study therefore recommends that the gap in organizational and human resources should be filled and especially that social welfare officers must be trained social workers. Furthermore, it is recommended that the Zambian government should enact legislation that mainly sets principles relating to the care and protection of children.

OPSOMMING

Daar word geskat dat 'n derde van die wereld se bevolking kinders is, waarvan die hoogste persentasie in Afrika voorkom. Nietemin is bevind dat meer as een miljoen kinders in die wêreld aangehou word in gevangenis. Dit is 'n aanduiding dat kinders wat in konflik met die gereg is steeds in gevangenskap is, ongeag ander alternatiewe/diversifikasie moontlikhede. Hierdie kinderoortreders wat in gevangenskap is, ondergaan rehabilitasie wat gerig is op die verandering van sommige aspekte wat beskou word as die oorsaak van kriminele gedrag, soos houdings, kognitiewe prosesse, sosiale verhoudings, opvoeding en beroepsvaardighede. Dit is noodsaaklik om aandag te gee aan die verskeie faktore wat die effektiewe rehabilitasie van kinderoortreders kan strem, sodat oplossings gevind word wat kan bydra tot die voorkoming van terugval.

Hierdie studie is daarom daarop gerig om die uitdagings wat maatskaplike welsynsoffisiere beleef in die rehabilitering van kinderoortreders wat in gevangenskap is, te ondersoek. 'n Literatuurstudie wat gerig is op die beskrywing van wetgewing en beleid wat benut word in kinder geregtighedsprogramme en die teorieë wat toegepas word by die ontwikkeling van rehabilitasieprogramme, is gedoen. Daarna is 'n empiriese studie uitgevoer. 'n Kwantitatiewe en kwalitatiewe navorsings metodologie is benut en 'n verkennende en beskrywende navorsings ontwerp is gebruik. Doelbewuste nie-waarskynlikheids steekproeftrekking, is aangewend om maatskaplike welsynsoffisiere in diens van die Ministerie van Gemeenskapsontwikkeling en Maatskaplike Ontwikkeling in Zambië, te betrek by die studie. Twintig maatskaplike welsynsoffisiere wat voldoen het aan die insluitingskriteria van die studie is gekies om deel te neem. 'n Semi-gestruktureerde onderhoudskedule is benut om data te bekom tydens die empiriese ondersoek.

Die navorser het gevolgtrekkings en aanbevelings gemaak vanuit die analisering van die data oor die uitdagings wat ervaar word deur maatskaplike welsynsoffisiere in die rehabilitasie van kinderoortreders. Die mees belangrikste gevolgtrekkings dui daarop dat maatskaplike welsynsoffisiere 'n menigte van uitdagings in die gesig staar in die rehabilitering van kinderoortreders. Die belangrikste uitdaging was die gebrek aan hulpronne wat insluit: die gebrek aan maatskaplike werk opleiding van maatskaplike welsynsoffisiere, die gebrek aan menslike hulpbronne, die gebrek aan organisatoriese hulpbronne, asook die gebrek aan

koördinerings tussen betrokkenes. Daar word daaaronder aanbeveel dat die gaping tussen organisatoriese en menslike hulpbronne aandoenlik geniet en veral dat maatskaplike welsynsoffisiere opgeleide maatskaplike werkers moet wees. Voorts word aanbeveel dat die Zambiese regering wetgewing voorskryf wat hoofsaaklik beginsels vir die versorging en beskerming van kinders uiteensit.

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ACRONYMS

ACWRC:	African Charter on the Welfare and Rights of the Child
AU:	African Union
ICCPR:	International Convention on the Civil and Political rights
ODAPPR:	Ouagadougou Declaration on Acceleration of Penal and Prisons Reforms
OAGR:	Office of the Auditor General's Report on Rehabilitation
NCP:	National Child Policy
UN:	United Nations
UDHR:	Universal Declaration of Human Rights
UNCRC:	United Nations Convention of the Rights of the Child
UNICEF:	United Nations Children and Educational Fund
RNR:	Risk, Need and Responsivity

CHAPTER ONE

INTRODUCTION

1.1 PRELIMINARY STUDY AND RATIONALE

It is estimated that children make up a third of the world population. Africa alone accounts for the highest percentage of children in the world (Mumba, 2011:4). Inherently, the mere fact that a human being is a child makes them vulnerable. The above fact demands that every society has to think deliberately of how it will protect its children. Normative standards (laws, culture and religion) may shape how members of a community may choose to protect children and the choices made may affect the very nature of childhood (Wulczyn, Davo, Fluke, Feldman, Glodek & Lifanda, 2010:05). This means that the normative standards in each society should have the best interest of the child as the guiding principle at all times.

With regard to child justice, the deprivation of liberty of a child shall be used as a last resort and for the shortest appropriate period of time (United Nations Convention on the Rights of Children (UNCRC), 1989). However, it has equally been established that worldwide, over one million children are detained by law enforcement bodies (UNICEF; 2007). This is an indication that despite other alternatives/diversion options, children in conflict with the law still end up incarcerated. Amon & Todrys (2011:12) state that despite such a high number of children being incarcerated worldwide, little research particularly from Africa has addressed their experience of incarceration. Despite the number of countries that have become Party to the UNCRC and African Charter (Zambia included), children all over the world are still not a top priority in the justice system (UNICEF; 2007).

A look at the Zambian situation indicates that the country has a total of 86 prisons. Despite one of these prisons being dedicated exclusively for the incarceration of children, it is evident that children are incarcerated with adult populations at other institutions (Amon & Todrys, 2011:13). During an assessment of prison needs in Zambia conducted by Tkachuk, Kriel & Clack, (2005:79), it was established that despite the legal provision and the subsequent ratification of international protocols (except for Katombora Reformatory School which is a boy's facility), the Zambia Prison Service has little capacity or no capacity at all to separate

juvenile offenders from adult prisoners. In most instances juvenile offenders were made to reside side by side with their adult counterparts. During the same assessment it was further observed that in congested prisons where separation occurred, the spaces allocated to the juveniles were similar to adult males, and were extremely limited, at one instance fifteen boys shared the space of three and half metres by three and half in size. With such crowding, the capacity to provide programmes including basic education was virtually non-existence for the juveniles.

In April of 2010, Zambia held 414 child inmates (a category under Zambian law encompassing inmates aged 8-18 years representing 2.5% of all Zambian inmates). Just half of these inmates were detained awaiting trial (Chileshe, 2010:11) since Zambia has no dedicated juvenile system and children in conflict with the law face trial in the adult court systems.

The goal of child justice is to ensure that children are better served and protected by the justice system. 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, 2008:4). Incarcerating children and separating them from their families and communities seriously damages their physical, mental and social development. Detention leads to lifelong stigmatisation which hampers reintegration of children into communities (Mumba, 2011:8).

The African Union has noted that children occupy a unique and privileged position in the African society and that for the full harmonious development of their personality, the child should grow up in a family environment, in an atmosphere of happiness, love and understanding, (ACRWC; 1999). Even though African children form a fairly small portion of overall prison population, the numbers of children expressed as percentage of the prison population in the African region ranges between 0.5% and 2.5% (Sloth-Nielsen, 2008:117). Conversely, most governments especially in Africa have also failed to adopt and implement policies, legislations and programmes that ensure the rehabilitation and reintegration of incarcerated child offenders into society. Several jurisdictions have explicitly expanded their theory of child justice, downplaying the role of rehabilitation (Saine, 2005:14).

Basing on the above, this study was used as a point of departure to discuss the international and national legal framework put in place for the protection of incarcerated child offenders. The study also provided a platform for gaining an understanding of the implementation of the established policies and programs in child justice. Lastly, the challenges experienced by social welfare officers in the rehabilitation of incarcerated child offenders were identified and analysed thereby providing recommendations. More so, the study established that there is a gap in research in Zambia with regards to the challenges experienced by social welfare officers in rehabilitating incarcerated child offenders. The only studies available on child justice are those from the law field indicating that there are no recorded studies on the phenomenon from the social work discipline. This implies that the research study will fill in the gap.

1.2 PROBLEM STATEMENT

Zambia signed the UNCRC in September 1990 and ratified it on 6th December 1991. This action provided 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 of the UNCRC, Zambia has also enacted its own legislation which deals with child offenders in the criminal justice system. The legislation include the Juveniles act (Cap. 53 of the laws of Zambia), The Constitution (Cap. 1 of the laws of Zambia), the Penal Code (Cap. 87 of the laws of Zambia) and The Criminal Procedure Code (Cap. 88 of the laws of Zambia).

However, in practice the procedures and infrastructural facilities for administering the law are fundamentally the same for both adults and children despite the recognition that children deserve special care and treatment. More so, it has been ascertained that child criminal offences are a significant societal problem with great financial and social costs (Bradshaw & Rosenborough, 2005:17).

Executing child justice services requires a multidisciplinary action. This may include but not limited to, social workers, psychologists, nurses, doctors, the police, magistrates, church clergy and teachers. Social workers are engaged in screening the minors before court appearance,

counselling, executing the rehabilitation programs in prison as well as ensuring smooth integration of children back into society, (Chitembwe, 2004:45). In Zambia, not all social welfare officers are trained social workers. It is because of this that the research study did not refer to the welfare service providers of child justice as social workers but rather social welfare officers.

Having mentioned that despite Zambia having ratified the international statutes on the protection of incarcerated child offenders as well as having national statutes in place, it was established that the facts on paper do not tally with the procedures and infrastructural facilities as explained earlier. This thus made it imperative to examine and analyse the challenges experienced by the welfare service providers in the rehabilitation of incarcerated child offenders.

1.3 AIM AND OBJECTIVES

The aim of the study is to explore and gain an understanding of the challenges experienced by social welfare officers in the rehabilitation of incarcerated child offenders in Zambia.

The objectives are:

- To describe the legislation and policy applied in child justice in Zambia and to identify the roles and challenges experienced by social welfare officers in rehabilitating incarcerated child offenders;
- To discuss the programs utilised in the process of rehabilitating child offenders;
- To investigate the challenges experienced by social welfare officers in rehabilitating child offenders in institutions;
- To provide recommendations for social welfare intervention in child justice.

1.4 SIGNIFICANCE OF THE STUDY

The research could add valuable knowledge to the already existing information on matters relating to child Justice in Zambia. The findings could enlighten policy makers on what needs to be done to enhance the protection of the children and secure successful rehabilitation and

reintegration into society of detained child offenders. The study provided recommendations on interventions to be employed in child justice programmes in Zambia.

1.5 RESEARCH DESIGN AND METHODOLOGY

1.5.1 Research Approach

Fouché and De Vos (2011:90) point out that a research approach is influenced by the topic being researched taking into consideration two approaches, namely a quantitative or qualitative approach. A combined qualitative and quantitative approach (Creswell, 2009:28) was appropriate to meet the aim of this study. Fouché and De Vos (2011:90) describe that at the base, a qualitative research study revolves around data in the form of descriptions and narratives while quantitative research uses numbers to measure data.

De Vos, Strydom & Fouche (2013:64) are of the opinion that the qualitative approach is used to answer questions about the complex nature of phenomena, with the purpose of describing and understanding the phenomena from the participant's point of view. The qualitative researcher thus seeks a better understanding of complex situations. The work is often exploratory in nature and the researcher may use their observations to build theory from the ground up.

De Vos et al., (2013:65) further states that a qualitative study is concerned with non-statistical methods and small samples, often purposively selected. Moreover, the authors state that the researcher is therefore concerned with describing and understanding rather than explaining or predicting human behaviour and employing the exploration of reality from the perspective of an insider, as opposed to the outsider perspective. For the research study the qualitative data therefore led the researcher to a thorough study regarding the perceptions of social welfare officers with reference to the challenges that the social welfare officers experience when rehabilitating incarcerated child offenders.

In contrast to this is the quantitative approach. A quantitative research approach is defined as the measurement of neutral facts where the researcher has a detached attitude and a value-free position (Creswell, 2009:27; Fouché & De Vos, 2011:91). In De Vos et al., (2011:92), Kreuger and Neuman (2006:16) stated that this focus on variables relies on scientific reliability and

statistical analysis as the method used to analyse findings. In addition, Grinnell and Unrau (2005:82) believe that when a defined understanding of one aspect of a predefined social problem is needed, a quantitative approach is most effective. Thus, in relation to this study a quantitative approach helped the researcher understand the specific understanding and knowledge of the participants, with regards to the challenges experienced in rehabilitating incarcerated child offenders.

To ensure that all available data was included and the aim and objectives of the research study was fulfilled, a combination of the two approaches was used.

1.5.2 Research Design

For the purpose of this study, the researcher employed both the exploratory and descriptive research designs. As De Vos et al., (2011:95) indicates, exploratory research is used in cases where the researcher hopes to develop insight into a situation, phenomenon, community or individual. The need for such research could, for example arise out of a lack of information on a topic or area of interest (Bless, Higson-Smith & Kagee 2009:43 in De Vos et al., 2011:95). It is further stated that in exploratory research, the researcher is asking ‘what’ questions. Such a design was appropriate for this study as it aimed to answer the question: “what are the challenges experienced by social welfare officers in the rehabilitation of incarcerated child offenders.

Bless et al., (2009:43) further states that when a researcher is purely interested in describing a particular phenomenon, descriptive research is used. Although the exploratory and descriptive designs differ, De Vos et al., (2011:96) indicate, that the two designs often blends in practice. The authors further supplements by stating that descriptive research presents a picture of the specific details of a situation, social setting or relationship and usually focuses on “how” and “why” questions. It was thus significant that the study utilised a combination of the two designs which in the end could allow the development of new knowledge with regards to the topic of the study; as well as a detailed description of the challenges experienced by social welfare officers in the rehabilitation of incarcerated children in conflict with the law.

1.5.3 Research Method

1.5.3.1 Literature Review

The review of literature is imperative as it is aimed at contributing to a clearer understanding of the nature and meaning of the problem that has been identified. Moreover, it serves to put the researcher's efforts into perspective thus situating the topic in a larger pool (De Vos et al., (2013:134). The same authors further on state that literature is an excellent source for selecting or focussing on a topic and refining the research question, as it reduces the chances of selecting an irrelevant or out-dated topic/focus by investigation what has already been done in a particular problem. The study reviewed previous literature on the challenges that social welfare officers encounter in executing child justice so as to establish a reference framework from which to proceed with the research and form a basis for comparison of the research findings.

1.5.3.2 Population and Sampling

Sarantakos (2000:139) in De Vos et al., (2013:224), states that the main reason for sampling is feasibility. In addition, Gravetter & Forzano (2003:465) in De Vos et al., (2013:223) state that the term sample always implies the simultaneous existence of a population or universe of which the sample is a smaller section, or a set of individuals selected from a population. The authors add on to say that population is a term that sets boundaries on the study units. It refers to individuals in the universe who possess specific characteristics.

For the purpose of this study, purposive sampling was employed; which is a method of non-probability of sampling. In non-probability sampling, the odds of selecting a particular individual are not known because the researcher does not know the population size or the members of the population and moreover, each unit in the sampling frame does not have an equal chance of being selected (De Vos et al., (2013:231). This sampling method was utilised for the reason that it allowed the researcher to select participants based on characteristics, therefore ensuring that participants were able to provide sufficient data needed to successfully conduct the study.

The participants selected were social welfare officers under the Ministry of Community and Social Development. Preference was given to social welfare officers that had served in the

ministry for more than one year. This was to ensure that the respondents had experience in child justice. The sample was composed of 20 participants. Their role was to provide information on what programs were utilised to rehabilitate the minors and the challenges experienced in implementing such programs.

1.5.3.3 Inclusion Criterion

According to Bless et al., (2009:65) when a sample is drawn, the sample must include all the elements of the population under investigation the researcher therefore found it necessary to determine the inclusion criteria for this study in order to be certain that participants were representative of the entire population.

The inclusion criteria for the study were:

- The participant must be a social welfare officer working under the Ministry of Community and Social Development and should have had served the ministry for a period more than one year.
- The participant must be working with children in conflict with the law.

1.5.4 Method of data collection

The researcher collected data from the participants for the specific study hence the data collected was primary data (Bless et al., 2006:111). The semi-structured interview schedule, as the research instrument, and the method of data-analysis will be discussed more thoroughly below.

1.5.4.1 Research Instrument

De Poy and Gilson (2008:108) as cited De Vos et al. (2013:342), states that interviewing is the predominant mode of data or information collection in qualitative research. Monette, Sullivan & DeJong 2005:178 as cited in De Vos et al., (2013:342) mention that the interview is a social relationship designed to exchange information between the participant and researcher. For the purpose of this study, data was collected through semi-structured one-to-one interviews. This method of data collection assisted the researcher to gain a detailed picture of the respondent's beliefs, perceptions or accounts on the challenges experienced in rehabilitating incarcerated

child offenders. The method gave the researcher and the participants much more flexibility (De Vos et al., 2013:351).

1.5.4.2 Pilot Study

According to Strydom (2011:236), a pilot study helps researchers to orient themselves to the research they have planned and determine if the research instrument is effective, suitable, reliable and valid. The pilot study therefore consists of carrying out all aspects of the data-collection process on small scale (Grinnell & Unrau, 2005:336; Monette et al., 2005:09; Strydom, 2011:237). In conducting the pilot study, the researcher ensures that all possible precautions are taken to avoid any problems that might arise during the research study (Bless et al., 2006:184; Sarantakos, 2000:291). A pilot study was implemented before the main study took place in order for uncertainties in the research design to be clarified. The necessary modifications were then made to the semi-structured interview schedule.

1.5.4.3 Method of data analysis

Babbie (2007:3780 in De Vos et al., (2013:398) states that qualitative analysis is the non-numeric examination and interpretation of observations, for the purpose of discovering underlying meanings and patterns of relationships. Gibbs (2007:1) as cited in De Vos et al., (2013:399) further states that the idea of analysis implies some kind of transformation. The researcher usually starts with some (often voluminous) collection of qualitative data and then process it, through analytic procedures, into clear, understandable, insightful, trustworthy and original analysis.

Operating within the parameter of the above, the researcher transcribed all data collected through one-to one interviews. The data was then analysed by using the Statistical Package for Social Sciences (SPSS) program which was later sorted according to categories and themes (De Vos et al., 2013:404). This led to interpreting and developing typologies that assisted the researcher to build theory. Finally the data was presented in a narrative, tabular or figure form (De Vos et al., 2013:404-418).

1.5.4.4 Validity and Reliability

Bryman (2012:46; 168) states that validity and reliability are two of the most prominent criteria for the evaluation of social research. In order to ensure reliability, the semi-structured interview schedule that was employed to interview the participants was included as an appendix so as to allow other researchers to utilize it if interested in replicating the study. Furthermore, Bryman (2012:390) suggests that the concept of ‘dependability’ is commonly used as an alternative to reliability in qualitative research. Researchers are therefore encouraged to adopt an auditing approach, which guarantees that all stages of the research process are adhered to. Peers would then be able to act as auditors. The researcher thus transcribed all interviews with participants, which can be accessed upon request.

Validity “is concerned with the integrity of the conclusions that are generated from a piece of research” (Bryman, 2012: 168). For the purposes of this study the researcher concentrated on face validity; that is, “when the measure apparently reflects the content of the concept in question” (Bryman, 2012: 170). This was done by testing the questionnaire in consultation with the research supervisor to establish whether the measure seemed to be getting at the concept that was the focus of attention.

1.6 CLARIFICATION OF KEY CONCEPTS

1.6.1 Child

According to the United Nations Convention on the Rights of the Child, a child means every human being below the age of eighteen years unless the law applicable to the child, majority is attained (UNCRC, 1990:36). For the purpose of this study, the term ‘child’ will be used to refer to people under the age of 18. In this study the researcher will only refer to persons under the age of 18 as child/ren in conflict with the law.

1.6.2 Child offender

A child offender is a child or young person who is alleged to have committed or has been found to have committed an offence (Beijing Rules, 1985:17).

1.6.3 Offence

An offence is any behaviour which is punishable by law of any legal system (Beijing Rules, 1985:17)

1.6.4 Child Deprived of Liberty

Rule 11 (b) of the UN Standard Minimum rules for the protection of children deprived of their liberty (CDL) defines deprivation of liberty to mean any form of detention or imprisonment or placement of a person in a public or private custodial setting from which this person is not permitted to leave at will by the order of any judicial, administration or other public authority. Therefore, child detainees refers to children accused of committing offences and sentenced to serve a period of prison time or any other detention (Nielsen, 2008:117).

1.6.5 Child Justice

Child justice refers to a set of laws, policies, procedures and institutions put in place to deal with children alleged or accused of committing crimes (Odiambo, 2005:14).

1.6.6 Rehabilitation

According to Cullen & Gendreau (2000:112) rehabilitation is an intervention that:

- is planned or specifically undertaken and is not a per chance event or unplanned ;
- targets to change some aspects of the offender that is (are) regarded as the cause of the offenders criminal behaviour, such as attitudes, cognitive processes, personality, mental, health, social relationships, education, vocational skills or employment;
- is aimed at reducing the offender's likelihood of breaking the law in future that is it reduces recidivism.

Therefore, rehabilitation intentionally targets some specific aspect(s) of the offender with the purpose of reducing the likelihood of his/her re-offending (Cullen & Gendreau (2000:112).

1.7 Theoretical Framework

In order to grasp the basis of this study, the theoretical framework were examined in order to help elaborate delinquency in children, methods used in rehabilitation as well as challenges

that may be encountered by welfare service providers in executing the service. To explain the subject of the matter the researcher relied on a Perspective (Strength Perspective), two Theories (The Systems and Restorative Justice Theories) and a Model (Risk, Need and Responsivity Model of Offender Rehabilitation) in explaining the delinquency in children.

The underpinning principle of the strength perspective was vital to the study because it is regarded as one of the new paradigms that have emerged in the social work field as it focuses on strengths rather than deficits, (Rapp & Goscha, 2006:67). Besides employing a perspective that focuses on strengths, it was important that a theory that centres on restoring the harmful effects of wrongful actions providing a deliberate opportunity for offender and victim to restore relationships, (Mirsky, 2005:2) be reviewed as well. Thus the study discussed how the restorative justice theory could be applied in designing child justice programs.

It was important to review the Systems Theory as it ties in well with the above mentioned concepts because it advocates for the inclusion of other systems involved in the client rather than focusing on the individual client and it sees human behaviour as the outcome of reciprocal interactions of persons operating within linked social systems (Hutchinson & Charlesworth, 2011:38). The study employed the Risk, Need and 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 (Bradshaw & Roseborough, 2005:27). The model links well with the Restorative Justice Theory in that they both seek to restore relationships and character rather than to mete punishment. In a nutshell, the study reviewed the above theoretical frameworks were described in the study because of they were considered to be significant in designing child justice programs.

1.8 TIMELINE

The study was conducted from February 2014 to November 2015. The first draft of the proposal was concluded by December 2014. The literature study chapters were completed thereafter and finalised by the end of April 2015. The data for the research was then gathered by means of

semi-structured interviews. This was completed during July and August of 2015. The data gathered was then presented by means of an empirical study, which was completed by October 2015, after which the conclusions and recommendations were submitted. The final, edited version of the research report was submitted in November 2015.

1.9 STUDY AREA

Information for the empirical study was gathered during personal interviews with social welfare officers, working at the Ministry of Community and Social Development in Lusaka, Mazabuka and Ndola districts.

1.10 ETHICAL CONSIDERATIONS

The fact that human beings are the objects of the study in the social sciences brings unique ethical problems to the fore. For the researchers in human sciences, the ethical issues are pervasive and complex, since data should never be obtained at the expense of human beings (De Vos et al., 2013:113) Moreover, ethics according to De Vos et al., (2013:114) is defined as “...a set of moral principles which is suggested by an individual or group, is subsequently widely accepted and which offers rules and behavioural expectations about the most correct conduct towards experimental subjects and respondents, employers, sponsors, other researchers, assistants and students. It is against this background that the researcher ensured that the proposal for the study was ethically cleared. The proposal was submitted to the Departmental Ethics Screening Committee (DESC) of the Department of Social work at Stellenbosch University as well as to the Permanent Secretary of Ministry of Community Development and Social Services for approval as a low risk research. In order to conform to the above, the following ethical issues were considered;

- **Informed Consent**

Royse 2004:52-54; Williams, Tutty & Grinnell (1995:30) (Williams et al, 1995: 30) as cited in De Vos et al., 2013:117, states that obtaining informed consent implies that all possible or adequate information on the goal of the investigation; the expected duration of the participant's

involvement; the procedures which will be followed during the investigation; the possible advantages, disadvantages and dangers to which respondents may be exposed; as well as the credibility of the researcher, be rendered to potential subjects or their legal representatives.

Based on this premise, the researcher ensured that all participants signed the informed consent forms (Appendix A) to ensure that no one is coerced into participating in the research project. The participants were informed that they were at liberty to withdraw from participating in the study should it be convenient for any of them. More so, De Vos et al., (2013:117) states that the researcher will ensure that the signed consent forms are treated with utmost discretion and stored away in the correct manner. In compliance with the latter, the data collected was locked in a cabinet accessible only to the researcher.

- Confidentiality

According to De Vos et al., (2013:116) confidentiality refers to the handling of information in a confidential manner. It can be viewed as a continuation of privacy (to keep to oneself that which is intended for others to observe or analyse) which refers to agreements between persons that limit others' access to private information. The researcher maintained confidentiality by keeping all information about each participant confidential; no other person had access to the data collected and no names were mentioned in the report.

- Voluntary Participation

Rubin & Babbie 2005:71 in De Vos et al., (2013:116) state that participation should be voluntary and no one should be forced to participate in a project. For the sake of this study, participants were requested to take part in the project in writing through the respective head of departments. The respondents were informed about the nature of the study as well as the topic under investigation. This meant that participants were free to decide whether they wanted to take part in the study or not.

1.12 LIMITATIONS TO THE STUDY

The following are some of the limitations that were within the context of the research study;

The study was only conducted at two of the three Juvenile Approved Schools and can therefore pose to be a limited view of the research problem, since all involved participants render services in the same field and similar contexts.

1.13 PRESENTATION OF THE RESEARCH STUDY

Chapter one mainly acted as the introduction to the study. Under this chapter the following were provided, motivation of the study, the statement of the problem, the aim and objectives of the study, the research approach that was employed, definition of key terminologies, significance of the study literature review as well as the synopsis.

Chapter two was mainly focussed on the international and national child justice legislation that are used as guiding tools in child justice at international level. The legislation and policy that the Zambian government has adopted and implemented with regard to child justice system in conformity with international statutes were examined and analysed. More so, the roles of social welfare officers and the challenges they experience in rehabilitating incarcerated child offenders were analysed and discussed.

Chapter three comprised of the foundational theories that facilitated the explanation of the criminal behaviour in children. The Strength Perspective was discussed to provide an insight on the psychodynamics of incarcerating child offenders. Moreover, the Systems Theory and the Restorative Justice Theory and their significance to child justice were discussed. The Risk Need and Responsivity model for Offender Rehabilitation was discussed at length in order to understand the concept of rehabilitation and its effect on child offenders.

Chapter four comprised of the empirical study which identified the role of social workers in child justice programs as well as the challenges that social workers experience in the implementation of child justice programs were identified.

Chapter five provided guidelines, conclusions and recommendations for social work intervention on child justice programmes.

CHAPTER TWO

LEGAL INSTRUMENTS AND POLICY PERTAINING TO CHILD JUSTICE IN ZAMBIA

2.1 INTRODUCTION

It is a known fact that children across the globe are involved in criminal activities that range from simple, serious and some even shocking than others. Some of the cases prompt widespread debate on how to deal with children in conflict with the law within the justice system. As discussed in the previous chapter, all cases involving child offenders are dealt within the child justice system which involves laws, policies, procedures and institutions put in place to deal with children alleged or accused of committing crimes. This chapter will address the first objective of the research study which is to describe the legislation and policy applied in child justice in Zambia as well as the roles and challenges of social welfare officers in rehabilitating incarcerated child offenders.

In this chapter the researcher will identify and discuss the international instruments that have provisions on how child justice must be executed. Provisions of various international instruments such as the United Nations Convention on the Rights of a Child (UNCRC), the African Charter on the Rights and Welfare of a Child, the International Covenant on Civil and Political Right of a Child and the Universal Declaration of Human Rights will be discussed all of which touch on the issue of child justice. Reference will be made to the Beijing Rules and the Riyadh Guidelines which are non-binding international instruments.

More so, the legal instruments that are used in Zambia in the administration of child justice will be discussed. It is vital to note that Zambia does not have one comprehensive piece of legislation that deals with children. It has pieces of legislation like the Juveniles Act, the Constitution, the Penal Code, the Probation of Offenders Act and the Criminal Procedure Code. It was established that even though the Juveniles Act deals with the issue of child offenders to a certain degree, other pertinent issues relating to the subject matter are scattered in a number of the above different statutes. In addition, the UNODC (2012:04) indicate that the prevention and control of juvenile offending can be understood at different levels of intervention that also

include the rehabilitation of juvenile offenders. It is stated that rehabilitation of juvenile offenders requires utilising programs that address the needs of the latter. In designing the various modes of rehabilitation programs, it is vital that the approaches are based on established statutes that make provisions for the care and treatment of children in conflict with the law. It is in view of the above that the researcher so it befitting that all the statutes are discussed to provide a platform to discuss how the international statutes are incorporated in the local legal instruments considering that Zambia is a State Party.

The National Child Policy of 2006 will be discussed as it provides the general policy framework on child justice in Zambia. The national child policy is presently under review.

In order to establish the challenges that social welfare officers experience, it is vital to examine the roles executed by social welfare officers in delivering the service. Under this chapter the generic roles for social welfare officers shall be identified and discussed.

2.2 THE EVOLUTION OF CHILD JUSTICE

According to Zabel & Nigro (2007:341), child justice is believed to have evolved before the late 1890's. It is believed that children were exposed to the same criminal justice process as adults meaning, that children apprehended for criminal behaviour, were tried and given similar punishment as adults. As stated in UNICEF (1998), presently most societies in actual fact have a judicial process in which children who come into conflict with the law are dealt with separately from adult offenders. The concept of a separate child justice system has its roots in the United States of America with the passage of the Juvenile Court Act (1899) in the state of Illinois, (Illinois Juvenile Court Act of 1899). Jensen (2006:08) states that the idea of a distinct justice system for children then spread to Britain, Australia, and the Scandinavian countries and eventually to Africa through colonialism.

Jensen (2006:08) further affirms that the original separate system of justice for children was based on a social welfare model (also known as a child welfare model). Under this model, courts assumed an important role in protecting, assisting and guiding children, not punishing them, with a view of transforming them into responsible, law-abiding citizens. It is further stated that what influenced this perception is the basic fact that children are undeveloped and lack the mental capacities essential for them to act wilfully and take responsibility for their

actions. The author continues by stating that it was discovered that sending child offenders to prison would have the negative impact of their being contaminated even further by adult offenders which would subsequently result in them being involved in more atrocious offences than they would have engaged in before.

It can thus be stated that the early developments of the child justice system in the USA consequently led to the development of international norms and standards on child justice standards which are enshrined in a number of international instruments both binding and non-binding.

2.3 HISTORICAL BACKGROUND OF CHILD JUSTICE IN ZAMBIA

The historical background of the Zambian criminal justice system with regard to children starts with the consideration of the country in its historical context. Before independence, Zambia was a British protectorate and the laws that were applicable to the country were those of the British government. The country only became independent after a period of 70 years of colonial rule by the British government, (Permanent Human Rights Commission, 2013: 08).

It has been reported that the legislation that the colonial masters enacted was mainly suppressive to the indigenous people. Moreover, the infrastructure that was left for the general administration of criminal justice left much to be desired. Nevertheless, with regard to child criminal justice, the law that was legislated contained provisions that were ostensibly appropriate for the special treatment of children in conflict with the law. However, what was deficient were the satisfactory infrastructure and mechanisms for the execution of the law. For example, little attention was paid to the construction of infrastructure that would be used specifically for the administration of justice to children in conflict with the law. This led to children ending up to be mixed with adults at almost all stages of the criminal proceedings, (Mumba, 2011:12).

The deficiency in satisfactory infrastructure over the years has had a correlation with the population growth of the country. By 1964, the population of Zambia was at 3,500,000 people and by 1969 the population had increased to 4,056, 995 people. The increase was by an annual average growth rate of 3.1%, (Central Statistical Office, 1990:10). Consequently, the infrastructure and other facilities that were in existence before or immediately after

independence were mainly intended to accommodate for 3,500,000 people. Today however, the population of Zambia is at about 13,092,666 people which is more than three times what it was in 1969, (Central Statistical Office, 2012:02). Like many other countries with increasing crime, the criminal activities in Zambia are mainly committed by young persons who comprise the larger proportion of the population, (Kabwe, 2013:13). The 2010 census of population and housing estimated that of the 10 million people in Zambia, 4.6 million were persons aged below eighteen, (Mumba, 2011:14).

Similarly, the Zambia Demographic and Health Survey (2001 – 2002) indicated that persons below 19 years constituted 57 per cent of the total Zambian population. A study conducted by Mumba (2011:20) on “The criminal juvenile justice system in Zambia” indicates that despite this phenomenal rapid increase in population, there has been no corresponding infrastructural development and improvement of existing facilities intended for the protection of children’s rights especially in the criminal justice system in the country. The infrastructure and ‘detention’ facilities that existed in the pre-independence era are still there with very little or no improvement at all.

Mutingh (2008:42) further report that The Juveniles Act (Cap. 53) currently been used in Zambia was enacted in 1956. It has then undergone insignificant amendments. It has therefore been submitted that the child justice system in Zambia is regulated by an out-dated piece of legislation which is a replica of the British legislation of 1933. It should nevertheless be appreciated that in the last two decades the world has witnessed substantial changes in dealing with young persons who come into conflict with the law as a result of the adoption of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice commonly referred to as the ‘Beijing Rules’ and the UNCRC, (UNICEF, 2007). At regional level, the Organization of African Union (AU) adopted the African Charter on the Rights and Welfare of the Child which will be discussed in the next chapter (Zambia Law Development Commission, 2008:20).

The above stated legal instruments have set standards to which States Parties such as Zambia should adhere to. It has been widely contended that in spite of these positive developments, the implementation of the law as well as procedural practices mainly remain unchanged resulting in failure to provide the desired protection to children in conflict with the law in the context of the internationally accepted norms, standards and the best practices, (Mumba, 2011:13).

2.4 THE INTERNATIONAL HUMAN RIGHTS INSTRUMENTS APPLICABLE TO CHILDREN'S CRIMINAL PROCEEDINGS

Some of the most significant international human rights instruments that are pertinent to the criminal proceedings affecting children worldwide and Zambia in particular will be discussed in this section.

2.4.1 The Universal Declaration of Human Rights (UDHR)

The Universal Declaration of Human Rights (UDHR) was the first comprehensive human rights instrument to be proclaimed by the United Nations General Assembly. This provided remarkable evidence of the consensus and commitment to human rights on the part of the nations in the world, (Human Rights Commission, 2009:3).

The ultimate principle of the UDHR is that all human beings are born free and equal in dignity and rights. They are endowed with reason and integrity and should act towards one another in a spirit of brotherhood, (UDHR, Article 1). In Article 2 of the UDHR it is stated that the rights and freedoms contained in the document are to be enjoyed by everyone without distinction of any kind on grounds such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Additionally, Article 57 of the UDHR states that everyone has the right to life, liberty and security of a person. No one shall be subjected to torture or to cruel, inhumane or degrading treatment or punishment. More so, all people are equal before the law and are entitled without discrimination to equal protection of the law. Therefore, no one shall be subjected to arbitrary arrest, detention or exile. Above all, everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial which he/she has had all guarantees necessary for his/her defense.

Having laid down some of the rights and freedoms in the UDHR, it can be stated that the above are of vital importance in the dispensation of child justice. Even though the UDHR does not specifically attribute to children the fact that it has provision's that protect the rights of all children that may come into conflict with the law makes it an important piece of legislature

with regards to child justice. At all times the rights and freedoms may not be exercised contrary to the purposes and principles of the UN.

2.4.2 The International Covenant on Civil and Political Rights (ICCPR)

The ICCPR was the first treaty to include basic standards on child justice, (General Assembly Resolution, 1966). According to Van Bueren (1995:170) the treaty mostly concerns itself with basic civil and political rights; its provisions in terms of the management of child justice are contracted and precise. Article 10(2) (b) of the ICCPR puts emphasis on the separation of accused child offenders from adults as well as the speedy adjudication of their cases. It further stresses that States should institute trial procedures for child offenders that would take account of the offender's ages and the desirability of upholding their rehabilitation. What is more, the ICCPR prohibits the death penalty as a sentence on offenders below the age of 18 years. However, despite the ICCPR covering some aspects of child justice, there was a need to have an all-encompassing framework on child justice at international level which States could utilize for guidance in establishing and operating their own national child justice systems, (van Bueren 1995:169). It can be noted that the need for such a legal instrument manifested itself in the UNCRC and ACRWC at regional level.

2.4.3 The Beijing Rules

These rules were adopted by the UN in Beijing in China in 1985. They are actually the first set of International standard minimum rules for the administration of child justice. Mumba (2011:05) states that the important point about the Beijing Rules is that they provide for separate and specialized systems of child justice. Moreover, they set out the minimum standard rules for handling children in conflict with the law under any legal system of the UN member States. Certain principles of the Rules have been incorporated in the UNCRC and are therefore, legally binding on States.

According to the Beijing Rules (1985:09), the following are the fundamental guiding principles;

Children in conflict with the law should be treated humanely and fairly as this promotes the wellbeing of the child. The juvenile justice systems must react proportionately to the

circumstances of both the child who comes into conflict with the law and the offence. The principle of proportionate enhances the wellbeing of children and curbs positive sanctions against them.

There should be use of diversion programs so that children are dealt with without resorting to formal trials by courts of law. The diversion programs allows the police, the prosecution and the courts of law to remove the child in conflict with the law from the criminal justice process at any stage of the proceedings before the final order is made. This practice serves to hinder the negative effects if subsequent proceedings in juvenile justice administration for example, the stigma of 'conviction' and 'sentencing'. Diversion need not be limited to petty or minor offences only thus rendering it as an important instrument.

Moreover, detention should only be used as a measure of the last resort and for the shortest possible period of time. At all times children should be detained separately from adults. This is the only sure way of avoiding "criminal contamination" of children. This principle stresses the fact that no child should be held in a detention facility where they are vulnerable to the negative influences of adult detainees.

All court proceedings should always be conducted in the best interests of the child. It is further stated that the proceedings must be conducted in a manner which allows the child to participate fully. In the event that the child's liberty should be deprived, this should be carefully considered and only for serious offences. No child should be subjected to any capital or corporal punishment regardless of their crime.

Whenever a child has to be institutionalized it has to be a last measure and after consideration of alternatives and for the minimum necessary period. There should be continuous and specialized training for police officers who deal with children. This is to ensure that they are equipped with knowledge on how to effectively administer child justice programs. Release of a child should be considered as soon as possible after arrest. A judge or other competent official/body (e.g. a magistrate or police officer) shall without delay consider release of a juvenile who is arrested. Where children do undergo institutional treatment, educational services should be provided to enable the children to return to society.

More so, the Beijing Rules make provision for the due process rights that are essential for a fair and just trial of juveniles. These practical safeguards include the presumption of innocence; the right to be notified of the charges; the right to remain silent; the right to legal representation; the right to the presence of parents or guardians; the right to call and cross-examine witnesses; and the right of appeal. These procedural safeguards are supposed to be guaranteed at all stages of proceedings.

Furthermore, the Beijing Rules allows a juvenile to the right to privacy which right shall be respected at all stages of proceedings in order to avoid harm being caused to her/him by undue publicity or by the process of labeling. In principle, no information that may lead to the identification of a child offender shall be circulated.

It can thus be noted that the Beijing Rules provide comprehensive measures on how to respond to children in conflict with the law at all stages of child justice. The rules cater for all types of crimes that children may commit hence provides a holistic approach to deal with cases of child justice.

2.4.4 The United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines)

The United Guidelines for the Prevention of Juvenile Delinquency addresses the prevention of juvenile delinquency. The Riyadh Guidelines were first elaborated at a meeting held by the Arab Security Studies and Training Center (ASSTC) in Riyadh and thus designated as the Riyadh Guidelines, (UNICEF, 2007). It is further indicated in the UNICEF (2007) that the Riyadh Guidelines were adopted by the UN General Assembly in 1990 as a response to the question of what to do about children committing criminal offences within the context of development. The guidelines are aimed at, inter alia, emphasizing the need for and importance of progressive delinquency prevention policies as well as the systematic study and elaboration of measures towards such prevention policies. In short, the Riyadh Guidelines give guidance to State Parties' strategies to prevent children from becoming involved in the commission of crimes and also for the social reintegration of children at risk of being abandoned, neglected and abused.

It can thus be stated that the guidelines cover the pre-conflict stage; that is before children come into conflict with the law and have a “child-centred” approach. They are based on the premise that it is necessary to offset those conditions that adversely had contributed to influence and impinge on the healthy development of the child. It is therefore apparent that the guidelines are premised on the principle of the child’s right to life and maximum survival and development; one of the principles that will be under discussion in the following section.

2.4.5 The United Nation Convention of the Rights of the Child (UNCRC)

The UNCRC is the key international legal instrument for the protection of children’s rights. Most of the extensive enunciation of the international standards relating to the protection of children’s rights has been made possible by the UNCRC. To crown it all, the UNCRC is founded on the principle ‘best interests of the child’ as a primary consideration in all matters concerning children meaning that all decisions made on behalf of children, only their best interest should be upheld. According to Nielsen and Gallinetti (2007:23), the decisions that are made by the courts of law are limited to the application of the principle. The principle has to be broadly applied to administrative decisions, policies formulation and diversion measures.

The UNCRC entreats States Parties to respect and to accord each child within their perquisite to the enjoyment and protection of the rights enshrined in the convention without discrimination of any kind, (UNCRC, Article 2). The provisions in the UNCRC are of vital importance because it includes the whole spectrum of rights such as civil and political will as economic, social and cultural rights adapted to the specific needs of children, (UNICEF, 2012:35). This implies that it is important for the States Parties to honour the provision of the penal law and the UNCRC that each State Party shall ensure that no child is subjected to torture or other cruel, inhumane or degrading treatment or punishment. Neither capital punishment nor life imprisonment without the possibility of release shall be imposed for offences committed by persons below 18 years of age, (UNCRC, Article 37).

Article 37 (b) of the UNCRC further state that at no time should a child be deprived of his/her liberty unlawfully or arbitrarily. Should a child be arrested, detained or imprisoned it shall be

in conformity with the law and shall be used as the only as a measure of last resort and for the shortest appropriate period of time.

However, should a child be deprived of his/her liberty, he/she shall be treated with humanity and respect for inherent dignity of the human person, and in a manner which takes into cognizant the needs of persons of his/her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his/her family through correspondence and visits, save in exceptional circumstances, (UNCRC, Article 37 (c)). More so, Article 40 of the UNCRC stipulates that such a child shall have the right to prompt access to legal and other appropriate assistance as well as the right to challenge the legality of the deprivation of his/her liberty before a court of law and to a prompt decision on any action.

Basing on what is illustrated above, it is imperative to note that the UNCRC is the cornerstone of child justice. This is because it is premised on the principle of "best interest of the child" which encompasses all the needs of the child as it only demands for a service that puts the needs of the child first. This means that, countries that are Parties are obliged to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children who are in conflict with the law.

2.4.6 The African Charter on the Rights and Welfare of the Child (ACRWC)

The African Charter on the Rights and Welfare of the Child (ACRWC) was adopted by the Organisation for African Union (OAU) now referred to as Africa Union (AU) assembly of heads of state and government in July, 1990. It came into force on 27th November, 1999 after it was ratified by 14 member states. Currently, only 26 countries including Zambia have ratified it while 34 countries have signed it. This means that in adopting the ACRWC, the African heads of States and government committed themselves individually and collectively to take all necessary steps and measures, legislature and otherwise to ensure the protection, survival and development of the child in conformity with the provision of the ACRWC, (Mumba 2011:8).

The ACRWC notes with concern that the situation of most African children remains critical due to the unique factors of their socio-economic, cultural, traditional and developmental

circumstances, natural disasters, armed conflicts, exploitation and hunger; and on account of the child's physical and mental immaturity he/she needs special safeguards and care. Furthermore, the child requires legal protection in conditions of freedom, dignity and security, (ACRWC Preamble, 1999:01). The charter recognizes the distinctive and privileged position of a child in an African Society. In a far-reaching sense, the ACRWC supplements the UNCRC as it spells out some clauses that have not been covered in the UNCRC. It further covers some specific aspects which are peculiar to Africa as it makes provision for the elimination of customs, social and cultural practices that endanger the health or life of a child, (OAU, 2002:45).

2.5 THE ZAMBIAN LEGAL INSTRUMENTS APPLICABLE TO CHILD JUSTICE

The Zambian legal instruments that are applicable to child justice in Zambia will be discussed in this section. Zambia is a member State of the United Nations as well as the African Union; it has thereof appended its signature in ratifying the provisions of the international and regional instruments. However, it has been observed that although Zambia has ratified a number of both international and regional human rights instruments, there has been very little domestication of these instruments because of the dualist system of law Zambia inherited from Britain. This means that treaties ratified by the country do not automatically become part of Zambian laws unless they are specifically incorporated through an Act of parliament, (Human Rights Commission, 2011:05).

However, despite Zambian law requiring that international human rights laws be incorporated into domestic legislation in order to be directly enforceable in national courts, these laws nonetheless impose binding obligations on Zambia. As indicated by the African Commission on Human and Peoples' Rights noted in 'Legal Resources Foundation versus Zambia' (2013:08), "international treaties which are not part of domestic law and which may not be directly enforceable in the national courts nonetheless impose obligations on State Parties". According to the ACRWC Preamble (1999:01), Zambian courts must therefore recognize international treaties, which impose obligations on the State to protect the rights of juveniles, and should look to them for guidance when interpreting Zambian laws. Remarkably, as a Party to the ACRWC, Zambia has reaffirmed its "adherence to the principles of the rights and welfare

of the child contained in the declaration, conventions and other instruments of the AU and the UNCRC.

Zambia has enacted a number of domestic laws which provide for the overall legal framework and procedure for the administration of child justice in Zambia. As noted earlier in the study, Zambia does not have one comprehensive statute that addresses issues of the care and protection of children but rather has it strewn in other statutes. Among the principal pieces of legislation that apply to children in conflict with the law are the Constitution of Zambia (Cap. 1), the Penal Code (Cap. 87), and the Criminal Procedure Code (Cap. 88), the Probation of Offenders Act (Cap. 93) and the Juveniles Act (Cap. 53). Below is the brief summary of the prominent features of the principal Acts aforesaid:

2.5.1 The Constitution of Zambia, Cap. 1 of the Laws of Zambia

The Constitution of Zambia is the supreme law of the land and if any other law is inconsistent with it, that other law shall to the degree of the contradiction, be negated. The Bill of Rights contained in part III of the constitution makes provision for the protection of the fundamental rights and freedoms of every individual in the country, (Constitution of Zambia, Cap. 1 Art. 1 (3)). Article II of the constitution states that every person in Zambia has been and shall continue to be entitled to the fundamental rights and freedoms of the individual, that is to say, the right, whatever his/her race, place of origin, political opinions, colour, creed, sex or marital status, but subject to the limitations contained in this part.

Although part II of the constitution does not specifically mention children, the provisions contained therein nonetheless articulate children's rights as part of their human rights. The Bill of Rights guarantees to every person, including children, the right to life, the right to personal liberty, protection from torture or inhuman treatment or degrading punishment, and protection from discriminatory laws, to mention but a few. With regard to criminal proceedings, the Constitution of Zambia (Cap. 1) has provided adequate safeguards to secure the protection of every individual who is charged with a criminal offence. Article 18(1) of the constitution states that if any person is charged with a criminal offence, then, unless the charge is withdrawn, the case shall be afforded a fair hearing within a reasonable time by an independent and impartial court established by law.

Further, Article 18(2) of the Constitution of Zambia (Cap. 1) provides that: Every person who is charged with a criminal offence:-, shall be presumed to be innocent until he/she is proved or has pleaded guilty. The contents of Article 18 make provisions for ‘every person’. This is a clear indication that children should be equally treated humanely when in conflict with the law.

More so, the person should be informed as soon as reasonably practicable, in a language that he/she understands and in detail, of the nature of the offence and should be given adequate time and facilities for the preparation of his/her defense. Unless legal aid is granted to him/her in accordance with the law enacted by parliament for such purpose the person should be permitted to defend him/herself before the court in person or at his/her own expense, by a legal representative of his/her own choice. It is further stated that the person should be afforded facilities to examine in person or by his/her legal representative the witnesses called by the prosecution before the court. And also to obtain the attendance and carry out the examination of witnesses to testify on their behalf before the court on the same conditions as those applying to the witnesses called by the prosecution. He/she shall be permitted to have without payment the assistance of an interpreter if one cannot understand the language used at the trial of the charge. And except with his/her own consent the trial shall not take place in ones’ absence unless the person conducts him/herself as to render the continuance of the proceedings in their presence impracticable and the court has ordered them to be removed and the trial to proceed in his/her absence.

With the above content in mind, it can be clearly stated that the provisions in The Constitution of Zambia (Cap. 1) protects the rights of any child that may come in conflict with the law. The constitution clearly provides a roadmap on how criminal proceedings involving children should be dealt with from the preliminary stage to the final stage of child justice.

2.5.2 The Penal Code (Cap. 87) and the Criminal Procedure Code (Cap. 88) of the Laws of Zambia

The law enshrined in the Penal Code and the Criminal Procedure Code provides for the overall legal framework for law and order in Zambia. The Penal Code prescribes the acts or omissions which constitute offences and the penalty for the persons convicted of such offences. On the other hand, The Criminal Procedure Code outlines the procedure that should be followed in handling cases by criminal justice agencies such as the police, the magistrates (judges) and to

some extent the prisons authorities, (Mumba, 2011:41). The author further states that the non-observance of some of the provisions of the Penal Code or the Criminal Procedure Code may render the criminal proceedings including trial and judgment a nullity.

With regard to children, the Penal Code (Cap. 87) states that a child who is under the age of eight is not criminally responsible for any act or omission. However, a child above eight years but below 12 years is only criminally responsible for his acts or omissions if it can be proved that at the time of doing the act or making the omission he/she had the capacity to know that he/she ought not to do the act or to make the omission. Therefore, it can be concluded that in Zambia, criminal liability for children arises after a child has attained the age of eight. More so, a male child who is under the age of twelve is presumed to be incapable of having carnal knowledge. It is also indicated that a sentence of death shall not be pronounced on or recorded against a person convicted of an offence, if it appears to the court that, at the time when the offence was committed, he/she was under the age of 18 years, (Penal Code, Cap. 87). It can be noted that Children in Zambia enjoy the revered right to life to the fullest.

The Criminal Procedure Code (Cap. 88) makes provisions for the institution of criminal proceedings against a person, either being an adult or a child. It is stated that the proceedings may be instituted either by the making of a complaint or by the bringing before a magistrate of a person who has been arrested without a warrant. This is the same way in which children are brought before magistrates (subordinate courts which assume the jurisdiction of juvenile courts).

2.5.3 The Probation of Offenders Act (Cap. 93) of the Laws of Zambia

The Probation of Offender's Act (Cap. 93) makes provision for the probation of offenders and for matters related thereto. It is an important piece of legislation with regard to child justice because it is of the principle that children should not be incarcerated for the offences of which they have been found guilty. It is stated in the Act (Cap. 93) that where a court by which a person is convicted of an offence, not being an offence that has a fixed sentence by law. It is of the opinion that, having regard to the youth and his/her social circumstance, the nature of the offence, or any mitigating circumstances in which the offence was committed, the court may instead of sentencing the youth make an order, referred to as a 'probation order'. This means that the person will be under the supervision of a probation officer for a period to be

specified in the order of not less than one year no more than three years. The above statement entails that the Probation of Offenders Act (Cap. 93) advocates for a competent court to make a 'probation order' instead of passing a sentence on any juvenile that may have been found to be in conflict with the law.

The provisions of the Act (Cap. 93) apply to both adults and children. It has been established that in Zambia probation orders have mostly been used for child offenders. In actuality, a 'probation order' is specifically provided for under sentence 73(1) (b) of the Juveniles Act as one of the methods of dealing with juveniles against whom a charge has been found proved. A probation order entails that a juvenile offender shall be under the supervision of a probation officer (social welfare officer) who will ensure that such a juvenile exhibits good behaviour, undertakes to reform and does not commit any more crimes during the probation period. The probation officer's main duty is to provide counseling and education services to the juvenile for a minimum period of one year and not exceeding three years. Mumba (2011:44) states that when a court settles for a probation order it means that the juvenile offender may not also be ordered to be sent to a reformatory or approved school or a prison unless he fails to abide by the terms of the probation order.

2.5.4 The Juveniles Act, Cap. 53 of the Laws of Zambia

The Juveniles Act (Cap. 53) is the primary law that governs children in conflict with the law in Zambia. The Act differentiates between different groups of children. A 'child' is defined as a person who has not attained the age of 16 years while a 'young person' as a person who has attained the age of 16 years, but has not attained the age of 19 years. A 'juvenile' simply means a person who has not attained the age of nineteen years and include both a child and a young person, (Cap. 53). The words 'juvenile' and 'child' in this study will be used interchangeably.

The processes for conducting preliminary proceedings as well as court proceedings are outlined under Part III of the Juveniles Act (Cap. 53). The Act outlines the procedure relating to preliminary proceedings which include: arrest and detention of juvenile offenders, bail for juveniles arrested; custody of juveniles not released on bail after arrest; custody of juveniles in places of safety and remand prisons. For example, a child in conflict with the law may not be

detained in custody unless the charge is one of homicide; or it is in the interest of such person to be removed from association with any alleged criminal or prostitute; or the police officer in charge believes that the release of such juvenile would defeat the ends of justice. Besides the mentioned conditions, the police officer in charge is mandated to release a juvenile on police bond in his own recognizance, with or without collaterals. If the juvenile is not released on police bond, the officer in charge of the police station shall cause such person to be detained in a place of safety, (Juveniles Act, Cap. 53).

The Juveniles Act (Cap. 53) further provides that where it is unfeasible to detain a juvenile in a place of safety or the juvenile is of so boisterous or decadent a character that he/she cannot safely be so detained or that by reason of the state of health or of the mental or bodily condition of the juvenile it is injudicious so to detain the juvenile, a certificate under the hand of the police officer in charge of a station shall be produced to the court before which the juvenile is brought. The purpose of the certificate is to explain reasons why it was not possible to release the juvenile on his own recognizance on police bond. Conversely, Mumba (2011:39) states that, in practice it seems that this provision is not complied with and magistrates do not even ask about the certificate in question. The reasons as to why the magistrates do not make inquiries about the certificate are not established. Hence there are a good number of juveniles in detention in remand prisons pending their trial. The Juveniles Act (Cap. 53) prohibits the mixing of juveniles with adults while in detention in a police station, or while being conveyed to or from any criminal court, or while waiting before or after attendance in any criminal court. Further, the Act (Cap. 53) prohibits the association of juveniles with adult offenders who are not their relatives, other than an offender with whom the juveniles are jointly charged. A girl child (being a juvenile) is provided with a special safeguard while in detention, being conveyed or waiting for a court case in that she always has to be under the care of a woman.

The Juveniles Act (Cap. 53) empowers a police officer in charge of a police station to release on police bond juveniles who have been arrested and detained in police cells prior to their appearing before a Court. This power cannot be exercised for offences such as murder, treason, aggravated robbery, and other serious crimes for the simple reason that bail is not applicable in such serious cases. The Act further makes provisions for the court proceedings. A subordinate court sitting as a juvenile court is empowered to hear and to determine any charge against a juvenile except for offences involving homicide or attempted murder. There are more provisions made in the Act but for the sake of this study focus will be on the aforementioned.

In a nutshell, it can be stated that the Act is fundamental in the proceedings of juvenile criminal offences. This is so because it's the only piece of legislation that clearly exemplifies who a child is and makes explicit provisions of the proceedings from the preliminary stage up to the final stage.

2.6 The National Child Policy of 2006 (NCP)

The National Child Policy (2006) is the only policy pertaining to how criminal proceedings of children in conflict with the law are executed and is currently under review. The NCP was drawn in order to guide and direct appropriate interventions for child survival, development and protection in light of the preceding issues and challenges experienced by the Zambian child. The policy is intended to enact new and strengthen existing policies and regulatory frameworks by providing specific guidelines for a comprehensive and coordinated approach to program planning, implementation, monitoring and evaluation for child protection services.

The vision of the NCP is to provide long-term guidance and a framework for the implementation of child survival, development and protection interventions through a well-coordinated and multi sectoral approach in order to improve the quality of life of every child in Zambia, (National Child Policy, 2006:21). The vision enables the NCP to put the child central to the development of the country by ensuring that the Zambian child lives to the full potential where his/her rights and responsibilities are fulfilled.

2.6.1 Guiding Principles of the National Child Policy

The NCP is an integral part of the overall national development process. It is therefore collaborated with overall national development goals of other sector policies and programs such as the health policy, food and nutrition policy, education policy, early childhood development and child welfare services. The following are the principles upon which the national child policy is founded:

- **The need for rights-based approach to programming**

The policy is premised on the human rights approach that seeks to improve the rights of children and focuses on fundamental issues such as the child's right to life, its survival and development, protection and non-discrimination and best interest of the child.

- **The need for continuity participation and empowerment**

There is need to strengthen the coping capacities of duty bearers and the communities as well as enhancing participation of children in program designing, implementation, monitoring and evaluation. The policy recognizes the participation of children in national development as a fundamental right and therefore imperative.

- **Non-discrimination**

The principle of non-discrimination stipulates the application of all rights to all children equally so as to prevent all forms of stigma and discrimination. All children have to enjoy equal rights regardless of their status, physical or mental state, sex, race creed, etc.

- **Gender equity**

The above principle advocates for the promotion of gender equity and focus as an integral part of child welfare and development interventions.

- **Integrated and holistic service delivery**

Linking child welfare and development interventions in all sectors with special focus on HIV/AIDS prevention, poverty reduction, child abuse prevention, care and support activities, psychosocial support to orphans and vulnerable children and duty bearers.

- **Core cultural values**

Approaches to programming and development of interventions for children will take into account supporting core cultural values of communities and the Zambian society.

Consequently it can be stated that the principles contained in the NCP caters for a broad spectrum of needs of the Zambian child inclusive of child justice.

2.6.2 Specific objectives and measures of the policy on child justice

The specific objectives of the National Child Policy (2006) toward child justice includes placing the best interests of the child at the centre of national development to promote the welfare of the child and also to provide the child with adequate care when parents, or others charged with that responsibility fail to perform their roles. In executing the above objectives the NCP supports legal reforms to ensure maximum protection of children's rights. The measures taken include; ensuring easy access of children and their caregivers to justice and strengthening the administration of child justice by making it child friendly. The policy also focuses on putting in place child legal protection systems, procedures, facilities and representation. More so, appropriate interventions in the rehabilitation of child offenders are also introduced.

The NCP also ensures that various pieces of legislation related to children are coded. This leads to the harmonization of the different pieces of legislation into a comprehensive body of child-related laws that have to be in conformity with the UNCRC and the Zambian Constitution. Lastly, the measures put in place by the NCP are to introduce interventions that prevent children from living on the streets.

It can be noted that the National Child Policy of 2006 provides the blueprint of how child justice should be administered in Zambia. From the above content it can be stated that rehabilitating child offenders requires the use of appropriate interventions as well as application of legislation. It is clear that when applying legislation it is imperative to harmonize various pieces of legislation and regulations to ensure that only the best interest of the child is attained.

2.7 The Roles of Social welfare officers in rehabilitating incarcerated child offenders in Zambia

Since the inception of the profession in 1904, social workers have had a defined role in providing services to incarcerated individuals, (Roberts & Springer, 2007:45). The profession has evolved as an important part of the criminal justice systems of most countries. In the United States, social work practice as performed in the various criminal (and child) justice systems is referred to as criminal justice social work, correctional social work or forensic social work, (Wilson, 2010:04). However, in Zambia it has been noted that it's not everyone that operates

within the jurisdictions of the social work profession is a trained social worker. This has been the main attribute why social worker positions are not referred to as ‘social worker’ but rather social welfare officers. The Zambian government gazettes other professional in other social science fields to operate as social workers, (A. Sibanze, personal communication, September 25, 2015).

Some time back, the Zambian government looked at its criminal justice system and made a strategic decision that criminal justice prevention and psychosocial services offered by social welfare officers were not only necessary components of its criminal justice system, but also central and incorporated components of its general system of psychosocial service delivery. The incorporation of social welfare officers into the criminal justice systems resulted from the need for policies to address the conditions that led to the sequence of arrests, re-arrests, and subsequent recidivism, (Mutingh, 2000:03).

In doing so it meant that social welfare officers had to work in collaboration with other professionals from various agencies in the criminal justice system. It is important for the sake of this study to discuss the roles not only played by social welfare officers. This is so because it provides a better understanding of the service delivered. As mentioned earlier, the social welfare officers are mainly social workers hence the roles to be discussed are centred on the social work practice. A generic view of social work roles in criminal justice will be provided which will then cascade to roles in rehabilitating incarcerated child offenders.

2.7.1 The service providers of child justice in Zambia

The key service providers that make up the criminal justice of Zambia include;

2.7.1.1 The Zambia Police

The Police Service is established in pursuant to Article 103 of the Constitution of Zambia and its operations are regulated by the Zambia Police Act 138, (Cap. 107 of the Laws of Zambia). The police play an important role in the dispensation of child justice especially that they are usually the first stakeholders to come in contact with the alleged child offender. According to Jensen & Fraser (2006:10) the roles of the police range from; arresting of the accused child offender; ascertaining the age; explaining of the rights of the accused; taking of the statement from the accused; granting bail as well as conducting further investigations and compilation of the report.

2.7.1.2 Subordinate Courts

In Zambia subordinate courts are commonly referred to as magistrates' courts. These courts are established in pursuant to the provisions of Section 3 of the Subordinate Courts Act, (Cap. 28 of the Laws of Zambia). All of these courts are courts of record and have a restricted authorisation to hear and determine both civil and criminal cases (Subordinate Courts Act, Cap. 2). All trials in the subordinate courts are held before a magistrate sitting alone, or before such a magistrate with the aid of assessors. In terms of child criminal justice, the Juveniles Act establishes every subordinate court as a juveniles/children's court for the purpose of hearing any charge against a child; or exercising any other authorities conferred on it by or under the Juveniles Act or any other Act. A juvenile court is empowered to hear and dispose of any case against a child offender other than homicide or attempted murder, (Mutingh, 2008:08).

2.7.1.3 The Zambia Prisons Service

The Zambia Prisons Service is established in pursuant to Article 106 of the Constitution of Zambia. It is entrusted with the management and control of prisons and prisoners lodged therein in conformity with the provisions of section eight of the Prisons Act. The Act provides, inter alia, for the establishment of prisons and for the discipline of prison officers. Each prison has an officer who is in charge appointed by the Commissioner of Prisons. Since the power and authority for the administration of the Zambia Prisons Service, and the control and supervision of all prisoners is vested in the Commissioner of Prisons, the officer- in- charge of a Prison also exercises such powers for and on behalf of the Zambia Prisons Service. Prison officers are expected to act in a professional, proficient and humane manner, (Zambia Prisons Service, 2009:34).

2.7.1.4 The Department of Social Welfare

Chitembwe (2006:45) states that the department of social welfare is the principal agency in the promotion and protection of the rights of children in the criminal justice system. When it comes to dealing with child offenders, social welfare officers are usually brought into the child justice

system as law enforcement agents as they get cases referred to them for the purpose of conducting social investigations and submitting reports and recommendations to the courts. Conversely, the courts are not bound by such recommendations, although they are nevertheless assisted and guided in deciding on the most appropriate dispositions to be handed down. Depending on the order made by the courts, social welfare officers may be called upon to implement such orders e.g. probation orders which give them the power to provide counselling and education services to probationers.

According to Mumba (2011:57), social welfare officers are conversant in child protection systems hence the justice system gets great assistance. These officers are usually trained to handle children in distress situations such as defilement, sodomy, incest, indecent assault, kidnapping, abduction, assault, unlawful wounding, forced marriage, and or incarcerated. The Director of the department of social welfare has been appointed as Commissioner for Juvenile Welfare. The Commissioner for Juvenile Welfare and juvenile inspectors are empowered to perform the duties assigned to them under the Juveniles Act. The Commissioner of Juvenile Welfare and a juvenile inspector may, at any reasonable time and for the proper performance of their duties, enter, among others, any institution or dwelling of any person, society or body in whose custody a juvenile has been placed and may make such examination into the state and management of that institution as he or she thinks fit.

2.7.2 Generic social work roles in child justice system

It is believed that generic social work roles play a pivotal role in the administration of child justice. Below are the main generic roles of social workers in child justice undertaken by the social welfare officers. In Zambia social work roles are mainly conducted by social welfare officers.

2.7.2.1 Assisting the child from the moment of arrest;

The social welfare officers assist children from the moment of arrest during police questioning mostly if the parents/guardians cannot make it but at times even when the latter are there. During this time the social welfare officer provides emotional and possibly paralegal and other support to the child. According to Wilson, (2010:14) in America social workers may at this

stage recommend pre-trial solutions other than committal to custody that will be acceptable to all parties, and can in any case maintain contact with the child throughout the pre-trial period in order to provide assistance and advice as required. The above relates to the Zambian situation as social welfare officers recommend pre-trial solutions at the moment of arrest stage.

2.7.2.2 Preparing of a social inquiry report;

In order for the court to determine the most appropriate course of action regarding the particular child in response to the offence, it is vital that a social worker provides a background report to furnish the court with information on the child. The report covers on all aspects of the family situation, as well as health and education status and highlighting any special problems or strengths, (Cantwell, 2013:07). Mumba (2011:36) states that social welfare officers in Zambia are required to prepare reports of sufficient quality to facilitate a judicious adjudication of the case once it comes to the court. To accentuate this requirement, Rule 16.1 of the United Nations minimum standards on the administration of juvenile justice ‘Beijing Rules’ provides; In all cases except those involving minor offences, before the competent authority renders a final disposition prior to sentencing, the background and circumstances in which the juvenile is living or the conditions under which the offence has been committed shall be properly investigated so as to facilitate judicial adjudication of the case by a competent authority.

2.7.2.3 Organizing diversion;

According to UNICEF (2007:19), the use of diversion seeks to resolve the case of a child in conflict with the law without recourse to a formal hearing before the relevant competent authorities. Diversion may range from an informal police caution to a reconciliation scheme between victim and offender run by social welfare department. Cantwell (2013:08) further state that when pre-trial diversion is ordered, the social worker can take responsibility for selecting the most appropriate programme or setting, and assisting the child to complete the diversionary measure successfully.

2.7.2.4 Supervising child offenders in the community;

Social workers (often specialized, such as probation officers) can clearly be made responsible, by the court, for overseeing supervision orders. This involves not only working with the child concerned but also with his/her family and, where appropriate, with the school and community associations. Similarly, social workers may be tasked with ensuring proper completion of measures such as community service, (Cantwell, 2013:09).

2.7.2.5 Support (Rehabilitation) of incarcerated child offenders;

The availability of social welfare officers for incarcerated child offenders can be a very important factor for their well-being. It is stated that the assertion for opportunities for social work practice in correctional institutions take two general forms. These are the supportive and linkage role. The supportive function practice is provided in the adjunctive fields of mental health and substance abuse, vocational rehabilitation and education, and it is generally limited to the particular function 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, (Robert & Springer 2007:314).

In any case, the general aim of social work is to rehabilitate rather than to punish. Social welfare officers help their clientele to understand themselves, their relationships with others and what is required of them as members of society in which they live in. The main aim is to utilise the skills and knowledge of the profession in a corrective manner, to rehabilitate individuals, to help them become better persons so that they can return to the mainstream and also guide them toward becoming comfortable with themselves and their associates, (Bryns, Jonker & Luyt, 2000:267).

2.7.2.6 Preparation for release;

According to Cantwell (2013:13), the roles of the social workers both directly and indirectly are crucial. This is because it is rare to find any system where this vital function is undertaken by others, save in some cases by non- governmental organisations. This role involves not only working with children and trying to ensure that their prospects on release are as positive as possible (continued education, vocational training or employment) but also and necessarily with the family, so that the home setting to be as propitious as possible for the child's return.

2.7.2.7 Post-release support (aftercare);

Even though there are no prescribed conditions devoted to a child's release from a custodial sentence, which a social worker may be requested or tasked with superintending, the availability of support and advice from a social worker at this juncture can be invaluable in enabling the child to avoid reoffending. In most instances, the child's general environment (family, friendships, community, material conditions, opportunities and so forth) will have changed little during his/her time in custody, and to the extent that these were instrumental factors in the original offending behaviour, the child may well need ad hoc or on-going support to resist recidivism, (Cantwell, 2013:12).

2.8 CHALLENGES OF SOCIAL WELFARE OFFICERS IN REHABILITATING INCARCERATED CHILD OFFENDERS

Social welfare officers involved in the rehabilitation of child offenders are believed to experience challenges in executing their duties. A review of studies conducted with regard to the aforementioned in Zambia gave an indication that not much literature has been written on the phenomena. In the quest to answer the question, 'what challenges do social welfare officers experience in rehabilitating child offenders?' three studies were reviewed; one of the studies was conducted in Zambia by Chitembwe in 2004 under the topic "Juvenile Justice Administration in Zambia: How effective does it reach out to its intended targets"? The other studies were conducted in Uganda and Kenya respectively and were good points of reference to this study. After a review of the above studies, it was established that social welfare officers

experienced a myriad of challenges when rehabilitating incarcerated child offenders which will be subsequently discussed.

2.8.1 The lack of intellectual capacity of correctional officers in rehabilitation of offenders

According to Omboto (2013:39), in Kenya the core function of reforming and rehabilitating inmates requires that the officers providing the service should be well equipped with professional skills on how to execute their duties. The author continues to say that the officers require an in-depth understanding of human behavior, human motivation, human worth and human destiny without which would be catastrophic to deliver the service. In Kenya it was established by the study that the majority of the officers serving in the penitentiary lacked the essential academic qualification hence would not distinguish the fact that the inmates were incarcerated as a punishment and not for punishment, and that their role was to facilitate behavior and attitude change. Omboto (2013:41) recommends in his study that it is imperative that professionals such as psychiatrists, psychologists, pastors, professional counselors, social workers, sociologists, criminologists and other social scientists should serve as uniformed officers who come into contact with the prisoners daily because only such experts have what it takes to make positive changes in the human mind: where criminality is fostered. The assertions made by the author are seen being backed up by Onyango (2013:39) who states that case studies indicated that a good number of prisoners had attained university and college qualifications as compared to the prison officers. As indicated earlier in the chapter, the majority of the roles executed during the administration of child justice require a professional approach thus it is likely that involving technocrats at all stages of child justice would yield positive results.

2.8.2 Overpopulation of inmates

Overpopulation is mentioned to have been a problem even during the colonial rule of most countries, according to Omboto (2013:39). The author mentions that this was so because the colonial governments are believed to have maintained the prisons in a poor state because the prisoners were Africans, particularly the ones that had put resistance to the white rule. However, it is post-colonial rule and the challenge still stands. According to Chitembwe

(2004:56), overpopulation has mushroomed due to growth in population and the corresponding growth in juvenile delinquency which has seen most of the juveniles being committed to the institutions. The author continues to state that the result has been a situation where a room with the capacity of accommodating two persons is occupied by five persons. This in the end has leads not only to population explosion but unsanitary conditions.

Omboto (2013:39) also mentions that because of the rise in crime, the rate of conviction and the length of sentences proportionally rise which in the end pushes up the cost of prisoners maintenance beyond the scope of the economy. The rise of prison population leads to limited resources hence making the provision of basic needs a challenge which in turn subject the inmates to harsh conditions. According to Mugerwa (2006:68), the harsh conditions in correctional institutions not only negate on rehabilitation of child offenders but rather make them bitter and rebellious; therefore, at the end of their prison term they commit crimes of revenge against the society, leading to recidivism. Onyango (2013:03) stipulates that in countries like Kenya the harsh prison conditions range from overcrowding and congestion, poor diet, degrading clothing and beddings, lack of clean water, poor sanitation, infectious diseases, and homosexuality among others can be attributed to several factors.

From the above it can be concluded that the overcrowding of penitentiaries becomes a challenge to the prison and social welfare officers because it would otherwise prove quite difficult to provide proper supervision if the ratio of officer to inmate is outstretched. The mentioned fact entails that the provision of quality service would be compromised.

2.8.3 Poor conditions of service for correctional officers

The other challenge why prison officers cannot not reform inmates established by Omboto (2013:43) is related to the poor working conditions of the prisons staff. It was indicated that morale of the lower cadre officers was at its lowest ebb for the delicate work. Even though the Kenyan government had slightly improved the salaries, housing was still considered to be a severe problem. For security reasons, prison warders could not rent outside the prisons premises; yet what was available for the majority of the staff in town were structures made of iron sheets which are believed not to be comfortable both in winter and summer.

In Kenya, officers working in rural prisons are housed in grass thatched mud houses and these very structures are shared by at least two families. The newly recruited officers leave college only to be accommodated in un-partitioned halls where privacy is unaffordable luxury. It is indicated that even the free provision of electricity is not enjoyed by all the officers even in the prisons situated in the city.

2.8.4 Availability of drugs and alcohol in penitentiaries

According to Chitembwe (2004:59), the availability of drugs and alcohol in penitentiaries is one of the main contributing factors of aberrant behavior among the incarcerated child offenders. The author indicates that the lack of manpower at the institution is what compromises security. Onyango (2013:03) is in agreement with the above assertion and goes on to say that the availability of drugs and substances makes the rehabilitation mandate of most correctional institutions to be impossible to achieve in an environment where inmates abuse drugs and substances leading to cases of inmates' indiscipline and infractions to rise.

Meanwhile, Onyango (2013:06) is of the opinion that not all the drugs and substances are smuggled in by inmates but rather by some prison staff. It is indicated that some of the prisons staff engage in such heinous activities in order to make extra money to compensate the low salaries they are subjected to.

2.8.5 Anti-social and deviant behavior of juveniles

In the study conducted by Mugerwa (2006:56) in Uganda, it was established that the anti-social behavior of child offenders remained a major challenge not only to the social welfare officers as well as to the other children. It was revealed by both the social welfare officers and child offenders that some of the characters of the incarcerated child offenders remained un-tamed. This un-tamed character made it quite impossible to effectively rehabilitate such children. More so, Chitembwe (2004:63) asserted that the aberrant behavior which most of the times was attributed to the abuse of substances and alcohol defeated the purpose of rehabilitation because the child offenders became overly uncontrollable. The above sentiments thus give an indication that the abuse of alcohol and other substances has an influence in the behavior of some child offenders.

2.8.6 Lack of human resources

It was established by Mugerwa (2006:62) that the lack of human resources has been yet another challenge to social welfare officers amidst of increasing number of incarcerated child offenders. There isn't enough manpower to meritoriously execute roles in the rehabilitation process making it quite ambiguous for the social welfare officers to provide quality service delivery. Chitembwe (2004:59) propounds that the above situation leads to compromised security at the institution which in turn breeds other challenges like smuggling of unwarranted substances by child offenders. The author further states that lack of human resources impedes service delivery especially that the increase in population in the correctional institutions requires more staff. It can be stated that just like the other challenges discussed, lack of human resource can also lead to incurring other challenges.

2.8.7 Lack of transport

According to Mugerwa (2006:64) in Uganda, the long period of time that the child offenders take before being taken to the courts of law has been yet another challenge. This leads to an increase in number of child offenders in penitentiaries amidst little facilities provided to child offenders. The consequences have been increased scarcity of facilities in the penitentiary leading to poor feeding and poor clothing. Besides that, it precipitates an influx of diseases due to congestion alongside lack of medical personnel. These diseases are mostly social transmitted diseases which most juvenile delinquents acquire when they are on the streets.

2.8.8 Lack of facilities

According Omboto (2013:44), lack of proper facilities is one of the challenges that officers in the correctional institutions face. It was established in the study that most of the buildings were old and according to the care-takers, the buildings had never been renovated since Kenya got independent. It was observed that rooms which were built for carpentry and tailoring activities had turned into best places of small birds' nests. The above gives an indication that some of the programs like tailoring that could have been part of the rehabilitation programs went into oblivion. In addition, Mugerwa (2006:70) mentions that in Zambia the lack of school facilities remained a challenge. This meant that the child offenders could not be accorded their rightful

need of continuing with education as stipulated by the Beijing Rules. This in itself hampered the process of rehabilitation.

2.8.9 Lack of funding for programs

According to Chitembwe (2004:60), the lack of adequate funding to execute the programs was a challenge in Zambia. The study established that the social welfare officers were running the program on very limited resources. Transport was quite a challenge due to few cars. This hampered their outreach programs in the community mainly when it involved fetching parents and guardians to attend some of the programs as well as taking child offenders to court. More so, Mugerwa (2006:68) adds on to state that social welfare officers in Uganda could not execute some of the rehabilitation programs due to the fact there wasn't any implements. An example was cited where the institution was supposed to offer tailoring lessons to the child offenders and yet there were no tailoring machines available.

2.9 Conclusion

This chapter provided a synopsis of the legal instruments pertaining to child justice. These legal instruments provide the backbone of how children who come in conflict with the law should be treated. The chapter covered legal instruments at international level, regional level as well as country level. More so, the policy relevant to the protection of the welfare of children in Zambia was discussed. As a final point, the roles of social welfare officers in child justice as well as the challenges experienced in Zambia, Uganda and Kenya rehabilitating incarcerated child offenders were discussed as well.

It can thus be deduced that at both international and national levels fundamental legal instruments have been put in place to engineer the protection of children who come in conflict with the law. The instruments clearly give an indication that incarcerated child offenders should be treated with dignity and humanely.

Besides the above mentioned, Zambia as a country has the National Child Policy which ensures that all laws pertaining to child protection are carried out. The NCP clearly stipulates that domestic legislation with regard to child-related laws should be in conformity with the international statutes that the country has endorsed. The roles of all stakeholders of child justice

were discussed at length providing a clear indication of how child justice ought to be administered at each stage, this provided an indication that none of the officers could provide the service in isolation.

Lastly, studies conducted in different countries were reviewed. This was to help understand some of the challenges that welfare officers may encounter when rehabilitating child offenders. The study is used as a platform to investigate further the challenges that social welfare officers in Zambia experience in rehabilitating incarcerated child offenders. Reviewing the challenges experienced by the welfare service providers in the aforementioned studies provided highlights on some of the challenges that welfare officers may encounter. It was noted that some of the challenges are experienced differently among the countries while the other challenges were experienced in almost the same manner. A review of the Zambian literature on challenges experienced in the rehabilitation of child incarcerated offenders pointed out that much research ought to be conducted in the social work field as most of the studies were conducted by scholars in the field of law. It is for this reason that the study will help fill in some of the gaps in the topic of interest.

CHAPTER THREE

REHABILITATION PROGRAMS IN CHILD JUSTICE

3. INTRODUCTION

As indicated in the previous chapter, social welfare officers execute various roles in order to rehabilitate incarcerated child offenders. The execution of the roles requires the implementation of programs that are specifically designed to meet the intended need. It is from this point of view that chapter three's focal point is on the rehabilitation programs that are employed in child justice programs. From a realists' point of view, interventions are always rooted in some kind of theory that describes how the particular implementation of a program will bring about a certain desired outcome, (Pawson, 2006:26). It is further stated that such theories are based on a series of "if...then" premises held by policy architects or academics, practitioners and other relevant stakeholders. Owing to the above mentioned fact, it would be appropriate to review and discuss some of the conceptual frameworks that would otherwise be deemed appropriate to utilise in designing rehabilitation programs. More so, the rehabilitation programs offered to incarcerated child offenders will be described and discussed.

For the purpose of this study the theoretical framework will be: the strength perspective which mainly focuses on the strength of the child offender and how this can help the child to rebuild confidence in oneself; the restorative justice theory which concentrates on ensuring that relationships that may have been impaired during the committing of the crime are repaired. The systems theory which is one of the theories that is commonly employed by social workers will equally be discussed. The discussion will bring about factors that postulate that an individual does not exist as an independent unit of society but rather as a sub-system of other systems. The risk, need and responsivity model for offender rehabilitation which looks at empowering child offenders with cognitive skills during the rehabilitation process will also be discussed. All in all, the concepts will provide ideologies that can be considered when designing programs for effective rehabilitation of child offenders.

The chapter will be concluded by a discussion of the programs utilised by social welfare officers in rehabilitating child offenders in Zambia thus addressing the second objective of the study which is to discuss the programs utilised in rehabilitating child offenders. The programs

ranged from; behavioural modification, human development, inmate care, substance abuse and chaplaincy.

3.1 Correctional Rehabilitation

The term rehabilitation is used in a variety of contexts for example, roads are been rehabilitated or the rehabilitation of a political party. In health care rehabilitation provides interventions that go beyond medical treatment to help those with injuries and illness to re-establish themselves as productive and socially integrated individuals, (Andrews & Bonta, 2008:35). However, for the sake of this study rehabilitation was viewed from the correctional point of view. The focal point was on the rehabilitation of child offenders that are incarcerated.

Cullen and Gendreau (2008:117) mention that in criminology and penology, rehabilitation has been a contentious topic. The term “rehab” it self simply means the process of helping a person to readapt to society or to restore someone to a former position or rank. However, the theory has taken on many diverse meanings over the years and waxed and waned in popularity as a principle of sentencing or justification for punishment. They further define rehabilitation as an intervention that intentionally targets some specific aspect(s) of the offender with the purpose of reducing the likelihood of his/her re-offending. However, rehabilitation can also be defined from the medical model’s perspective. When people are physically ill, the causes of their illness are diagnosed and then “treated”. Each person’s medical problem may be different thus a different treatment plan.

Lin (2008:70) further state that the medical intervention is individualized and that people with the same illness may, depending on their age, or prior health receive different treatment plans and duration of stay in the hospital. Correctional rehabilitation shares the same logic; causes are to be uncovered and treatments are to be individualized. This is why rehabilitation is at times defined as a “treatment”.

According to the definition of a recent white paper of the Norwegian government, “Rehabilitation is a process or a set of processes which is planned and is limited in time, having well defined goals and means; where several professionals or services co-operate in assisting the individual user in his/her efforts to achieve best possible functioning and coping capabilities and promoting independence and participation in society”, (Drum, 2010:4).

It can thus be noted that rehabilitation is essential because its focal point is restoring that which has been impaired. With regard to incarcerated child offenders it is imperative that they undergo rehabilitation to necessitate a smooth transition into society.

3.1.1 Evolution of Rehabilitation

Philosophies of the evolution of rehabilitation by means of punishment were first epitomized in the penitentiaries that were built during the Jacksonian era in the United States of America (period of Andrew Jackson's election as president in 1828 to after 1850 when the slavery issue became dormant) of the late 19th century. The reformers hoped that the lawbreakers would be kept in isolation, reflecting remorsefully on their sins in order that they might cleanse and transform themselves. But initially, under the Pennsylvania system (penal method based on the principle that solitary confinement fosters repentance and encourages reformation), it was believed that solitary confinement complemented by silent meditation and bible study was a means to redemption. It was later in the Auburn system also known as the New York system (penal method of the 19th century in which persons worked during the day in groups and were kept in solitary confinement at night, with enforced silence at all times) in which the approach was later transformed into one of discipline and labour, (Walmsley, 2009:41).

Porgarsky & Piquero (2007:40) states that it is through hard work and a strict disciplinary regime that prisoners were made to meditate over why they chose a criminal path in order to amend their ways. Disciplinary violations were met with corporal punishments. At this time prisoners were responsible for their own rehabilitation since the causes of crime were thought to result from individuals' inability to lead orderly and God fearing lives.

In comparison with the current rehabilitation programs, the study established that during the inception of rehabilitation, lawbreakers were solely responsible for their rehabilitation while currently rehabilitation programs are executed using various interventions mainly based on professional experience and knowledge. This is usually conducted by a multidisciplinary action.

3.2 Strengths Perspective

The strength perspective is regarded as one of the new paradigms that have emerged in the social work field-focusing from deficits to strengths. Rapp & Goscha (2006:67) indicates that traditional approaches have changed as society has also changed. It is believed that novel practitioners have now resorted to challenging the traditional views with the new alternative approaches to human problems like the strength perspective. This has led to having quite a great deal of discussion on a strength-based perspective in social work literature, (Berg & Kelly, 2000; Shlonsky & Wagner, 2005; Corbett, 2006; Probst, 2010; Lietz, 2011.) It has been reported by Cederbaum & Klusaritz (2009:48) that the strength perspective framework emphasizes discovering, affirming and enhancing the capability, interests, knowledge, resources, goals and objectives of individuals.

According to the earlier assertion made by Saleebey (1996:7), the strengths perspective assumes primarily, that all clients and environments possess strengths that can be marshalled to improve the quality of life. It means that motivation should take place with a consistent emphasis on self-defined client strengths. It is further stated that it is only through exploration between family and the helping person that discovery of client strengths can occur, with emphasis on the definition of strengths lying eventually in the clients hands. Moreover, “blaming the victim” is counteracted by the prominence of the client’s strengths even in the most adverse of environments, no matter how unfavourable, contain utilizable resources. Saleebey (2006:10) later asserts that the strengths perspective demands a different way of looking at individuals, families and communities seeking to develop in clients their natural abilities and capabilities. It is upon this assumption that clients seek help already in possession of various competencies and resources, goals and objectives of individuals.

McCaskey (2008:79) goes on to say that the strength perspective as a philosophy of practice draws one away from an emphasis on procedures, techniques and knowledge as the keys to change. The perspective indicates that every person, family, group and community holds the key to their own transformation and meaningful change process. It is stated though that the real challenge is and most likely will always be whether people are willing to fully embrace this way of approaching or working with people. If this is achieved it means that the change needs to start with the helping professionals and not with the clients. Alvord & Grados (2005:165) explains that embracing a strength-based perspective involves a different way of rationalising

people and interpreting their patterns of coping with life challenges. This means that with a strength-based mind-set, one asks different questions and communicates in ways that invites a probing investigation based upon a clear set of values and attitudes.

3.2.1 Principles of the Strength-Based Perspective

The principles of the strength-based perspective were established by researchers and practitioners in the quest to establish the foundation for guiding and implementing the perspective (Rapp & Goscha, 2006:127; Sharry, 2008:254). The following are the principles;

The strength perspective is **based on the belief that every person has potential** and it is their unique strengths and competences that will determine their evolving story as well as define who they are. What a person focuses on becomes one's reality. More so, the perspective encourages people to **focus on strengths and not labels**- it entails that people should consider challenges as capacity fostering which in the end creates hope and optimism. Language is one of the attributes of one of the principles. The principle is based on the premise that **the language that people use actually creates one's reality**. A person's reality is primary thus there is need to value and start the change process with what is imperative to the person and not the expert.

Moreover, it was established that one of the principles is more **concerned with change**. The principle encourages people to have belief that change is inevitable. That is to say that all individuals have the urge to succeed, to explore the world around them and to make them useful to others and their communities. The perspective also establishes the fact that for **positive change to occur there is need for one to have authentic relationships**. People need to be assured that someone cares and will be there unconditionally for them. It is a transactional and facilitating process of supporting change and capacity building and not fixing.

One of the principles asserts that **people have more confidence and comfort to journey to the future when they are invited to start with what they already know**. This helps one to gain confidence and believe in oneself again. The importance of **valuing differences and the essential need to cooperate** is what is also what one of the principles is about. The principle states so because effective change is collaborative, inclusive and it is a participatory process, "it takes a village to raise a child". Lastly one of the principles focuses on **capacity building**.

The principle asserts that capacity building is a process and a goal; it is a life long journey that is dynamic as opposed to static.

Drawing from the above, it can thus be stated that the strength perspective draws the social worker away from an emphasis on procedures, techniques and knowledge as the keys to provide help to the clientele. It however, it is stressed that every person, family, group and community holds the key to their own transformation and meaningful change process.

3.2.2 Application of the Strength-Based Perspective in Child Justice

The strengths-based perspective has seldom been applied in criminal or child justice settings, however it is increasingly being seen as potentially relevant, (Maruna & LeBel, 2006; Van Wormer, 2001). More so, the perspective is an organizing principle for a family of theories and practice strategies that encourage helping professionals to seek out clients' abilities, resources and gifts and apply them to current life challenges. Nevertheless, despite it been implemented successfully in various human service sectors, the perspective has not been embraced in the child justice system where retributive sanctions have spiralled while focus has been lost on the restorative and rescuing vision of the court's strength-based founders (Nissen, 2006:49).

Hoge, (2007:280) further state that the child justice system is challenged by the perception of the community about the phenomenon of child delinquency and child justice science that mainly focuses on the problems, shortcomings, defects and problems of child offenders. The vocabulary of contemporary child justice practice is dominated by a triangle of negative labelling about the children in question rather than focussing on their strengths.

Gitterman, (2008:169), describes the phenomenon of focusing on problems as a challenge of limited lenses which is a reflection of the deep inadequacies in the current service delivery infrastructure in child justice. It includes too much focus on child control and treatment at the expense of competency development and community involvement. The author suggests that a view of children as villains in need of secure placement or as victims in need of protection from themselves and others has inadequate usefulness when it comes to the over-arching principles of child justice. In order for child justice to be operational, it must become a true community partner and strengthen its own ability to view children as resources, as potential leaders in need of guidance and capable contributors. According to Gitterman (2008:170) this third lens of

children being seen as resources is usually under-utilized and that only through systematic and intentional organizational renewal across and beyond the child justice system can the vision be realized.

The above ideologies indicate that in order for child justice to yield positive results there is need for a paradigm shift by the community and the system from focusing on the challenges that the child offenders encounter to that their strengths. Gitterman (2008:171) mentions that children should be viewed as being capable of change, 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 strength perspective in most child justice programs.

Furthermore, William (2006:60) established that the strength-based perspective makes progress in the child justice system when it is used in conjunction with other approaches. The incorporation of the strengths perspective and restorative justice principles has the potential to engage youth in actively adopting pro-social roles in their communities, thus reducing the likelihood of recidivism. More so, Saleeby (2012:48) mentions that a strength-based perspective may offer greater potential to engage child offenders and their families and connect them to national supports in communities thus making sustainable progress in reintegration.

Nissen, (2006:51) go on to say that practitioners of child justice face a complex future but auspiciously the strength-based perspective could serve as a useful road map for setting the course of future reforms. The strength-based perspective offers a family new interventions and opportunities for members of the child justice system but it has only been explored in a preliminary sense to date in justice settings. Indisputably, this has been due to the fact that the strength-based perspective introduces logical challenges to the more predominant institutional range of punishing approaches against which are more developmental and redeeming in nature.

Mackin, Weller & Tarte (2006:76) allude that the strengths, potential and capabilities of child offenders, families and communities served in the child justice system comprise a significant but all too frequently unexploited resource for change in aberrant behaviours. It is further stated that the child offenders represent a marginalised group in society, too frequently viewed through the lenses that are unforgiving and insensitive to the contributing factors of their challenging young lives.

Saleebey, (2012:57) concludes by stating that professionals in the child justice system employing the strength-based perspective represent a source of possibility within systems and communities that are plagued with resentment, frustration, and disillusionment of child offenders in their care. A strength-based perspective, then, stimulates a host of new opportunities to build a more effective 21st century child justice system through identification and activation of the strengths, power, and potential of temporarily child justice-involved children.

It is possible to state that once a child offenders' strength has been rejuvenated, it is likely that their self-worth would be revived. The revival of one's self-worth greatly contributes to the desire to repair impaired relationships that may have been destroyed by crime. It is in this context that the restorative justice theory becomes a fundamental theory in child justice because it ties in with the strength perspective.

3.3 The Restorative Justice theory

In order to fathom what the restorative justice theory involves it is vital that the concept of restorative justice be clearly expounded. The researcher provided the foundation of the theory by defining restorative justice as cited by different authors. According to Zehr (2005:81), in "Changing Lenses", it is stated that the restorative justice paradigm shifts the traditional view of crime from the violated norm to the harm caused to individuals most affected by the crime. The author provides a short but thorough description of what he refers to as "the restorative lens". He describes the restorative lens as the view that "crime is a violation of people and relationships. It creates obligations to make things right. Justice involves the victim, the offender, and the community in search for solutions which promote repair, reconciliation and reassurance.

According to Price, (2009:06) restorative justice is also known as reparative justice. The restorative justice theory is mainly focused on the needs of the victims and the offenders, as well the involved community. The theory does not only focus on satisfying the intangible legal principles or punishing the offender. In this type of justice, victims take a dynamic role in the process, while offenders are encouraged to take responsibility for their actions that is they repair the harm they have done-by apologizing, returning stolen money or community service.

The author continues to state that restorative justice theory involves both the victim and the offender and equally focuses on their personal needs. The theory also makes provision for help for the offender in order to avoid future offences. This is a theory of justice that considers crime and transgression to be an offence against an individual or community, rather than the state. In agreement Sherman & Strang (2007:17) expounds that the restorative justice theory promotes dialogue between victim and offender denoting the highest proportions of victim satisfaction and offender accountability.

In addition, Braithwaite (2004:30) enlightens that the restorative justice theory demands for 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. With crime, restorative justice is concerned with the idea that because crime hurts, justice should heal. It follows that conversations with those who have been hurt and afflicted by the harm should be central to the process.

It can thus be stated that the restorative justice theory stresses a shift in obligation for addressing crime. This means that the citizens who have been affected by a crime must take an active role in addressing that crime. Although law professionals may have secondary roles in facilitating the restorative justice process, it is the citizens who must take up the majority of the accountability in healing the pains caused by crime. Most theories are usually administered by goals or principles in order to provide guidelines on how they can be utilised.

It can be mentioned that programs based on the restorative justice theory focus on bringing together the offender, victim, their respective families, friends and community representatives, and attempt to involve them in a process of reconciliation and reparation. The main objective is to allow the offenders and victim to meet in a face-to-face context (even though indirect contact is often used), to make their experiences and understandings known, and to attain a reciprocally agreeable resolution. Furthermore, there are various different modes of practice that the restorative justice theory stipulates: victim-offender reconciliation; family-group conferencing; and sentencing circles are intervention strategies that are popularly employed and they contrast in terms of the facilitator's role and the number and type of participants included, (Sullivan & Tifft, 2005:78).

3.3.1 Aim of the restorative justice theory

According to Sharpe (1998:27), the main aim of the restorative justice theory is to make justice more healing and ideally, more transformative. The author believes that the theory if applied in programs helps the offender to understand how their actions affected other people and take responsibility for their actions. Lastly, the restorative justice theory reduces the likelihood of recidivism and the victim and offender both gain a sense of “closure,” and both are reintegrated into the community.

3.3.2 Application of Restorative Child Justice Theory in rehabilitation

The restorative justice theory is seen to be applied in some of the programs of child justice. Offender treatment or “rehabilitation” programs provide an interesting case for restorative justice. It can be seen as part of prevention and offender reintegration, thus has some relationship with restorative justice, (Zehr & Gohar, 2003:29). The purpose of applying the restorative justice theory in prisons is to assist with the prisoner's rehabilitation, and eventual reintegration into society. Hayes (2005:76) state that by repairing the harm to the relationships between offenders and victims and the community that resulted from the crime, the restorative justice theory advocates that one should first understand and address the circumstances which contributed to the crime in order to prevent recidivism once the offender is released.

Berit (2011:325) also mentions that the potential for programs utilising the restorative justice theory to reduce recidivism is one of the strongest and most promising arguments for its use in prisons. However, there are both theoretical and practical limitations, which can make the restorative justice theory unfeasible in a prison environment-such as: difficulty engaging offenders and victims to participate in mediation; the controversial influence of family, friends, and the community; and the prevalence of mental illness among prisoners.

Other authors share their sentiments about the restorative justice theory and recidivism. Hayes (2005:77) states that one of the goals of the theory is the reduction of recidivism, secondary to the restoration of offenders. However, other advocates dispute that employing programs utilising the restorative justice theory can prevent reoffending and that it can dissuade other potential criminals. But the proponents assert that restorative justice based programs are more

effective than the traditional methods, not that it leads to a complete decrease in the crime rates. On the other hand, most of the arguments on both sides are theoretical as the use of the restorative justice theory is recent and is not widespread. It can be stated that as of 2007, studies that compared recidivism rates are not conclusive, (Beven, 2005:97; Hayes, 2005:77 & Braithwaite, 2000:14). Despite the fact that some studies claim modest, relative reductions, others find no significant difference, (Hayes, 2005:78).

It can thus be stated that the restorative justice theory is an important tool in designing rehabilitation programs for child offenders. This is so for the reason that it does not only focus on the crime but the circumstances that led to the crime. More so, the theory ensures that the relationships between the offender and the victim including the community at large are repaired. This leads to a smooth reintegration of a child offender back into the community and lessens the tendency of re-offending.

3.4 The Systems Theory

The systems theory is a way of elucidating increasingly intricate systems across a range that embraces the environment in which the person is in, (Anderson, carter, & Lowe 2008:77). During the assessment and development of an appropriate intervention strategy for a client, it is always good to consider the individual in relation to a larger social context. In order to accomplish this, principles and concepts may be derived from the systems theory are used. Brandell (2011:192) mentions that the systems theory enables professionals to comprehend the mechanisms and dynamics of client systems in order to understand challenges and develop balanced intervention strategies with the intention of augmenting the “goodness of fit” between individuals and their environments. However, the theory does not postulate precise theoretical frameworks for understanding challenges, and it does not direct social workers to definite intervention strategies. It rather serves as an organizing conceptual framework or meta-theory for understanding.

Emile Durkheim’s early study of social systems brought about the emergence of the term ‘system’, (Robbins, Chatterjee, & Canda, 2006:189), as well as from the work of Talcott Parsons. Nevertheless, within the social work jurisdiction, systems thinking have been more deeply inclined by the work of the biologist Ludwig von Beterlanffy and later adaptations by

the social psychologist Uri Bronfenbrenner, who examined human biological systems within an ecological environment, (Brandell, 2011:192). A system is a complex whole that consists of component parts that work together in an orderly way, over a stretched period of time, toward the realization of a common goal. General systems theory is a set of rules for examining how systems operate and relate to one another, a concept that can be applied to many fields of study. Norms and customs partially define the boundaries of these social systems. For example, a family is a system that defines its boundaries through sociological and legal definitions; groups are social organizations that define their boundary through group membership; communities are social organizations that define their boundaries through either geographic definitions of community or an ethnic boundary definition, as in ethnic communities. Through this process, it is possible to see that each system has a characteristic boundary and way of defining itself. How individuals enter and exit the system is regulated by invisible boundaries, (Sheafor, & Horejsi, 2008:256).

Having its roots in von Bertalanffy's systems theory and Bronfenbrenner's ecological environment, the ecosystems theory provides a framework that permits users to draw on theories from different disciplines in order to examine the intricate nature of human interactions within a social environment, (Brandell, 2011:194). Therefore, the systems theory can be defined as an interdisciplinary study of systems in general with the goal of elucidating principles that can be applied to all types of systems at all nesting levels in all fields of research, (Blackwell, 2009).

The theory was embraced by the social work community and it was later applied to social systems. By definition, a social system is a person or group of persons who function interdependently to achieve common objectives over an extended period of time. This conceptual framework provided social workers with a way to bridge the profession's historical interest in both the person and the environment. This model seemed to provide the social work practitioner with a means to view human behaviour through a wide lens that allowed for assessment of the client 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, (Shulman, 2009:08).

3.4.1 Principles of the systems theory

For one to fully appreciate the nature of the systems theory, it is important to understand the five fundamental principles that it is based on. Below is a discussion of the principles;

The first principle states that all forms of matter “from sub-atomic particles to the entire universe” can be viewed as systems, and all systems have certain common properties that cause them to behave according to a common set of “rules” (Carter, 2011:348). The generalist practice is made possible by this principle. It means that this principle enables professionals to view a school system as a client as easily as they view an individual person as such. It means that both will function as systems and will share common characteristics and will both behave in certain predictable ways and both will potentially be responsive to social work intervention, (Berger & Federico, 2000:208).

According to Carter, (2011:349) the second principle states **that every system is at the same time a unit by itself, made up of interrelating parts, and a part of a larger whole**. Andrew & Cater, (1999:208) explain the principle by stating that every single unit is concurrently a part and a whole. There are some parts that make up the unit to which it is a whole, referred to as a supra-system. The supra-system is equally part of some larger whole of which it is a component or subsystem.

Looking at an individual human being, it can be stated that on one hand, a human being is a whole system that is comprised of three fundamental subsystems that interact to promote the individual’s development and through life: the biological system which is the physical body, the psychological system made up of the thoughts, emotions and behaviour and lastly the social-cultural environmental system comprised of the social and physical environments. Then again, the individual human being is itself a subsystem that is a component part of a supra system, the family. Then as a member of the family (subsystem of the family), the individual works with other family members (other subsystems) to sustain the functioning of the family. This can be simplified by stating that a family is seen as a subsystem of a community which is a subsystem of a nation or larger culture and the nation as a subsystem of a global community, (Shulman, 2009:10).

The third principle articulates that **the whole system is different from the sum of its parts**: it has definite properties of its own, (Anderson & Cater, 1999:213) this is to say that each social system has an identity of its own that differentiates it from the identities of other members. The social systems gets its unique identity from the way in which the individual members relate to one another and how they organise themselves to work together toward their common purpose in life. For instance, two child justice agencies may serve the same client population, employ the same type and number of staff and probably even share the same mission. Even

though they may be similar in structure, each may possess conspicuously different reputations with regard to quality and professionalism. Several factors such as communication, degree of participation in the community, distribution of power and patterns of organisation may actually in effect form two distinct institutional cultures. This simply implies that when subsystems are combined, they take on characteristics that they did not possess in isolation. Applying this theory in practice requires that social workers must acknowledge and respect this wholeness whether he/she is examining an individual, a family, an organisation or the broader society if social work interventions are to be effective.

The fourth principle states that a change in one part of a system or in the relationship between parts will create change in the whole system, (Anderson & Carter, 1999:215). Shulman, 2009:11 states that it is so because systems are composed of interrelated parts that operate in transaction with one another, “whatever, affects one part of the system affects all parts to a certain degree”.

The last principle indicates that every system must be able to acclimatize to changing internal and external strains and problems while continuing to uphold its identity and its unique sense of unity. This entails that some level of stress and tension is thus a natural and undeniably necessary part of any adaptive systems’ existence as it interacts with its environment and develops overtime, (Shulman, 2009:14).

As was noted above, all the systems are driven by their goals or purposes. This means that the systems components, or subsystems work together to attain collective goals. The system can only be referred to as “functional” or “adaptive” if its components are able to function effectively together. It can be stated that a functional system is the one which: is flexible enough to change as necessary in reaction to continually varying circumstances and demands from within and from the environment; while maintaining its flexibility, it should be unified enough to maintain its sense of “wholeness”; also that the subsystems should be competent enough to fulfil their individual needs and purposes while working together successfully to fulfil the overall system’s goals over time and lastly that the system works to uphold a “good fit” with its environment and as the system progresses, it becomes steadily proficient of reacting to change and refining its system-environment “fit”, (Shulman, 2009:17).

Shulman (2009:19) further states that the reverse of the above would be accurate for dysfunctional systems. It means that the system’s components will be less successful in working together to achieve the systems goals. Such a system may be so internally shambolic

that its components are unable to operate in unison effectively. However, the system may be unyielding and thus less able to adjust to changing circumstances and demands. Of course after a while such a system will be less likely to progress the capabilities essential to react to changing conditions while upholding effective functioning.

3.4.2 Application of the Systems Theory in Child Justice

The systems theory provides a framework that facilitates the understanding of juvenile delinquency. This framework enables professionals in the understanding of delinquency in terms of families, peers, schools, neighbourhoods, communities and cultures, (Bartol & Bartol; 2009:396). Moreover, the systems theory puts emphasis on the role of the professional in understanding the client system within the ecological environment to build client strong points. When dealing with child offenders it's imperative that the professionals involved advance their comprehension of person-in-environment interactions, which the systems theory provide, (Shearfor & Horejsi, 2008:90).

The systems theory is an important tool in designing rehabilitation programs as it does not only focus on the child offender but the other systems in the life of the child. Considering that the child does not exist as an independent unit in society makes it feasible to apply the systems theory in practice. The role of the social welfare officer is to sustain the growth of the child offender as well as that of the immediate and important systems like the family, the victim and the community at large. This approach in rehabilitation provides a point of departure which enables the social welfare officer to work on multiple levels, integrating other theories to address the person-in-environment change process.

Considering that this is not only a theory but a tool for organizing data, the social welfare officer utilizes other substantive theories, such as the restorative justice theory, cognitive and behavioural theories, to help in the analysis of a particular person-in-environment interaction, (Shearfor & Horejis, 2008:94).

The risk-need-responsivity model of offender rehabilitation is one of the conceptual frameworks that can be used for designing intervention programs in child justice. The subsequent section provides the background information about the model and how it can be utilised in child justice.

3.5 The Risk-Need-Responsivity (RNR) Model of offender rehabilitation

The Risk-Need-Responsivity (RNR) model of offender rehabilitation correlates well with child justice as its focal point is on the treatment of the offender. It has been consistently shown in various research works conducted in child justice settings around the world that young people who come into conflict with the law have multiple problems and experience high levels of need across all areas of functioning. Mostly in meeting these needs, correctional institutions have been increasingly influenced by the RNR Model of offender rehabilitation, (Day, Howells & Rickwood, 2004:01). The model focuses on the treatment of the offender with the supposition that interventions such as probation supervision, reading, training, cognitive skills training and behaviour modification will change behaviour and reduce the frequency of recidivism, (Bradshaw & Roseborough 2005:109).

Hagell, (2002:110) states that the rate of recidivism among child offenders are a cause for concern for those involved in criminal justice institutions around the world. For example in Britain, 88 per cent of British males between 14 and 16 years reoffended within two years of release from custody. More so, some child offenders may even recidivate because of the “gamblers fallacy”- they think that because they have been punished already, they will not be caught and punished again, (Porgarsky & Piquero 2007:100).

Authors (Andrews & Bonta; 2007:30) mention that one way of reducing recidivism among lawbreakers is through greater implementation of criminal rehabilitation programs. One model that can be used to structure such programs is the RNR Model of offender rehabilitation because a more recent study in 2009 showed that offender treatment under the RNR as an intervention to prevent recidivism was quite effective more so than other treatments such as psychotherapy for offenders. The model is centred on three core principles which are further discussed below.

3.5.1 Principles of the RNR Model of offender rehabilitation

The underlying principles of the RNR model of offender rehabilitation collectively propose that reductions in recidivism can be maximised when programs select appropriate candidates, target factors that directly relate to their offending, and are delivered in the ways that facilitated

learning, (Day, Howells & Rickwood, 2004:03). The principles are; the Risk, Need and Responsivity principles which will be discussed.

3.5.1.1 The Risk principle

Andrews & Bonta (2007:87) refers to the risk principle as the “who” principle. Known as the most important principle, it suggests that offenders most likely to reoffend should receive the most intensive rehabilitation. In order to abide by this principle a risk assessment tool is needed in order to classify each offender into low, medium or high risk group. This entails that more intensive programs are offered to those assessed in the medium and high risk categories. Conversely, Day et. al (2004:3) states that the issue that arises in applying the risk principle to incarcerated child offenders is the high base-rate with which child offenders commit crime. However, if an overwhelming majority of child offenders released from penitentiaries commit any offence, then a risk assessment is unlikely to discriminate between different groups. In any case, implementing the risk principle in child justice settings aims to ascertain those who will go on to offend seriously or persistently and then offer them intensive rehabilitation,

Ward & Brown (2006:250) suggests that when applying the risk principle to children in conflict with the law, most of the intensive programs should be offered to those most likely to engage in serious or persistent recidivism. A question that would be asked is how would such a group be identified without flaws? Day et. al (2004:3) compliments by stating that the current knowledge base does not appear to allow the accurate and reliable prediction of which children will go on to seriously and persistently commit crime. It is further stated that labelling children as high risk at an early age should be treated with carefully and responsibly.

3.5.1.2 The Need Principle

Day et al (2006:05) refers to the need principle as the “what” principle. It operates on the norm that effective rehabilitation programs are the ones that intervene to change needs most directly related to offending. Cottle, Lee and Heilbrun (2007:380) conducted a meta-analysis by combining results of 24 studies conducted with child offenders that involved 15,000 participants. It was established that five main categories of risk factors predicted child

reoffending, four of which could be considered as dynamic risk factors or areas of criminogenic need. These include family and social factors; educational factors; substance abuse history; and non- severe mental health problems.

The above mentioned entails that programs used under the needs principle should always focus on changing the above mentioned factors. Day et al (2004:06) further state that while it may be suitable to only intervene with the offence-related needs in adults, child justice is concerned with the much broader responsibility to care for and nurture children as well as to warrant a successful transition into adult life. This is to say that child justice should not only be concerned with addressing a broad range of needs that focus around risks only but as well as the wellbeing of children and their families, child abuse and neglect, truancy, substance abuse, and mental health problems.

It can thus be stated that one of the important tasks in ensuring effective rehabilitation programming is to make sure that the distinctive need of client groups are determined and addressed.

3.5.1.3 The Responsivity principle

The third major principle is the ‘responsivity principle’. This principle proposes that the most operative programs match the learning styles of offenders, such that they are actively engaged in a process of behavioural change. However, to engage children in programs is likely to be a challenge. This is because most children are usually not likely to seek professional services and hold negative attitudes towards criminal justice institutions, (Day et. al 2004:6).

According to Lyon, Dennison & Wilson (2000:77), a series of focus groups with child offenders was conducted in the United Kingdom and it was established that although most participants had significant contact with professionals and organisations in the criminal justice system, these contacts generally proved to be substandard especially with the police. It seems as if it is unlikely that the mentioned group of child offenders would approach criminal justice services for help with personal challenges, although they did attach great importance to being treated with some degree of respect suitable to their age and level of development.

Consequently, Andrews and Bonta (2007:90) explain that a responsive program would engage children in activities and learning that are personally significant, and would be conveyed in a way that is logical to participants. For example, children would be engaged in a series of practical or physically based activities and depending less on formal educational methods that require high levels of literacy or attentiveness. This entails that the desired learning styles will likely change over the course of adolescence, with adult learning becoming increasingly relevant as children move through adolescence. In consequence, it is not likely that risk factors for reoffending and criminogenic needs will change over the course of adolescence, but also those methods of program delivery most likely to involve children will also change.

Basing on the above principles of the model, it can be deduced that application of all three in rehabilitation programs for incarcerated child offenders would yield positive results. Without doubt the RNR Model for offender rehabilitation is essential to the successful execution of rehabilitation programs of incarcerated child offenders.

3.5.1.4 Application of the RNR Model of offender rehabilitation in Correctional Rehabilitation

In discussing the importance of the RNR model of offender rehabilitation in correctional rehabilitation it is imperative to comprehend that effective rehabilitation is important because it helps in eliminating the vicious cycle of recidivism. More so, the population of children in conflict with the law resorting to adult criminal activity would be reduced.

Lipsey, Wilson, & Cothorn (2000:4) state that rehabilitation is a major factor for the successful re-entry of children in conflict with the law into mainstream. However, it is important to note that this cannot materialise without the execution of effective intervention strategies that are designed to diminish the rates of delinquency in children. The authors go on to state that applying the three principles of the RNR model for offender rehabilitation strengthens the rehabilitation programs hence leading to success stories. The need for the rehabilitation programs to be effective is essential so that more money does not have to be wasted on programs that do not properly rehabilitate children in conflict with the law.

Lober, Farrington & Petechuk, (2003:8) agree with the above assertion and state that child offenders are expensive to tax payers and society simply because the rehabilitation programs

are usually under government funding. The RNR model comes into this equation because if effective programs (applying the three principles) are executed they would yield positive results. The RNR model of offender rehabilitation ties into the restorative justice theory because it also has a focus on restoring behaviour and relationships.

It is possible that if all the above mentioned concepts; strength perspective, restorative justice theory, systems theory and the RNR model for offender rehabilitation if utilized appropriately when designing rehabilitation programs for incarcerated child offenders are likely to yield positive results.

In conclusion it can be stated that the strength perspective provides a backbone of not only considering the “delinquency” of the child but rather the inner strength that the child may not even be aware of. Focusing on the strength of the child boosts the once broken self- esteem of the child. The fact that the reason why the child finds him/herself in a penitentiary means that they must have had committed a crime hence there may be a victim. The restorative justice theory fills this gap by ensuring that the relationship that may have been impaired due to the aberrant behavior of the child is restored back to normal. It is important that the child offender makes peace with the victim or community to make the reintegration process easier. The systems theory supplements the above by ensuring that it’s not only the child offender that is helped in the process but the other systems in the child’s life like the family, school or community at large. The risk, need and responsivity model for offender rehabilitation ensures that as the child offender is being rehabilitated, the cognitive skills are strengthened. The RNR model is important because it does not focus on the wrong that the child offender may have committed but rather concentrates on empowering the child with skills that can help the child lead a crime free life hence overcoming recidivism. It can actually be concluded by stating that all the conceptual frameworks discussed strive to overcome the trend of re-offending among the child offenders.

3.6 Rehabilitation Programs

Rehabilitation programs are a system of projects or services that are intended at meeting a public need, (Martin, 2006:66). It has been established by studies conducted by the Ouagadougou Declaration on Acceleration of Penal and Prison Reforms (ODAPPR) in Burkina Faso that prisons are required to place greater effort to make positive use of the period of

incarceration or other sanction to develop the potential of offenders and to empower them to lead a crime free life in future. This is inclusive of both adult and child offenders incarcerated in prisons. It is further stated that rehabilitation programs should be included that focus on the reintegration programs of offenders thus contributing to their individual and social development, (ODAPPR, 2003:18). It is imperative to understand the inference behind the concept of rehabilitation in order to appreciate the content of the rehabilitation programs. Rehabilitation is based on the hypothesis that criminal behavior is caused by some factor. This standpoint does not deny that people make choices to be in conflict with the law but rather does affirm that these choices are not a matter of pure “free will”. As a substitute, the decision to be in conflict with the law is held to be determined, or at least heavily influenced, by a person’s social surroundings, psychological development, or biological makeup, (Kazdin & Kendall, 2008:217).

The Zambia prison service (ZPS) has identified the importance of the rehabilitation and reintegration of prisoners as per conformity with the international conventions and treaties. For the sake of this study, attention will be given to the rehabilitation programs offered in the Zambian prisons to incarcerated child offenders. Whenever prisoners be it adults or children are incarcerated, they undergo risk assessments. The outcome of each individual assessment determines which rehabilitation programs the inmate will take part in. According to the 2014 Office of the Auditor General’s report on Rehabilitation and Reintegration of Prisoners (OAGR:14) certain rehabilitation programs must be offered in the Zambian Prisons. These programs will be discussed below:

3.6.1 Behavioral Modification Program

Behavioural modification program refers to the techniques used to try and decrease or increase a particular type of behavior or reaction. It relies on the concept of conditioning which is a form of learning. Conditioning can either be classical (relies of a stimulus or signal) or operant (relies on utilizing a system of rewards or punishments), (Mancey et al 2008:10). The above technique is what parents use to teach children right from wrong. However, it is also used by therapists to help promote healthy behaviours. It is for this reason that behavioural modification program is used as a means of helping child offenders to change their aberrant behavior to standards that are acceptable in society. According to the OAGR (2014:15), the behavioural

modification programs are usually conducted in Zambia by social welfare officers, psychologists, offender management officers or the prison chaplain. The critical issues addressed in this program include; behavior observations, anger control, stress management and family or individual counselling. Having stated the above, it can be deduced that this type of program plays a key role in helping child offenders accept their stay in prison and live a law abiding life and in harmony with the general public after discharge.

3.6.2 Human Development Program

Human development program is a process of enlarging people's choices, (UN, 2009). It is further stated that the most critical of these wide ranging choices are to live a long healthy life, to be educated and to have access to resources needed for a decent standard of living.

Recent literature supports this assertion. Conlon, Harris, Nagel, Hillman, & Hanson, (2008:87) mention the use of vocational education for child offenders. The authors indicate how vocational programs can transform the lives of the child offenders once they come out of the penitentiary. Another important factor to consider in rehabilitation of child offenders is the development of their literacy.

Literacy development programs provide child offenders with the feeling of hope, as well as a path to success. It helps the child offender to realize that there other options rather than a life of crime. Education is therefore an imperative tenant of any child justice rehabilitation program because it equips the child offender with skills to deal with complexities of life that they often face such as lack of self-esteem, (Payne, 2007:128).

The OAGR (2014:16) stipulates that human development programs are comprised of literacy development and vocational skills training. These programs help child offenders to be equipped with skills in gardening, carpentry, and but not limited to building. Learning such kind of trades provides the child offender with a lot of opportunities outside a life of crime. More so, the training of child offenders in various skills plays many roles such as, raising child offender's, reducing recidivism through the rehabilitation and reintegration of prisoners into society and securing employment thus giving child offenders a real alternative to crime on release. Such programs are offered by social welfare officers, teachers and offender management officer.

3.6.3 Chaplaincy Program

Chaplaincy program supports the notion that holistic care is an imperative factor of the care offered at the penitentiary, (Zabel & Nigro, 2007:340). The Zambia Prison Service employs chaplains who act as agents of spiritual change. The chaplains have an important role to play in the lives of incarcerated child offenders as they help develop a healthy and positive spiritual attitude which enhances spiritual growth.

Vance (2010:2) confers on to state that in the United States of America chaplaincy provides morally enriched programs that assist child offenders in their institutional adjustment and prepare them for successful re-entry. Offenders are encouraged to pursue their faith, reconciling their relationships and strengthening family ties through a variety of programs, activities and community participation. The author further mentions that chaplaincy services are non-discriminatory in the treatment of child offenders' religious beliefs and established policies do not permit the disparaging of any faith or the agitation of any offender. The meaning of the above assertion is that child offenders are privileged to practice any religious belief as long as it does not impinge on the rights of others.

According to the OAGR (2014:17) the Zambia Prison Service help child offenders to maintain ties with their families through the family tie up programmes that are carried out by the chaplains. The tie up programmes involves encouraging the families of the child offenders to offer support by visiting and making contact with the child offender. In the event that relationships between the child offender and the family are impaired, the chaplains ensure that the relationships are restored through having family symposiums. In cases where child offenders have no families, the child offenders are linked to the community through faith based organizations such as churches. The child offenders also take part in community re-entry programmes which in the end aid smooth reintegration in turn reducing recidivism.

3.6.4 Inmate Care

According to Foster & Gifford (2008:38), inmate care is usually administered right from the moment the offender is admitted to a penitentiary and he/she may receive welfare and psychological services. This is comprised of activities such as risk assessment, case

management, psychological services, sports and recreation. The above activities are executed by the social welfare officers, psychologists and offender management officers. The officers' conduct the risk assessment to identify suitable rehabilitation programs in which each child offender will be placed in. More so, the recreational programs are meant to provide child offenders with physical, mental and emotional outlets to improve their well-being.

Havalchak, White & Obrien (2009:97) mentions that the psychological services are provided to improve the mental health of inmates and also to change their offending behaviour. Psychological services are good treatment programs for sex offenders and substance abuse. More so, the services are appropriate for child offenders to help develop pro-social values. The program also actively involves the parents; this enhances the participation of the families of the offender's families in the rehabilitation process.

The OAGR of Zambia (2014:14) indicate that it is also under this program that the young offenders are prepared for their release and this is usually done by providing them with pre-release counselling services and if necessary the young offenders are referred to appropriate social welfare organizations for follow up support and services. In Zambia most of the social welfare organizations where young offenders are referred to are the non-governmental organizations and faith based organizations.

3.6.5 Substance Abuse Program

Substance abuse is the most common type of rehabilitation in which an offender undergoes counselling and treatment for a dependence on a physically addictive substance such as drugs or alcohol. Such rehabilitation programs are mostly assigned to child offenders convicted of crimes related to drug use or who have admitted to having being under the influence of drugs at the time of committing the crime, (OAGR of Zambia, 2014:15).

According to Sacks, Banks & Mc Kendrick (2008:823), research studies conducted on addiction treatment have classified programs into a number of general types or modalities. The studies also indicate that treatment approaches and individual programs have continued to change and expand and that many programs of today do not fit neatly into traditional drug addiction treatment classification. It was noted that most of them start with detoxification and medically managed withdrawal which is often considered the first stage of treatment. However,

this study focussed on the treatment program offered to incarcerated child offenders. Sullivan and Tifft (2005:68) expounds that the psychological, social and behavioural problems associated with substance abuse are not addressed during detoxification therefore does not typically produce lasting behavioural changes necessary for recovery. It entails that detoxification should be followed by a formal assessment and referral to drug addiction.

In Zambia, the Zambia Prisons Service utilizes the services of the social welfare officers, psychologists and offender management officers to help the child offender's deal with the substance abuse challenge through various kinds of therapy, including one-on-one counselling and group therapy with other substance abusers, (Mumba, 2011:34). (What of specialised organisation like DEC that try to help rehabilitate the individual by teaching on the dangers of harmful substances...in some cases it is part of sentences ordered by courts to the offenders)

3.7 Conclusion

In the discussion, social work was presented as a profession that puts focus on helping individuals, groups or communities to enhance or restore their capacity for social functioning and creating favourable conditions. It can be deduced that executing such a service requires the use of a myriad of techniques and a sound knowledge base. This section has provided some of the conceptual frameworks that can be applied in order to successfully rehabilitate incarcerated child offenders. The RNR model for offender rehabilitation has underlying principles of human service delivery. These principles have been indicated to propose reductions in recidivism when programs select appropriate candidates, target factors that directly relate to the children's offending and are delivered in ways that facilitate learning. This model puts in a tie with the Restorative justice theory that states that rehabilitation does not focus on punishment but rather in restoring the impaired relationship. All stakeholders affected by an injustice have an opportunity to discuss how they have been affected by the injustice and hence decide what should be done to repair the harm. When social welfare officers provide the above services to the child offender it is vital that they do not only focus on the child but rather of the other systems that the child is part of. This means that the systems theory plays an important role in the rehabilitation of incarcerated child offenders. In short, the chapter has indicated in executing their roles social welfare officers need not to only use one method but rather combine different conceptual frameworks.

CHAPTER 4: EMPIRICAL INVESTIGATION INTO THE CHALLENGES EXPERIENCED BY SOCIAL WELFARE OFFICERS IN REHABILITATING INCARCERATED CHILD OFFENDERS

4.1 INTRODUCTION

Chapter four will consist of the results from the empirical investigation with regard to the challenges experienced by social welfare officers in the rehabilitation of incarcerated child offenders. In accordance with the aim and objectives of the research study, the challenges experienced by social welfare officers in rehabilitating incarcerated child offenders were investigated. This chapter will focus on analysing the data that was obtained through the empirical investigation and present it as narratives with figures and tables so as to fulfil the third objective of the research study.

An account of the empirical investigation will be provided and thereafter the results from the empirical investigation will be presented in four main sections namely; the identifying particulars of respondents; policies and legislation; programs and roles and challenges faced in the rehabilitation process.

4.2 EMPIRICAL INVESTIGATION

The empirical investigation was conducted as it was presented in chapter one of the research study. Below is a discussion of the research approach, research design, research method and the method of data analysis for the research study.

4.2.1 Research approach

In order to obtain information on the proposed study, qualitative and quantitative methods were employed. Tashakkori & Teddie (2003:711) in De Vos et al., (2013:434) 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”. Therefore the utilisation of the qualitative and quantitative research approaches

enabled the researcher to develop a clear perception of the challenges that the social welfare officers experience when rehabilitating incarcerated child offenders.

4.2.2 Research design

For the purpose of this study, the researcher used both the exploratory and descriptive research designs. Although the exploratory and descriptive designs differ, De Vos et al., (2011:96) indicate, that the two designs often blends in practice. As De Vos et al., (2013:95) indicates, exploratory research is used in cases where the researcher hopes to develop insight into a situation, phenomenon, community or individual. It is further stated that in exploratory research, the researcher asks the ‘what’ questions. 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”. The exploratory design facilitated the researcher to measure and analyse data from a quantitative approach in order to develop an understanding into a specific situation.

Bless et al., (2009:43) states that when a researcher is purely interested in describing a particular phenomenon, descriptive research is used. The research study demanded that it was imperative that the social welfare officers’ meaning, perception and experience of the process of rehabilitating incarcerated child offenders be described. It was therefore necessary that the descriptive research design be utilised so that the researcher could effectively describe the challenges that the social welfare officers experienced during the rehabilitation process.

4.2.3 Research method

The research method was comprised of a well compounded review of literature, the sampling method utilised, the preferred population as well as the inclusion criteria. The above mentioned are discussed below.

4.2.3.1 Literature study

The review of literature is vital as it is aimed at contributing to a clearer understanding of the nature and meaning of the problem that has been identified. Moreover, it serves to put the researcher's efforts into perspective thus situating the topic in a larger pool (De Vos et al., (2013:134). The researcher conducted a thorough review of literature on the legal instruments utilised in child justice as well as the theoretical framework applied in designing rehabilitation programs in order to develop a profound acumen into the challenges experienced by social welfare officers in the process of rehabilitating incarcerated child offenders. This review of literature assisted the researcher to be able to establish a theoretical framework for the research study.

4.2.3.2 Sampling and Population

Sarantakos (2000:139) in De Vos et al., (2013:224), states that the main reason for sampling is feasibility. The term sample always implies the simultaneous existence of a population or universe of which the sample is a smaller section, or a set of individuals selected from a population (Gravetter & Forzano (2003:465) in De Vos et al., (2013:223). More so, according to Bless et al. (2006:98) the population of a study is the set of people who are the focus of the research study.

For the purpose of this study, a purposive sampling method was employed since the researcher was responsible for determining the characteristics of the respondents. The population of the research study included all social welfare officers that render services to incarcerated child offenders in Lusaka district as well as social welfare officers at the two approved schools for child offenders in the vicinity. The researcher was granted permission by the commissioner of child welfare to conduct the empirical investigation. Later on, appointments were made with social welfare officers. The researcher at each station requested the social welfare officers to complete the informed consent documentation before conducting the interview. Twenty social welfare officers that complied with the inclusion criteria were successfully interviewed.

4.2.3.3 Inclusion criteria

In order to ensure that the sample was representative of the population, the following inclusion criterion was determined: - The respondents were to be social welfare officers with at least one year working experience in child justice. It was imperative that the participants should have been currently working with children that were in conflict with the law. The participants were to be deployed under the Ministry of Community and Social Development.

4.2.4 Data collection methods

The data was collected through a semi-structured interview schedule conducted during separate interviews with twenty respondents. The method enabled the researcher to collect both qualitative and quantitative data since the semi-structured interview consisted of both open and closed questions. A literature review was conducted by the researcher so as to determine the compilation of the semi-structured interview schedule. The researcher then identified themes and sub-themes to determine relevant patterns in the data collected.

4.2.5 Data analysis

According to Mouton (2011:108), the aim of data analysis is to assist the researcher in understanding the various elements of the data by breaking it up into manageable themes, patterns, trends and relationships. The researcher transcribed all data collected and analysed using the statistical package for the social sciences (SPSS) program. The findings were then coded and represented by means of figures and tables. The following section is comprised of a discussion of the findings.

4.3 RESULTS FROM THE EMPIRICAL INVESTIGATION

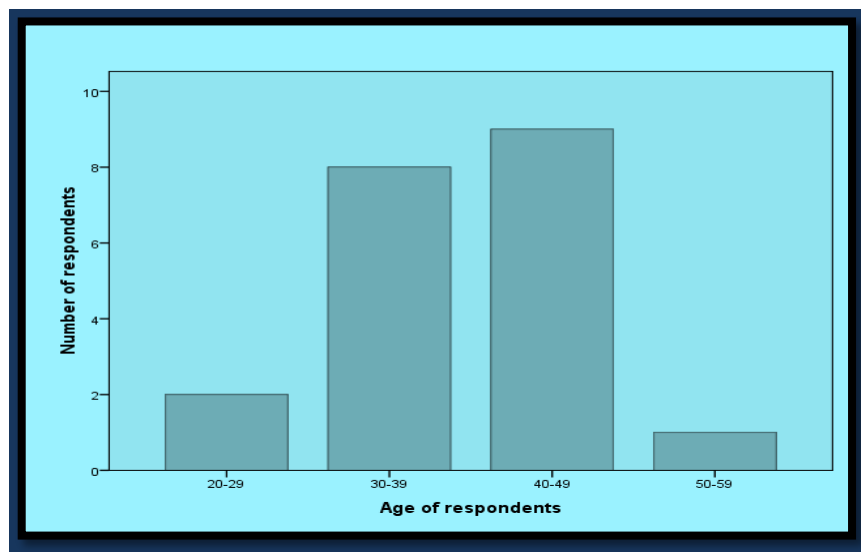
The focal point of this section is the analysis of the findings of the empirical investigation that was obtained through one-to-one interviews. The analysed results are presented in tables and figures, as well as the themes, sub-themes and narratives of the participants.

4.3.1 Identifying particulars of respondents

The identifying particulars of the respondents were obtained in order to have an insightful knowledge about the research sample. Below are the findings.

4.3.1.1 Age of respondents

The respondents were asked to indicate their age. The results obtained are shown in Figure 4.



N = 20

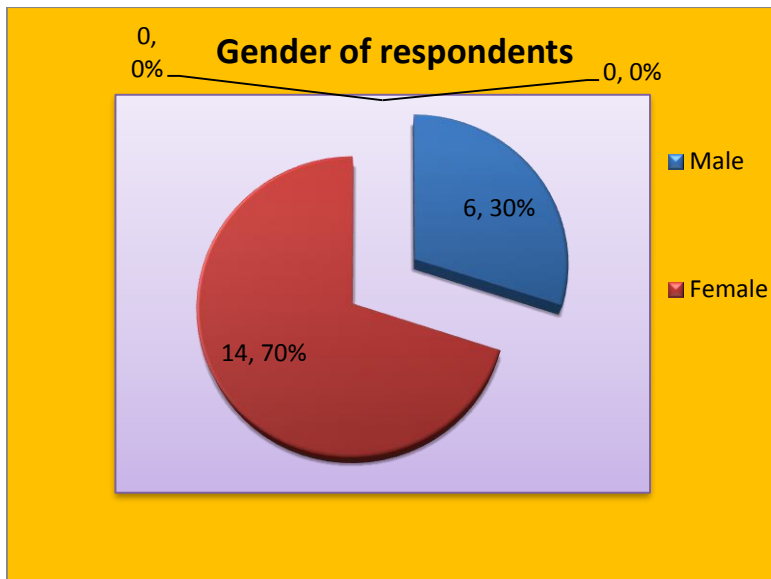
Figure 4.1: Age of respondents

From Figure 4.1, it is clear that the majority of the respondents 9 (45%) are between the ages of forty to forty-nine years of age. This is followed by eight respondents 8 (40%) that are between the ages of thirty and thirty-nine and two respondents 2 (10%) that are between twenty and twenty-nine years of age. This leaves 1 (5%) of the respondents to be in the age group of fifty and fifty-nine.

It can thus be deduced that the respondents in this research study can be classified as social welfare officers in middle adulthood. It also means that the rehabilitation of incarcerated child offenders programs is mainly conducted predominantly by social welfare officers in their middle adulthood.

4.3.1.2 Gender of respondents

The respondents were asked to indicate their gender and the results are tabulated in Figure 4.



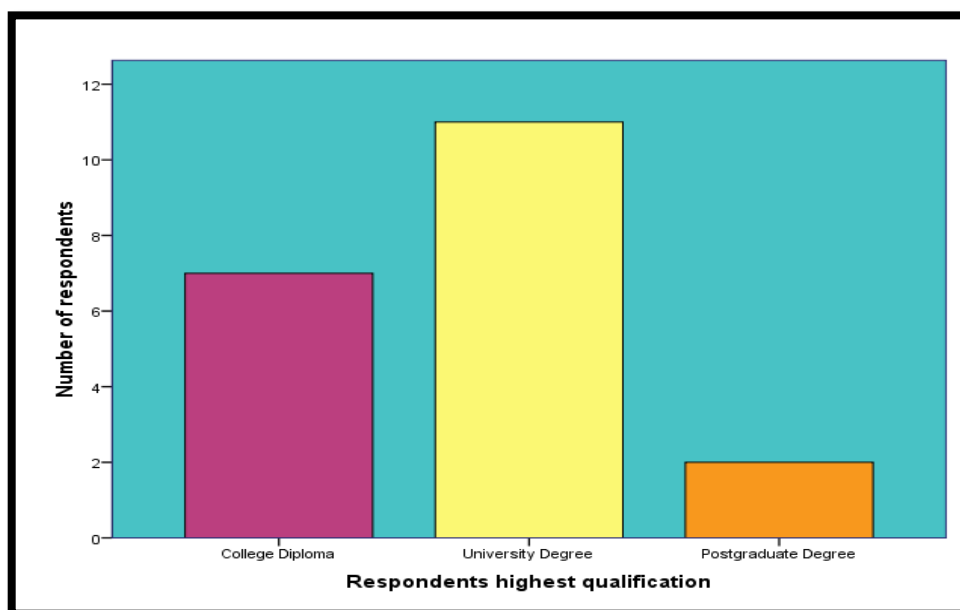
N = 20

Figure 4.2 Gender of respondents

According to Figure 4.2 the majority 14 (70%) of the respondents are female while the minority 6 (30%) are male respondents. The finding may imply that helping professions that mainly deal with the welfare of children in this study group are dominated by females.

4.3.1.3 Qualification of respondents

The respondents were asked to indicate their highest level of education. The data obtained is depicted in Figure 4.3.



N = 20

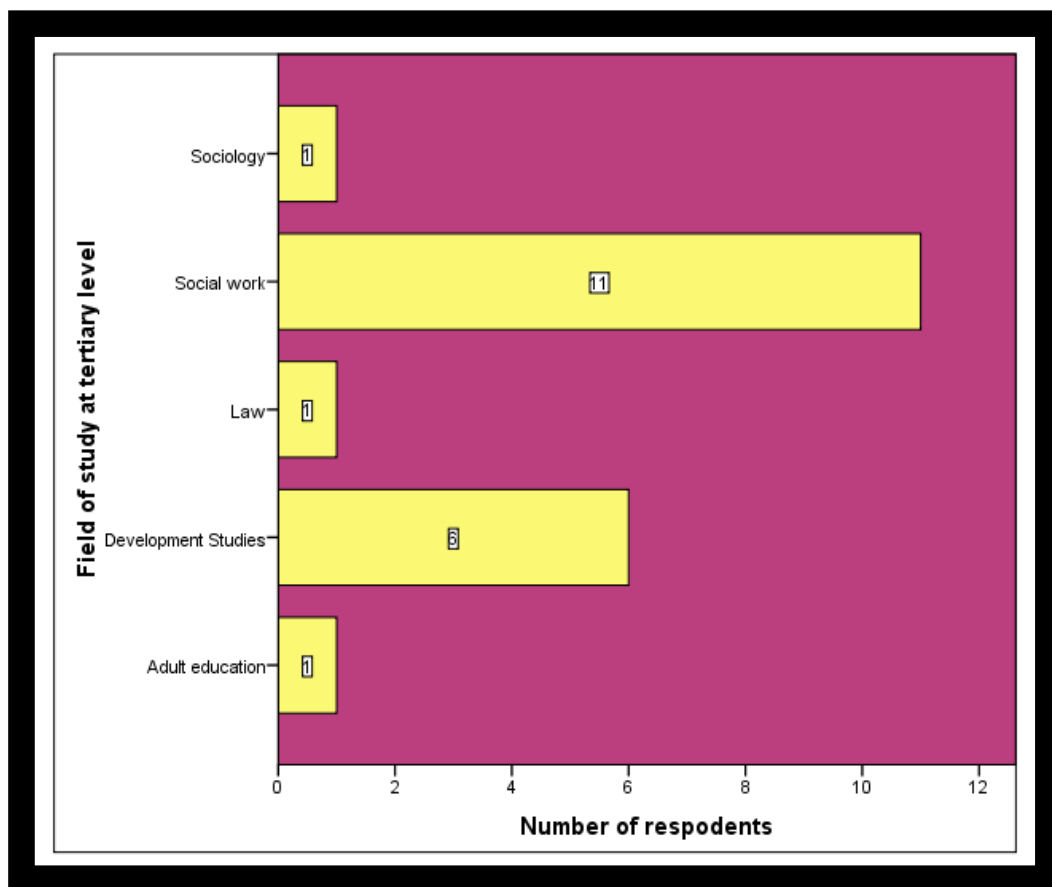
Figure 4.3 Highest qualification attained

It can be clearly seen from Figure 4.3 that the majority of the respondents 11 (55%) have attained university tertiary education while 7 (35%) of the respondents have attained college diploma in tertiary education. This leaves only 2 (10%) of the respondents to have attained postgraduate degrees at tertiary level.

This finding provides a clear indication that all social welfare officers have received tertiary education. This implies that all social welfare officers have acquired skills academically. The next section will focus on the appropriateness of the skills acquired to provide services to child offenders.

4.3.1.4 Field of study at tertiary level

The respondents were requested to indicate their field of study at tertiary level. Figure 4.4 denotes the findings.



N = 20

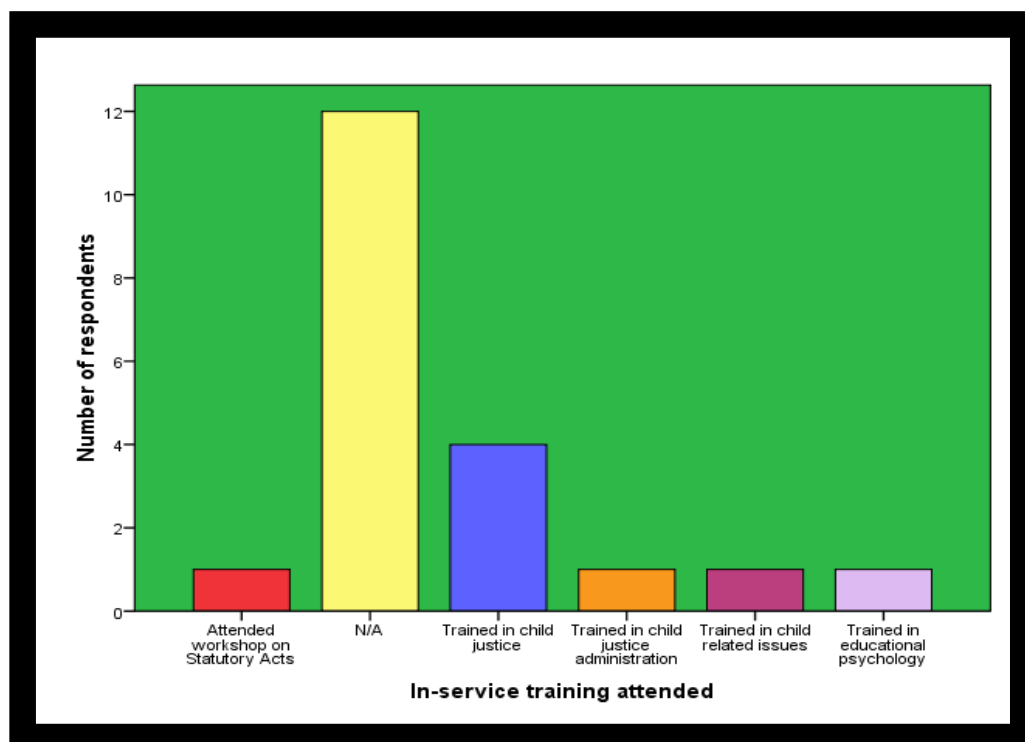
Figure 4.4 Field of study at tertiary level

It can be seen from Figure 4.4 that the majority of the respondents 11 (55%) pursued their studies in the social work field while 6 (30%) studied development studies. The minority of the respondents studied sociology 1 (5%), qualification in law 1 (5%) and adult education 1 (5%).

The findings are a clear indication that most of the social welfare officers that provide services to incarcerated child offenders are qualified trained social workers. This is a positive indicator because it implies that despite the government of Zambia having gazetted, (A. Sibanze, personal communication, September 25, 2015) some social welfare officers from other social science professions, the majority that are working with child offenders are trained social workers.

4.3.1.5 Other in-service training relevant to child justice

This question was posed only to the social welfare officers without any qualification in social work. The participants were requested to indicate other in-service training that they have received/obtained that is relevant to child justice. The results are indicated in Figure 4.5.



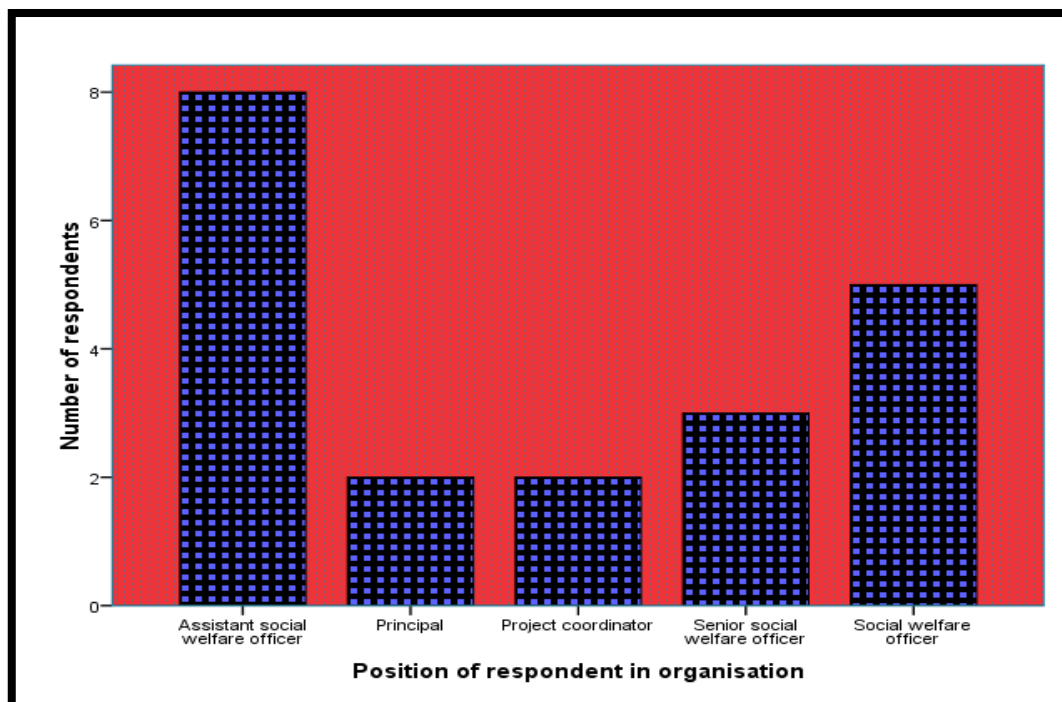
N = 20

Figure 4.5 Other in-service training relevant to child justice

From Figure 4.5 it is apparent that 9 (45%) that did not receive any training in social work, the majority 4 (20%) received training in child justice while 1 (5%) trained in child justice administration, 1 (5%) trained in child related issues and the other 1 (5%) received training in educational psychology. It can therefore be presumed that all but one of the respondents without training in social work has acquired skills related with child justice. The findings depict a positive situation indicating that the social welfare officers that offer rehabilitating services to incarcerated child offenders have at least knowledge about child justice.

4.3.1.6 Position of respondent in the organisation

The respondents were requested to provide their position in the organisation. The results are indicated in Figure 4.6.



N = 20

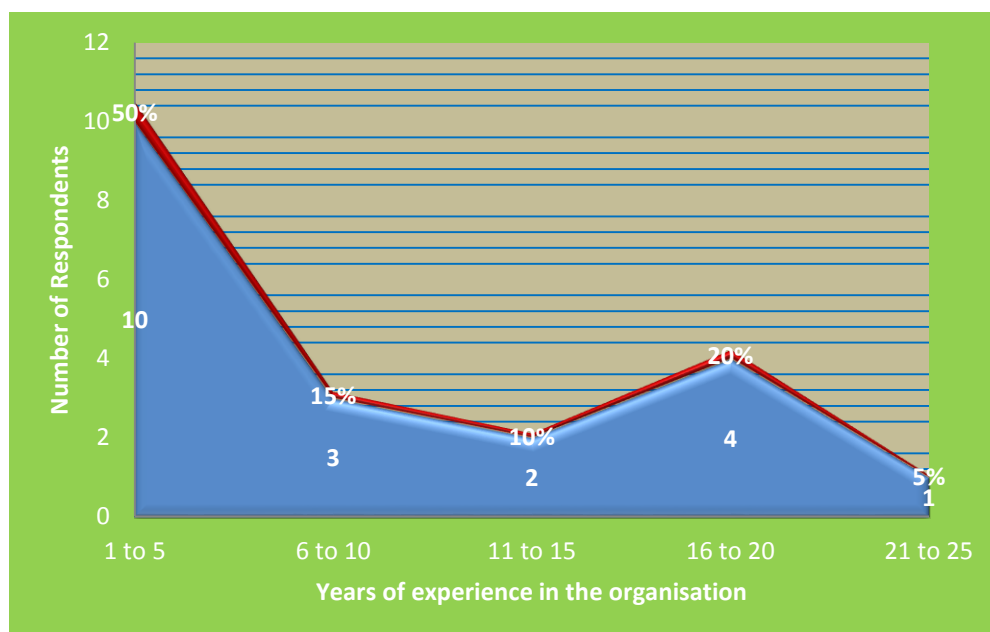
Figure 4.6 Position of respondent in organisation

It can be seen from Figure 4.6 that the majority 8 (40%) of the social welfare officers occupy the position of assistant social welfare officer while those at social welfare officer level are 5 (25%). The position of senior social welfare officer make up 3 (15%) of the respondents leaving 2 (10%) to be at principal level. Only 2 (10%) of the respondents operating at project coordinator levels.

From the above findings it can be stated that the organisation is well structured as there are officers operating at the different bureaucratic levels. This is imperative for effective service delivery as roles are well defined leading to efficient execution of duties. It was also noted that the head of the approved schools are referred to as principals as the institutions run as schools. The project coordinators are social welfare officers that operate from the ministry of justice running the child justice forums. Lastly, it was also established that each respondent occupied a position that equates with their level of education. For instance all assistant social welfare officers were diploma holders and leaving all the other positions for degree and masters holders.

4.3.1.7 The working experience at the organisation

The respondents were requested to provide the number of years that they have served in the organisation. This was an important attribute as it was used as an inclusive criterion in selecting the sample. The findings are tabulated in the following graph.



N = 20

Figure 4.7 Working experience at organisation

From Figure 4.7, is clear that the majority 10 (50%) of the respondents have been working at the organisation for a period between one and five years while 4 (20%) respondents have been working at the organisation for a period between sixteen and twenty years and 3 (55%) respondents have worked for a period between six to ten years. Of the twenty respondents, only 2 (10%) respondents had worked at the organisation for a period between eleven and fifteen years. It can be stated that most of the social welfare officers have worked for the organisation for quite a valuable time which is beneficial to the research study as it provides validated knowledge about the operation of the organisation.

4.3.1.8. Experience in working with children in conflict with the law

The respondents were asked to indicate the number of years that they have been working with child offenders. The question was imperative to the study as it was not only part of the inclusion criterion for sampling but because it was cardinal that each respondent have not less than a year of experience working with child offenders regardless of the many years of service one may have acquired. Figure 4.8 tabulates the findings.



N = 20

Figure 4.8 Experience in working with children in conflict with the law

From Figure 4.8 it is apparent that the majority 12 (60%) of the respondents have been working with child offenders for a period between one and five years while 3 (15%) respondent has been working with child offenders between six to ten years. It was also established that respondents that had worked with child offenders for a period between eleven and fifteen years were also 3 (15%). This left only 2 (10%) of the respondents to have worked for a period between twenty and twenty-five years. It can be established that most of the respondents have five years and less of working experience in the specific field of study hence providing well sourced data.

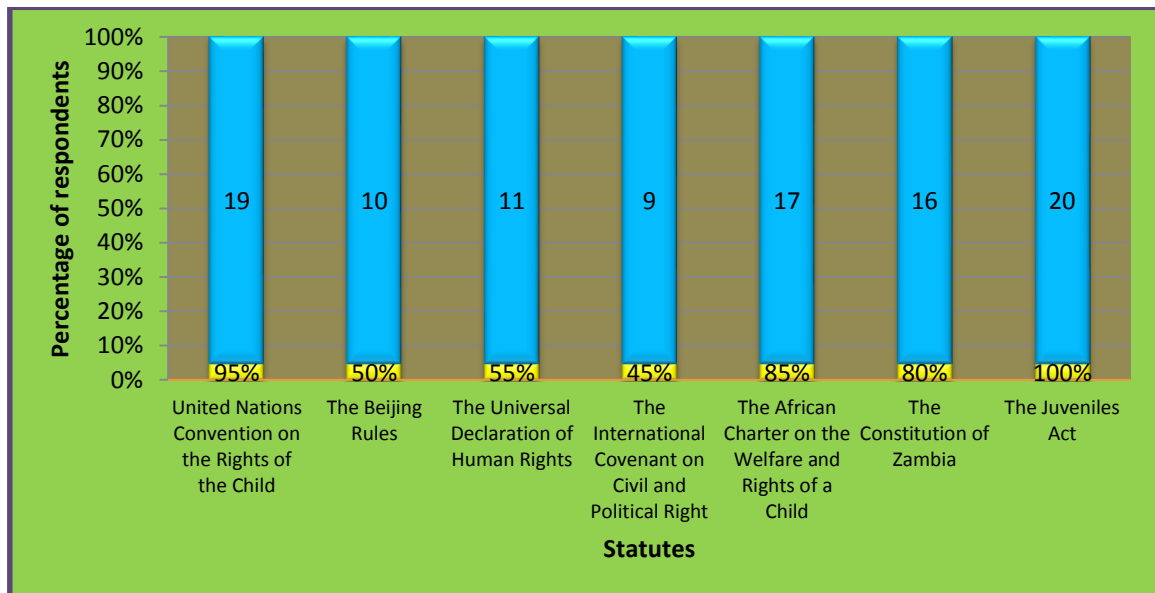
4.3.2 Policies and legislation

The section below seeks to address objective one of the research study; 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. The focal point of the section is to establish whether the Zambian statutes on child justice are influenced by international statutes, to provide an indication on how the national child policy of 2006 addresses issues of child justice. The section also ascertains as to whether the rehabilitation programs are designed in accordance with some pieces of legislation at both local and international levels.

4.3.2.1 Statutes applied in designing rehabilitation programs

The prevention and control of juvenile offending is best understood as a process consisting of different levels of intervention, including education and prevention at the community level, as well as criminal sanctions and interventions to rehabilitate juvenile offenders and reintegrate them into the community. In designing the various modes of intervention strategies, it is vital that the approaches are based on established statutes that make provisions for the care and treatment of children in conflict with the law. There are international standards that most nations have ratified to, and most states equally have local standards. These standards at both levels provide a specific programming model or specific guidance on how programmes should be designed in order to bring existing practices into compliance with the principles underlying these standards, (UNODC, 2012:04).

The above pointers provided the scaffold for requesting the respondents to indicate whether statutes (both Zambian and international) are applied when designing rehabilitation programs for children in conflict with the law. The findings are provided hereunder in Figure 4.9.



N = 20

Figure 4.9 Statutes applied in designing rehabilitation programs

The findings in Figure 4.9 stipulate that all the respondents 20 (100%) have utilised the provisions in the Juveniles Act when designing rehabilitation programs. The provisions in the United Nations Convention of the Right of the Child have been utilised by 19 (95%) of the respondents. The provisions in the African Charter on the Welfare and Rights of the Child were utilised by 17 (85%) of the respondents. More so, the provisions in the Constitution of Zambia have been utilised by 16 (80%) of the respondents while 11 (55%) of the respondents utilised the provisions in the Universal Declaration of Human Rights. It was established that the Beijing Rules were utilised by 10 (50%) of the respondents and only 9 (45%) of the respondents had applied the provisions in the International Covenant on Civil and Political Right.

All 20 (100%) of the respondents are familiar with the contents in the Juveniles Act and were able to utilise the Act when designing programs. The Juveniles Act is the primary law in Zambia that governs child justice programs; it provides the definition of different age groups of children and outlines all the processes for conducting preliminary proceedings and court proceedings, (CAP 53 of the Laws of Zambia). It can be deduced that with the programs are

designed in accordance with the different age groups of the incarcerated children and that they comply with the child justice system of the state.

It was also established that nineteen of the twenty respondents (95%) were familiar with the UNCRC and have applied it in designing child justice programs. The UNCRC is premised on the principle of “the best interest of the child” and includes a whole spectrum of rights of children such as civil, political, economic, social and cultural rights. Utilising the above applied the provision therein when designing rehabilitation programs. As stipulated in a report by UNICEF, (2012), the provisions in the UNCRC are of vital importance when it comes to the welfare of provision entails that the programs are designed to mainly focus on what is the best interest of the incarcerated child offenders cognisant of all their civil, political, economic, cultural and cultural rights.

Seventeen (85%) of the respondents utilised the provisions in the ACWRC which is the cornerstone statute on the welfare of African children. As stated in the ACWRC (Preamble), the charter is concerned that the situation of most of the African children remains critical due to the unique factors of their social-economic, cultural, traditional and developmental circumstances, natural disasters, armed conflicts, exploitation and hunger; and on the account of the child’s physical and mental immaturity he/she needs special safeguards and care. It can actually be noted that the ACWRC supplements the provisions in the UNCRC. It was stated that utilising the provisions in the ACWRC enabled the social welfare officers to design programs that addressed the peculiar needs of the child offenders. According to Chitembwe (2004:45), the Juvenile Approved Schools cater for children across Zambia meaning that the child offenders admitted are usually a representative of all the nine provinces. Based on this proposition, it can be safely stated that most of the incarcerated child offenders originate from diverse cultural backgrounds. It is because of such a trend that it is imperative that the rehabilitation programs designed recognises the distinctive and privileged position of a child in an African society.

As indicated, 16 (80%) of the respondents are familiar with the contents of the Constitution of Zambia and were able to apply the provisions therein. The constitution is the supreme law of the country thus 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)). It is further stated in the constitution that every person (children inclusive) are entitled to all the fundamental rights and freedoms regardless of their race, creed, place of origin, political opinions, colour, sex or

marital status. However, every person shall also be subjected to the limitations contained in this part. It is important that the above provisions are utilised when designing rehabilitation programs for child offenders because it entails that all the fundamental rights and freedoms of the child will be put into consideration. However only 4 (20%) of the respondents indicated obliviousness with the contents in the constitution because this is the supreme law that should be known by every officer offering statutory services. Lack of knowledge on the constitution may create some inefficiency in service delivery.

Despite the piece of legislation having provisions that are vital to child justice, it was ascertained that only 11 (55%) respondents indicated to be familiar with it as well as having applied it in designing programs. The Universal Declaration of Human Rights UDHR is equally a very cardinal piece of legislation when it comes to child justice. 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, (UDHR, Article 57). This gives an indication that more trainings should be provided to the social welfare officers in order to enrich them with statutory provisions. Applying the provisions in the UDHR entails that the programs will ensure that the child offenders are not subjected to torture and all programs will focus on the dignity of the child offenders. The fact that the statute advocates against children being subjected to punishment makes it a very cardinal piece to be employed in designing rehabilitation programs as the focal point is will be to rehabilitate and not to punish.

From the findings it was denoted that only 10 (50%) of the respondents were familiar with the Beijing Rules. The Beijing Rules were actually the first set of International standard minimum rules for the administration of child justice. According to Mumba (2011:05), the Beijing Rules provide for the separate and specialised systems of child justice. More so, they make provision for the minimum standard rules for handling children in conflict with the law under any legal system of UN member states. The above assertion clearly signifies that it is almost inevitable to design rehabilitation programs for incarcerated child offenders without employing the provisions in the Beijing Rules.

The respondents that were familiar with the provisions in the International Covenant on Civil and Political Right were only 9 (45%). The statute mainly puts emphasis on the separation of

child offenders from adults as well as upholding all the procedures of rehabilitation. It can thus be stated that the ICCPR is an important piece of legislation to make reference from when designing rehabilitation programmes for child offenders as it provides guidelines on how to ensure that efficient rehabilitation is provided.

In conclusion, it can be noted that despite most of the respondents having had made progress in utilising most of the statutes, it seemed as though they are not aware of all the statutes. For instance, the Beijing Rules should be known by each and every social welfare officer because the Rules provide specific standard rules on how children in conflict with the law should be treated yet 10 (50%) of the respondents are not aware.

4.3.2.2 Influence of the international statutes on the Zambian legislation in child justice programs

Participants were requested to indicate the probable influence that the international statutes have on the Zambian Legislation in child justice. The findings are presented in Table 4.1 below.

Table 4.1 Influence of the International statutes on Zambian legislation on child justice

THEME: Influence of the international statutes on Zambian Legislation on child justice		
SUB-THEME	NARRATIVES	FREQUENCY
1. International statutes incorporated in Zambian legislation	<ul style="list-style-type: none"> ▪ "...it has been <u>incorporated</u>". ▪ "The Zambian legislation has <u>incorporated</u> the international statutes and is used to handle cases of children in conflict with the law". 	7 = 40%
2. Collective concern on child justice	<ul style="list-style-type: none"> ▪ "Both the international statutes and Zambian legislation <u>address the same needs</u> of child offenders". 	8 = 40%

	<ul style="list-style-type: none"> ▪ “They <u>both focus</u> on the best interest of the child”. ▪ “The legislation <u>compliments well</u> as both pieces of legislation uphold the rights of children in conflict with the law”. 	
3. Conflicting definition of a child	<ul style="list-style-type: none"> ▪ “The Zambian definition of a child is <u>different from</u> that of most international statutes”. ▪ “The international statutes have a <u>dissimilar definition</u> of a child than the local legislation which is causes conflicts”. 	4 = 20%

N = 20

According to Table 4.1 three sub-themes emerged. These sub-themes will be discussed below;

(i) Incorporation of international statutes in Zambian legislation

The first sub-theme to be identified was that the international statutes are incorporated in the Zambian legislation. It can be seen from Table 4.1 that eight participants 8 (40%), indicated that the international statutes are incorporated in the Zambian legislation. The view of the participants is validated by literature, (Human Rights Commission, 2011:5) which states that the international statutes that were ratified by Zambia have being incorporated into the Zambian laws by an Act of parliament hence becoming law. This seems to be a positive indication because the provisions in the international statutes provide remarkable evidence of the consensus and commitment to human rights on the part of the nations in the world.

(ii) Collective concern on child justice

A collective concern on child justice was the second sub-theme to be identified. Eight participants 8 (40%) indicated that the international statutes and the Zambian legislation on child justice have a mutual concern on matters that concern children in conflict with the law. This appears to be an affirmative indicator because the majority of the respondents shared the same sentiments. It was stated that the provisions in the international statutes compliment well with the provisions in the Zambia legislation. This is validated by the provisions in the UNCRC and provisions in the Juvenile Act of Zambia. Article 37 (b) of the UNCRC states that at no time should a child be deprived of his/her liberty unlawfully or arbitrarily. It is further stated that in the event that the child is arrested, detained or imprisoned it shall be in conformity with the law and shall only be used only as a measure of last resort and for the shortest appropriate period of time.

Conversely, the Juvenile Act state that a child that is in conflict with the law may not be detained in custody unless the charge is one of homicide; or it is believed that the release of such a juvenile would defeat the ends of justice; or it is in the interest of such person to be removed from association with any alleged criminal or prostitute, (Juveniles Act, Cap. 53). The above assertion is an illustration of how both local and international statutes address one concern and are in agreement. It can thus safely be noted that the international statutes and the Zambian legislation on child justice complement each other.

(iii) Conflicting definition of a child

The last sub-theme to be identified was that there was a conflict in the definition of the term 'child' between the sets of statutes. It was also noted by 4 (20%) of the participants that some of the provisions in the international statutes conflict each other with some of the Zambian legislation when it comes to the definition of who a child is. It is stated in the UNCRC that a 'child' means every human being below the age of eighteen years unless the law applicable to the child, majority is attained (UN, 1990:36). On the other hand, Cap 53 of the Laws of Zambia (Juvenile Act) states that a 'child' is a person who has not attained the age of sixteen while a 'young person' is a person who has attained the age of sixteen but has not attained the age of nineteen. The Act goes on to state that a 'juvenile' is a person who has attained the age of sixteen years, but has not attained the age of nineteen. The participants indicated that the

definitions are conflicting because at international standard a child is under the age of eighteen while the Zambian standard a child is anyone under the age of sixteen. It can however be noted that the definition of ‘juvenile’ in the Zambian constitution harmonizes the conflicting definitions of a child. This is so because a ‘child’ and a ‘juvenile’ are treated equally according to the laws of Zambia.

4.3.2.3. National Child Policy (2006) and issues of child justice

The National Child Policy of 2006 is the only policy in Zambia that addresses the issues pertaining to child justice. It was imperative for the study that its viability in the child justice system was established. In doing so, participants were requested to indicate how the policy discourses criminal proceedings for children who come into conflict with the law. The data were analysed into sub-themes and narratives were used to describe the sub-themes.

Table 4.2 National Child Policy and issues of child justice

THEME: NATIONAL CHILD POLICY AND ISSUES OF CHILD JUSTICE		
SUB-THEME	NARRATIVES	FREQUENCY
i) Not aware of the policy	<ul style="list-style-type: none"> ▪ “...I <u>have never seen the document before</u>”. ▪ “The only challenge is that the <u>policy is not available for everyone</u>”. 	8 = 40%
ii) Provides guidelines on how child offenders should be treated	<ul style="list-style-type: none"> ▪ “It <u>explains how child offenders should be treated</u>”. ▪ “It <u>gives guidelines on how to treat child offenders and focuses and focuses on access to child justice</u>”. ▪ “It <u>provides guidelines on how child offenders should be protected</u>”. 	5 = 25%
iii) It protects the rights of the children	<ul style="list-style-type: none"> ▪ “The <u>policy protects the rights of children by stipulating how</u> 	5 = 25%

	<p><i>children in conflict with the law should be treated”.</i></p> <ul style="list-style-type: none"> ▪ <i>“.....advocates for the <u>protection of all child offenders</u>”.</i> 	
iv) Policy not address the issues of child justice effectively	<ul style="list-style-type: none"> ▪ <i>“The <u>policy does not address the issues</u> of child justice appropriately”.</i> ▪ <i>The <u>provisions in the policy</u> are <u>not feasible</u> because they <u>do not match the resources</u>”.</i> ▪ <i>“.....the <u>policy is out dated</u>”.</i> 	2 = 10%

N = 20

(i) Not aware of policy

The first sub-theme to be identified was that the majority 8 (40%) of the participants were not aware of the policy. The participants indicated that they never had access to the document. This is a negative reflection of the child system in Zambia. As indicated in the earlier paragraphs, the policy is said to provide guidelines that address issues of child justice and compliments with the other statutes. This assertion is a clear indication of how vital the policy is the administration of child justice. It can be concluded that there is need for social welfare officers to be enlightened about the relevant policies in their line of duty.

(ii) Policy protects the rights of children

The second sub-theme to be identified was that the policy protects the rights of the children. Only 5 (25%) of the participants indicated that the National Child Policy addresses issues of child offenders by providing protection for children. This view correlates with literature as according to Chitembwe (2006:43), the aim of the policy is to ensure that all the laws pertaining to child protection are carried out. The policy does not operate in solitary but works in conjunction with other statutes that advocate for the protection of the rights of child offenders.

(iii) Provides guidelines on how child offenders should be treated

In the third sub-theme it was indicated that five of the participants 5 (25%) felt 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 (2006:42) indicates that the policy provides strategies for implementing and updating all existing laws relating to children to make the laws contemporary situations. The author further states that the government also undertakes through the policy to implement the principles enunciated in the UNCRC. It is thus concluded that the National Child Policy ensures that guidelines are provided on how children in conflict with the law are treated.

(iv) Does not address the issue of child justice effectively

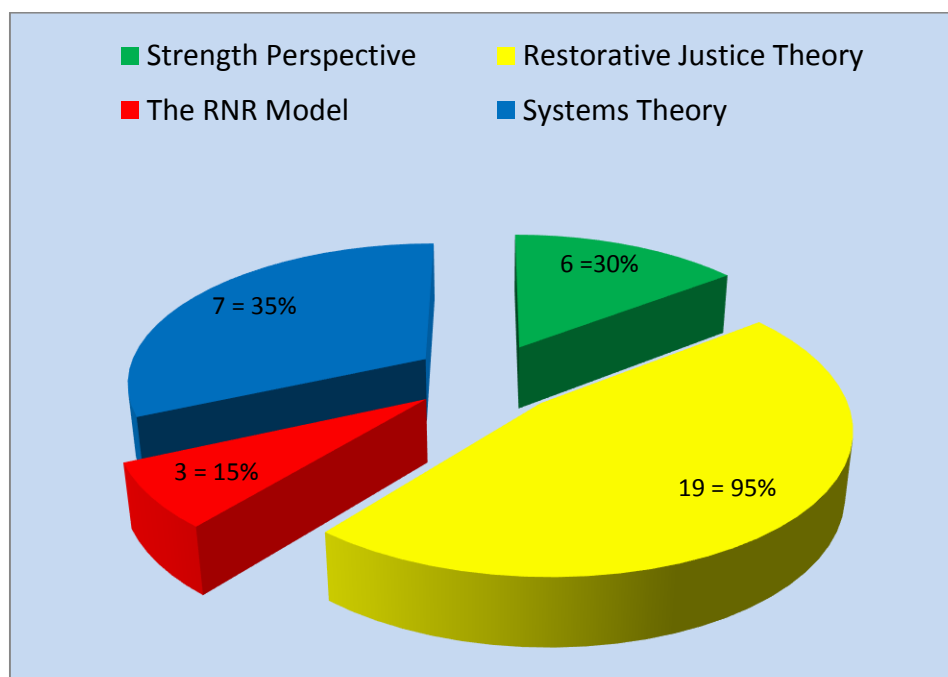
The last sub-theme identified by 2 (10%) of the twenty participants indicated that the policy does not address the issues of child justice. The reasons stated were that the policy is out dated hence does not have provisions that equate to the current trend of the child justice situation in Zambia. According to the views of the participants, the current trend has seen a situation where crime has escalated to high levels than before. More so, the other sentiment to justifying why the policy is believed not to address the issues of child justice is because the provisions in the policy are said not match the resources in most of the institutions where child offenders are incarcerated. In essence it can be stated that having the policy for children is no panacea for all the challenges experienced in child justice. It needs the involvement of all stakeholders' in upholding the rights of the children and developing a culture that puts children as a national priority.

4.3.3 PROGRAMS AND ROLES

This section will give an account of the findings with regard to the second objective of the research study. The second objective seeks to identify the roles and programs executed by social welfare officers in child justice. The section provides answers as to which theoretical frameworks the respondents employ when designing rehabilitation programs as well as their experience with utilising the theoretical frameworks. More so, the responses as to what type of programs are executed and their efficiency is as well provided.

4.3.3.1 Theory applied in designing programs

The participants were requested to indicate the theories that they had utilised before when designing rehabilitation programs for child offender. The respondents could indicate as many as applicable or could give more than one answer. The results are presented in Figure 5.1



N = 20

Figure 5.1 Theoretical framework

As can be seen from Figure 5.1, the majority of the participants 19 (95%) indicated that they utilised the restorative justice theory in designing rehabilitation programs for child offenders. Seven (35%) of the participants utilised the systems theory, 6 (30%) of the respondents had employed the concepts of the strength perspective and only 3 (15%) of the participants had utilised the concepts in the risk, need and responsivity model for offender rehabilitation programs.

The deduction from the findings hereof is that almost all (19) the social welfare officers are familiar with the restorative justice theory. As pointed out by Braithwaite (2004:30), 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. With crime, restorative justice is about the idea that because crime hurts, justice should heal.

Only 7 (35%) of the participants apply the systems theory as it is a cardinal theory in designing rehabilitation programs. As substantiated by Shulman (2009:08), the systems theory provides the social welfare practitioners with a means to view human behaviour through a wide lens that allows for assessment of the 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.

However, only 6 (30%) of the participants were familiar and had applied the strength perspective. Seleebe (2006:10) indicates that the strength 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 yield positive results in rehabilitating child offenders there is need for a paradigm shift from focusing on the challenges that the child offenders encounter to that of their strengths. Children should be viewed as being capable of change, 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 strength perspective in most child justice programs.

Only a small 3(15%) fraction of the participants are familiar and have applied the concepts in the RNR model. The RNR model focuses on the treatment of the offender with the supposition that interventions such as probation supervision, work reading, training, cognitive skills training and behaviour therapy will change behaviour and reduce the frequency of recidivism, (Bradshaw & Roseborough 2005:109). The above assertion indicates that the RNR Model is an important model that one can make reference to when designing rehabilitation programs for child offenders. It can consequently be stated that all the programs that may be offered in rehabilitating incarcerated child offenders be it human development, inmate care or chaplaincy should focus on transforming the behaviours of the child offenders into healthy and acceptable traits. It can be stated that the participants indicated to be familiar with the restorative justice theory yet did not know much about the RNR Model.

4.3.3.1 Experience of utilising theories in implementing rehabilitation programs

The participants were requested to indicate what their experience was in utilising theoretical frameworks in implementing rehabilitation programs for incarcerated child offenders. The sub-themes that were derived from the data are indicated in Table 4.3.

Table 4.3 Experience in utilising theories in implementation of rehabilitation programs.

THEME: Experience of social welfare officers in the utilising theories in implementing rehabilitation programs		
SUB-THEME	NARRATIVE	FREQUENCY
i) Theory provides effective guidelines	<ul style="list-style-type: none"> ▪ “...they <u>meet the individual needs of each child</u>”. ▪ “The theories are <u>vital and work well in instigating rehabilitation programs</u>”. ▪ “The theories <u>provide guidelines on how to come up with the best programs and they are very effective</u>”. 	9 = 45%
ii) Theory is applied appropriately and consistently	<ul style="list-style-type: none"> ▪ “The theories are <u>effective when applied according to the content of the program</u>”. ▪ “The theories are only <u>effective</u> if they are <u>used well</u> and to suit the culture of the child offenders”. 	6 = 30%
iii) Lack of knowledge about the scope of all the theories	<ul style="list-style-type: none"> ▪ “I do <u>not know much about the theories except the systems theory and restorative justice theory</u>”. ▪ “There is <u>need to learn more about the important theories to use in child justice programs</u>”. 	5 = 25%

N = 20

i) Theory provides guidelines for implementation

The first sub-theme to be identified was that theory provides guidelines for implementing programs. As indicated in Figure 4.3 the majority 9 (45%) of the participants was that using theory in designing rehabilitation programs makes the process of implementation effective. The participants alluded to the fact that the theories act as guidelines on how to design the most effective programs, as asserted by Pawson (2006:26) that interventions that are rooted in theory brings about a desired outcome. It was equally stated that the theories assists in coming up with programs that are tailor made to the individual needs of each child.

ii) Theory is effective applied appropriately and consistent

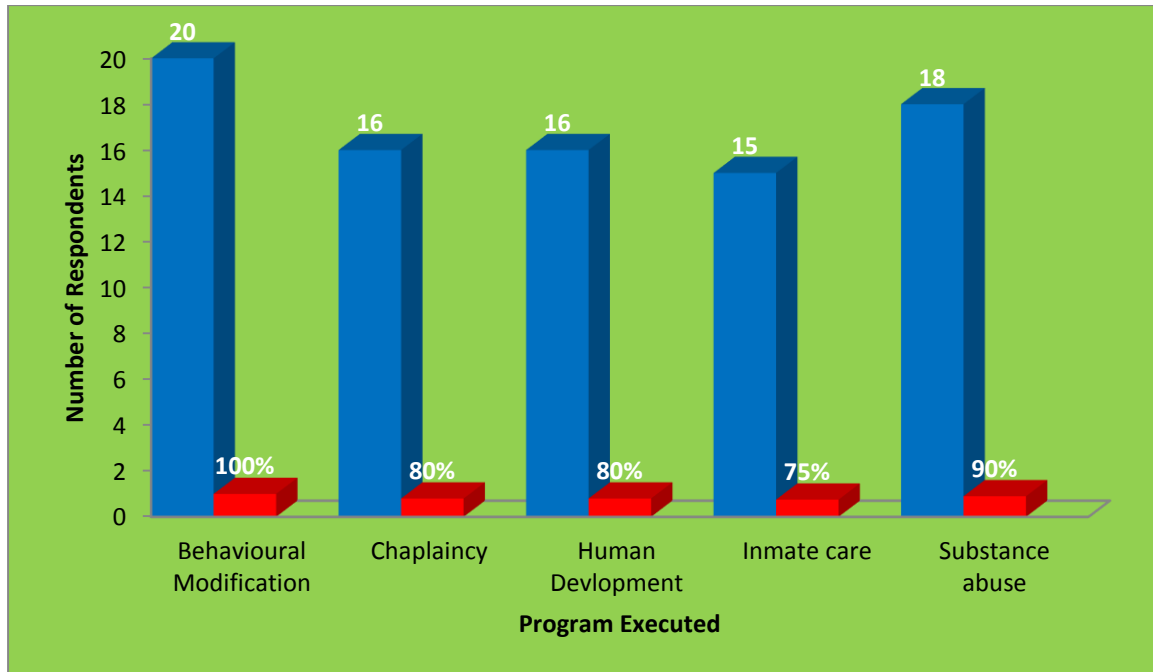
Another sub-theme to be identified by 6 (30%) participants was that programs designed using theories were effective if applied appropriately and consistently. It was noted that there can only be positive results if social welfare officers were consistent in employing the theories and ensuring that they correspond with the social and economic culture of the child offenders. Pawson (2006:27) is of the view that a theory can only produce the desired results if it is synchronised with the goal of the program meaning that it can only succeed or fail according to the veracity of the goal. The author attests that theory that is applied proportionally with the intended goal of a program is likely to be effective. More so, the participants were of the view that it is always imperative to consider the cultural context of every situation so as not avoid conflicting ideologies.

iii) Lack of knowledge about the scope of the theories

The lack of knowledge about the scope of the theories was the last sub-theme to be identified. Five (25%) of the participants indicated that they were not competent with the theory. The respondents indicated to have being aware with some but not all of the theoretical frameworks. The theoretical frameworks that were common among most of the respondents were the restorative justice theory and the systems theory. The respondents indicated an interest in learning more about the theories. It was noted that besides the theories outlined in the interview schedule, the participants did not mention any other theory that they had utilised before.

4.3.3.2 Programs executed in rehabilitating child offenders

The participants were requested to indicate the programs that they execute in the rehabilitation of the incarcerated child offenders. The findings are indicated in Figure 5.2



N = 20

Figure 5.2 Programs executed in rehabilitating child offenders

As can be deduced from Figure 4.11, all the respondents 20 (100%) executed the behavioural modification program while eighteen 18 (90%) had executed the substance abuse programs before. The chaplaincy and human development programs were established to have had been executed by sixteen 16 (80%) respondents respectively. The inmate care program was utilised by fifteen 15 (75%) of the respondents.

It was indicated that all 20 (100%) the respondents had used the behavioural modification program to rehabilitate the child offenders. This was a positive outcome because the program 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 general public after discharge. As Mancey et al (2008:11) states, behavioural modification programs are used to try and decrease or increase a particular behaviour. It is likely possible to overcome the aberrant behaviour of child offenders if all social welfare officers employed the behavior modification program.

The substance abuse program was indicated to have been executed by 18 (90%) of the respondents. According to the OAGR (2014:15), the substance abuse programs are mostly assigned to child offenders convicted of crimes related to drug use or those who have admitted to having being under the influence of drugs at the time of committing the crime. The finding indicate that the majority of the minors that are get incarcerated because of abuse of intoxicated substances have their needs met thorough the program. However, despite the majority of the participants indicating to have had employed the substance abuse program, it was earlier noted that alcohol and substance abuse was the major contributing factor to the anti-social behaviour and attitude problems among child offenders. It can be deduced that the Security system at the penitentiary is not adequate enough leading to child offenders to be susceptible to abusing substances.

The chaplaincy program was executed by 16 (80%) of the respondents. This is a positive reflection of the child justice system in Zambia because it supports the notion that holistic care is an important factor of the care offered at the penitentiary. As Vance (20:10) states, it is an important program as it provides morally enriched programs that assist child offenders to adjust at the institution and prepare for reintegration.

The human development program was executed by 16 (80%) of the respondents. This finding provided a satisfactory feedback because it entailed that the child offenders are not deprived of literacy programs while incarcerated. Payne (2007:128) further indicate by stating that literacy programs are important tenants of child justice rehabilitation programs because they equip the child offender with skills to deal with complexities of life.

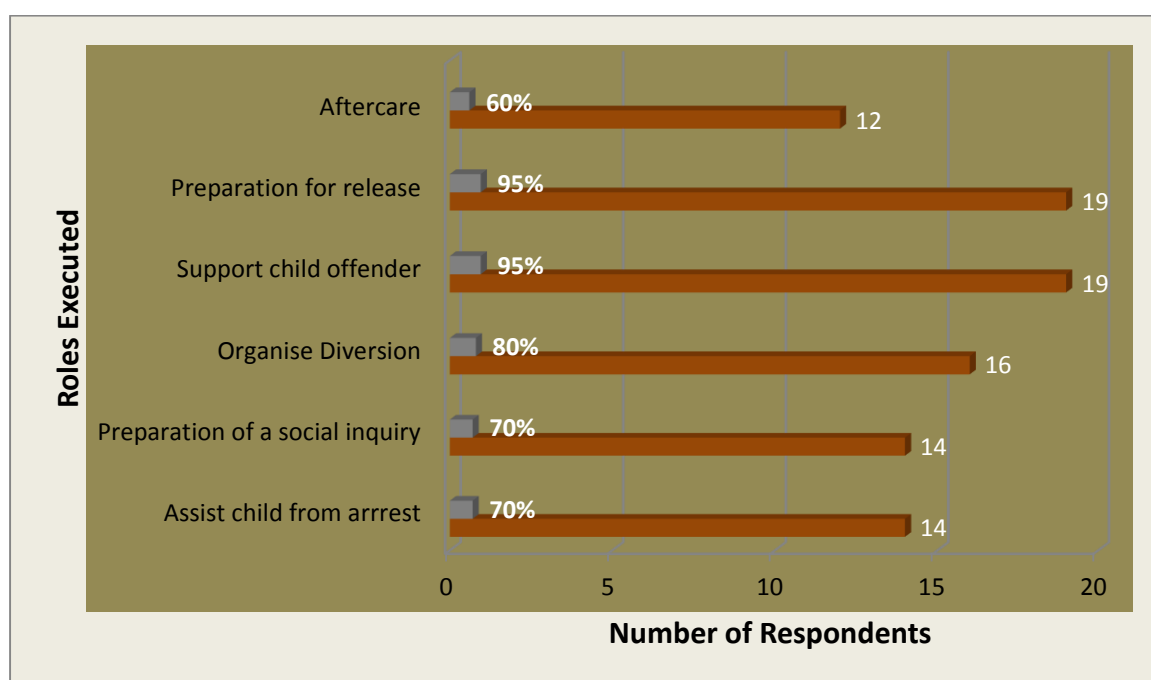
The inmate care program was indicated to have been executed by 15 (75%) of the respondents. Foster and Gifford (2008:38) indicate that the inmate care program is usually administered right from the moment the offender is admitted at the penitentiary which involves receiving of welfare and psychological services. The results projected indicate that when child offenders are admitted at the penitentiary the welfare and psychological services are taken care of.

With the above information, it can be deduced that the correctional institutions under study provide valuable programs to incarcerated child offenders. As indicated in the Ouagadougou Declaration on Acceleration of Penal and Prison Reforms (ODAPPR), it is a prerequisite that prisons place greater effort to make positive use of the period of incarceration or other sanction

to develop the potential of offenders and hence empower them to lead a crime free life in future. This is done through offering various rehabilitation programs.

4.3.3.4 Roles of social welfare officers in child justice

The respondents were requested to indicate the roles they execute at each stage of child justice. This was to ascertain the different roles that are taken by social welfare officers at various stages of the child justice process. The results are tabulated in form of Figure 4.12 below.



N = 20

Figure 5.3 Roles of social welfare officers

As indicated nineteen 19 (95%) of the respondents had prepared the release and supported the child offenders while sixteen 16 (80%) of the respondents had organised diversion for child offenders before. Of the twenty respondents, fourteen 14 (70%) had prepared a social inquiry for the court and had assisted the child offenders from the moment of arrest. Lastly, twelve 12 (60%) of the respondents had executed the role of providing aftercare to child offenders that had being reintegrated into society.

Support of incarcerated of child offenders is one the important roles executed by social welfare officers in child justice as this is the stage for rehabilitation. It was indicated that the majority 19 (95%) of the respondents had performed this role. As Bryns *et al.* (2005:267) states, the

main aim of the social welfare officers is to utilise the skills and knowledge of the profession in a corrective manner, to rehabilitate individuals and help them become better individuals so that they can return to the main stream. The services offered range from, advocacy, brokerage and linkage between incarcerated child offenders and the community as well as the provision vocational rehabilitation and education.

The preparation for release of child offenders is another important role taken by social welfare officers. It was indicated that 19 (95%) of the participants had executed this role. Cantwell (2013:13) states that the role involves not only working with children and trying to ensure that their prospects on release are as positive as possible but also and necessarily with the family so that the home setting can be as favourable as possible.

Sixteen (80%) of the respondents had indicated to have had organised diversion programs for the child offenders. This was a positive indication as if pre-trial is ordered; the social welfare officer can take responsibility for selecting the most appropriate programme or setting, and assisting the child to complete the diversionary measure successfully (Cantwell, 2013:08). The results reflect that when children come in conflict with the law they are not always subjected to trial proceedings but are rather diverted to other programs.

Preparation of a social inquiry is one of the important roles that social welfare officers can execute as it furnishes the court with the background information about the child offender that assists the court to determine the most appropriate course of action to take. The findings indicated that 14 (70%) of the social welfare officers had prepared social inquiries. Mumba (2011:61) is of the view that the social inquiry is a special tool that facilitates judicial adjudication of the case by a competent authority hence should be thoroughly investigated. The result reflected a positive indicator as it establishes that social welfare officers investigate into the circumstances of the child offenders hence making recommendations to the juvenile court.

It was noted that 12 (60%) of the social welfare officers had provided the after care service to the child offenders. Cantwell (2013:12) states that even though there may be no prescribed conditions devoted to a child's release from custodial sentence, which a social welfare officer may be requested to execute, the availability of support and advice from the officer at this stage can be invaluable in enabling the child to avoid recidivism. The above assertion entails that this is an important stage that if not offered to child offenders may lead to reoffending.

The above information provides a synopsis of all the roles that are expeditiously executed by social welfare officers in dealing with issues of child justice. These findings are nothing but a positive indication that the social welfare officers under this study play a pivotal role in the administration of child justice.

4.3.3.3.5 *Experiences of social welfare officers in executing child justice roles*

After indicating the roles that the participants execute at all the stages of child justice it was imperative that their experiencing in providing the service be explored. The sub-themes and narratives derived are indicated in Table 4.4.

Table 4.4 Experiences of social welfare officers in executing child justice roles

THEMES: Experiences of social welfare officers in executing child justice roles		
SUB-THEME	NARRATIVES	FREQUENCY
i) Successful in executing the tasks	<ul style="list-style-type: none"> ▪ “The <u>roles are workable</u> and have <u>an impact in preventing recidivism</u>” ▪ “Most of the female child offenders have <u>responded positively</u> to the rehabilitation process”. ▪ “Executing the roles has been <u>successful</u>”. ▪ “While there may be some challenges here and there the overall picture <u>has been good</u> as we have a lot of <u>success stories</u>”. 	12 = 60%
ii) Challenging to execute roles	<ul style="list-style-type: none"> ▪ “The parents and guardians of the child offenders at times give false information about the children making it <u>difficult to dig the right information</u>”. ▪ “Provision of aftercare services has been <u>challenging due to lack of transport</u> form the 	8 = 40%

	<p>department as well as the released children not having a fixed abode”.</p> <ul style="list-style-type: none"> ▪ “It is <u>difficult to collaborate</u> with the other stake holders hence making the process slow”. ▪ “There <u>no resources/facilities</u> to allow the released children to use the new acquired skills”. 	
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N = 20

From the findings in Table 4.4, it can be stated two sub-themes were derived and that the majority twelve 12 (60%) of the participants indicated that their experiences with executing the role in child justice was successful. Eight of the participants felt that the execution of the roles came with some challenges.

i) Successful in executing the tasks

The first sub-theme to be acknowledged was that there was that the participants were successful in executing the roles. The majority 12 (60%) of the participants noted that executing the designated roles had been successful. It was established that some of the participants had recorded some success stories in rehabilitating children that the roles are workable and have had an impact in preventing recidivism. The preceding assertion correlates well with the view of Andrews & Bonta (2007:30) that states that one way of reducing recidivism among lawbreakers is through greater implementation of criminal rehabilitation programs.

ii) Challenging to execute the roles

Challenging to execute the roles was the second sub-theme to be identified. On the other hand, 8 (40%) of the participants indicated that executing the roles has had some challenges. It was noted that at times the process of child justice is made slow by the parents and guardians of the child offenders because they provide false details about the children. Consequently, it was stated that the false details make it difficult for the social welfare officers to establish the correct ages and circumstances of the children. More so, it was brought to light that some of the stakeholders in the child justice process are not as efficient as expected hence drag the whole process negatively. Aftercare was one program that was mentioned to be a challenge to execute due to the fact that transport was not always readily available to enable the social welfare

officers to follow up on the child offenders that are reintegrated into society. On the same issue, social welfare officers indicated that at times it proves to be futile to empower the child offenders with skills when there were no facilities or resources in the community to allow them to practice the newly acquired skills. It was mentioned that this lag at times leads to recidivism. Chitembwe (2004:68) mentions that the lack of facilities and resources in Zambia greatly defeats the purpose effective service delivery in child justice. It thus be mentioned that the scarcity of resources makes it challenging for the social welfare officers to execute some of the designated roles in child justice.

4.4. Challenges experienced by social welfare officers in rehabilitating incarcerated child offenders

The following section seeks to address the third objective of the study which was to investigate the challenges faced by social welfare officers in rehabilitating child offenders. The section will establish the challenges that social welfare encounter in the process of rehabilitating incarcerated child offenders. The sub-themes and categories identified are indicated in Table 4.5.

Table 4.5 Challenges experienced by social welfare officers

THEME: Challenges experienced by social welfare officers in rehabilitating incarcerated child offenders				
SUB-THEME		CATEGORY	FREQUENCY per category	FREQUENCY per Sub-Theme
Lack of organisational resources	i)	Lack of office space to conduct casework	11 (55%)	20 (100%)
	ii)	Lack of transport	5 (25%)	
	iii)	Lack of recreational facilities	4 (20%)	
Anti-social & deviant behaviour of child offenders	i)	Alcohol and substance abuse	15 (75%)	19 (95%)
	ii)	Lack of behaviour modification programs because focus is on educational programs	4 (20%)	

Lack of human resources	i) Lack of enough social welfare officers ii) Lack of support professionals	12(60%) 4 (20%)	16 (80%)
Lengthy criminal proceedings for child offenders	i) Delay of cases from high court	11 (55%)	11 (55%)
Lack of knowledge by social welfare officers to execute the programs	i) Lack of training in social work ii) Lack of capacity building iii) Lack of detailed and quality reports from social welfare officers at district levels	6 (30%) 23(15%) 2 (10%)	11 (55%)
Communication breakdown between service providers	i) Lack of coordination between the social welfare department and the police department	4 (20%)	3 (20%)

N = 20

a) Lack of organizational resources

The first sub-theme to come forward was that there was a lack of organisational resources and all the participants (20 = 100%) indicated to have had experienced a lack of organisational resources. In this sub-theme three categories were identified. Eleven (55%) of the participants mentioned to have a lack of adequate office space to conduct casework while 5 (25%) of the participants indicated a lack of transport to conduct home visits. The remaining 4 (20%) of the participants indicated the lack of recreational facilities to have been an impeding factor in rehabilitating child offenders. These categories will be discussed;

i) Lack of office space to conduct casework

The first category to be identified was the lack of office space to conduct casework. Eleven (55%) of the participants indicated that the lack of sufficient office space to conduct case work

encumbered the rehabilitation of incarcerated child offenders. The narratives of some of the participants are:

- *“There isn’t enough office space to provide counseling 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”*

As Chitembwe (2004:42) indicates, upholding confidentiality is of paramount importance if the child offenders are to have confidence in the child justice system. In addition, Mugerwa (2006:65) validates the above fact by stating that some programs in the prison system cannot be fully implemented due to limited space. It can thus be stated that if incarcerated child offenders are to be successfully rehabilitated there is need to ensure that social welfare officers operate from adequately spaced offices.

ii) **Lack of transport**

Lack of transport was the second category to have been identified. Five (25%) of the participants gave an indication that lack of transport was one of the challenges that impeded social welfare officers in executing their duties in rehabilitating child offenders. Some of the respondents 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”*

It can be noted that the challenge of lack of transport proportionately related to the challenge of lengthy criminal proceedings at the high court. As Chitembwe (2006:65) puts it, the deprivation of transport for children to be taken to courts leads to long trials as well as an increase in number of child offenders at the institutions. This is because the court cases are usually postponed if the accused child offender is absent. These findings entails that lack of transport in rehabilitation facilities can lead to a myriad of other challenges.

iii) Lack of recreational facilities

The lack of recreational facilities was the third category to be identified. Four (20%) participants indicated the lack of recreational facilities at the institutions to encumber the rehabilitation process. This was asserted in the following narratives;

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

It was established that the only recreational facilities the boys approved school has is a soccer field without the ball or jerseys while the approved school for girls only has a television set. Foster & Gifford (2008:38) specify that inmate care which is inclusive of risk assessment, psychological services, sports and recreation must be provided to each and every child offender. The authors further state that recreational programs are meant to provide child offenders with physical, mental, and emotional outlets to improve their well-being.

b) Anti-social and deviant behaviour of child offenders

The second sub-theme to be identified was the anti-social behaviour and attitude of incarcerated child offenders. Nineteen (95%) of the participants indicated that behaviour and attitude problems is a contributing factor to having challenges in rehabilitating child offenders. Among the twenty, 15 (75%) of the participants attributed the anti-social behaviour and attitude problems to alcohol and substance abuse among the child offenders while 4 (20%) attributed the challenge to focus on educational programs instead of behavioural modification programs. The categories identified are discussed below.

i) 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 (75%) of the common behavioural and attitude challenges faced by the social welfare officers were as a result of child offenders abusing alcohol and other substances. The participants indicated that child offenders would smuggle alcohol and dagga into the institution. The substances would allegedly be used right at the institution which led to some of the child offenders to physically manhandle some of the social welfare officers. More

so, it was established that some of the child offenders would sneak out of the rooms to go to the night clubs in town so as to go drink alcohol. The following narratives give an indication of what was established from the social welfare officers;

- *“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”.*

It can be stated that the child offenders seem to have been having easy access to the alcohol and substances like dagga. This could be attributed to a weakness in the security systems of the institutions. The fact that there is alcohol and substance abuse correspond with the view of Chitembwe (2004:59) that the availability of drugs and alcohol in penitentiaries is one of the main contributing factors of aberrant behaviour among the incarcerated child offenders. Onyango (2010:03) indicates the availability of drugs and substances makes the rehabilitation mandate impossible because when inmates are under the influence of alcohol and drugs it leads to indiscipline and the rise of infractions.

ii) **Lack of behaviour modification programs because focus is on educational programs**

The second category to be identified was the lack of behaviour modification programs due to the fact that focus was put on educational programs. Four (20%) of the participants indicated that focus on educational rehabilitation programs rather than on behavioural modification programs contributes to the child offenders exhibiting behaviour and attitude problems which make the rehabilitation process challenging. Below is the narrative from one of the participants;

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

From the above it can be deduced that it is imperative to balance the programs offered to the child offenders. Educational programs are important as they equip the child offenders with skills that help them deal with the complexities of life especially after reintegration. However, focusing on educational programs alone does not provide a holistic approach of rehabilitating the child offender. The preceding is validated by Mancey et al (2008:11) who states that it is vital that behaviour modification programs be offered immediately child offenders are incarcerated as it helps in promoting healthy behaviours due to its conditioning nature.

It can thus be concluded that as Mugerwa (2006) had established that anti-social behaviour of child offenders remained a major challenge not only to social welfare officers but to other child offenders as well, the forecasted results indicate that social welfare officers in Zambia face the same challenge at quite a high degree. It could mean that there is need to strengthen programs that deal with the psychodynamics of aberrant behaviour in child offenders.

c) Lack of human resources

Lack of human resources was the third sub-theme to be identified. Of the twenty respondents, 16 (80%) indicated that the lack of human resource was one of the challenges that impede the service of effectively rehabilitating incarcerated child offenders. Among the sixteen, twelve 12 (60%) indicated that it was mainly because there weren't enough social welfare officers while four 4 (20%) respondents indicated that there was a lack of support professionals. Below is a discussion of the identified categories;

i) Lack of social welfare officers

The first category to be identified under the sub-theme was the lack of social welfare officers. 16 of the participants indicated there weren't sufficient social welfare officers to execute the designated roles in rehabilitating child offenders. The following were the narratives;

- *“The Lusaka district office caters for a population of about 3 million people yet there are only 9 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”.*

Using the above projected ratio of the number of social welfare officers vis a vis the population of Lusaka. It can be deduced that each social welfare officer would then be required to serve three hundred and fifty five thousand people per square metre. The preceding situation entail that the social welfare officers would not be able to execute the duties to the best of their abilities due to the mammoth tasks expected of them. To support the assertion Mugerwa (2006:78) states that a lack of social welfare officers to meritoriously execute the roles in the rehabilitation process make it ambiguous for the social welfare officers to provide quality service delivery. It can be stated that there is need for more social welfare officers to be employed if better service delivery will be realised.

iii) **Lack of support professionals**

The second category to be identified was the lack of support professionals to execute child justice programs. Four (20%) of the participants indicated that a lack of support professions to be one of the factors impeding the effective rehabilitation of incarcerated child offenders. The support professions on board ranged from psychologists, teachers and doctors. The following were the narratives:

- *“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 would be met. Mumba (2011: 73) validates this assertion by stating that child justice requires a multi-disciplinary and multi-sectoral approach (linking closely, for example, with work in social welfare, education, health and criminal justice). The deduction that can be made from the above is that it is vital to have the important professions at all the levels of child justice in order to provide effective service delivery. Each and every profession has designated roles that can otherwise only be executed by the specialised officers. In a nutshell, having specialised officers in each field at every stage of child justice would yield the desired results in the rehabilitation of child offenders.

d) Lengthy criminal proceedings for child offenders

The lengthy criminal proceedings for child offenders were one of the categories to be identified under the above sub-theme. It was established that eleven (11 = 55%) of the participants were of the notion that lengthy criminal proceedings at the high court equally contributed to the challenges being faced by social welfare officers in rehabilitating child offenders.

i) Delay of cases from high court

The delay of cases from the high the court was the only category identified. Eleven (55%) of the participants gave an indication that most of the cases that were heard at the high court were rarely tried or finalized in time. Below is one of the narratives expressed by a participant;

- *“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 child offenders whose cases are tried in the high court are those who committed crimes like murder, attempted murder or committed a crime jointly with an adult. However, despite the nature of the case the child offenders as stipulated in the Juveniles Act (Cap. 53) of the Laws of Zambia, all cases involving juveniles are to be handled expeditiously and without delay. This piece of legislation validates that delay in the criminal proceedings involving child offenders at the high court is an injustice and a challenge to child justice. It can also be seen that lack of transport has a direct correlation with the delay of children cases.

e) Lack of knowledge by social welfare officers to execute the programs

The fifth sub-theme to be identified was the lack of essential knowledge among the social welfare officers. It was established that eleven 11 (55%) of the participants indicated that the lack of essential knowledge from social welfare officers was one of the challenges being faced. The following categories were derived for the above sub-theme;

i) Lack of training in social work

The first category to be identified was the lack of social work training among the social welfare officers. Six (6) of the eleven participants gave an indication that a lack of social work training had contributed to the challenge of 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”.*

It is likely possible that when generalists are given positions to operate as specialists, there may be a deficit in service delivery. It can be noted that the view of some of the respondents not being familiar with some theories and statutes can be attributed to this factor. Moreover, some participants indicated that the lack of social work training attributed to the poorly written reports among some social welfare officers. It was mentioned that most of the reports that social welfare officers from the district officers compile lack valuable information that the courts of law would otherwise 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”.*

Chitembwe (2006:70) validates the assertion by stating 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. This implies that the report must be of sufficient quality to facilitate a judicious adjudication of the case once it comes before the court.

ii) **Lack of capacity building**

The lack of capacity building was the second category to be identified. Of the eleven participants three (15%) indicted that the lack of essential skills was mainly because the social welfare department did not provide capacity building programs. It was indicated that social welfare officers were not empowered with new skills to enhance their service delivery. More so, the participants indicated that the newly recruited social welfare officers were not oriented on how the system operates. The following narrative depicts the above situation;

- *“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 organize more capacity building workshops in order to cater for everyone”*

This means that if not all social welfare officers are trained social workers then there is 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 (2011:27) asserts, in order to have an efficient child justice system in Zambia, it is cardinal that all welfare service providers in child justice undergo mandatory in-service trainings. The author further states that the in-service trainings would assist in widening the knowledge base of the service providers.

j) 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 to be identified. Of the twenty participants, four 4 (20%) indicated that one of the challenges impeding effective service delivery in child justice was that the social welfare officers and the police officers lacked proper coordination and harmonising of tasks.

i) Communication breakdown between service providers

Communication breakdown between service providers was the only category to have been identified under the theme. Four (20%) of the participants indicated that there was lack of coordination between the police and social welfare departments because of communication breakdown among stakeholders. The narratives of the respondents are:

- *“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”.*

Chitembwe (2004:78) 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. The above statement validates how imperative it is for departments providing child justice services to harmonise their duties.

4.5 CONCLUSION

As mentioned earlier in the research study, it was indicated that in Zambia very little research has been conducted with regard to the challenges that social welfare officers experience in rehabilitating incarcerated child offenders. Part of the aim of the study was to fill in the existing gap in the Zambian literature. Along with review of literature an empirical investigation was conducted. The experiences of social welfare officers in the process of rehabilitating child offenders were sourced as a means of establishing the challenges that are encountered.

The chapter served as an exposition of the empirical investigation conducted. The challenges experienced by social welfare officers were discussed by the use of narratives and appropriate comparisons to literature.

The research study established that most of the social welfare officers have had challenges in the process of rehabilitating child offenders. The challenges ranged from: lack of human resource; lack of funding for facilities and programs; lack of capacity building and lack of detailed and quality social inquiries just to mention a few. It was ascertained that most of the challenges experienced were interrelated hence had an influence on each other.

The respondents were of the opinion that if the social welfare department filled in the gap of the missing resources needed to rehabilitate child offenders in correctional facilities, the dispensation of child justice programs would be made easier.

The final objective of the study will be addressed in the following chapter which will comprise of the conclusions and recommendations of the researcher.

CHAPTER 5

CONCLUSIONS AND RECOMMENDATIONS

5.1 INTRODUCTION

This study aimed to explore the experiences of social welfare officers in rehabilitating incarcerated child offenders. This was achieved through the implementation of four primary research objectives. The first objective of this study was met in chapter 2, where the international and local statutes applicable in child justice as well as the roles and challenges of social welfare officers were explored. The second objective of this study was addressed in chapter 3 which examined the programs executed in rehabilitation of child offenders as well as the theories applied in designing the programs. Chapter 4 aimed to achieve the study's third objective by presenting the empirical investigation on the challenges experienced by social welfare officers in rehabilitating child offenders. The purpose of this final chapter is to present the conclusions drawn from the study and to make appropriate recommendations, thereby meeting the fourth objective of the study.

5.2 CONCLUSIONS AND RECOMMENDATIONS

The conclusions and recommendations explored in this chapter are based on the findings of the empirical investigation, and are presented in a similar layout to that of chapter 4, therefore following the structure of the semi-structured interview schedule.

5.2.1 Identifying particulars of respondents

The majority of the respondents were between the ages of 20 and 50 years of which more than three quarters were female. It can thus be deduced that the respondents in this research study can be classified as social welfare officers in middle adulthood. It means that the rehabilitation of incarcerated child offenders programs is mainly conducted mainly by social welfare officers in their middle adulthood. The finding may imply that helping professions that mainly deal with the welfare of children are dominated by females.

The **conclusion** that can be drawn from this is that the rehabilitation of incarcerated child offenders is mainly executed predominantly by female social welfare officers in their middle adulthood.

Recommendations:

- More male social welfare officers should be involved in working with child offenders especially that there is an Approved School mainly designated for male offenders.

5.2.2.1 Qualifications and work training

The majority of the respondents had received a tertiary education. This implies that all social welfare officers have acquired skills academically. Moreover, the majority of the respondents were qualified trained social workers despite quite a good number of the social welfare officers being trained in other social science fields. The finding is a positive indicator because it implies that despite the government of Zambia having gazetted some social welfare officers from other social science professions, the majority were trained social workers. Moreover, all but one of the social welfare officers not trained in social work had attended trainings in child justice. The findings depict a positive situation indicating that the social welfare officers that offer rehabilitating services to incarcerated child offenders have attended trainings to enhance their knowledge in child justice programs.

The **conclusion** that can be drawn from this is that all but one of the social welfare officers lacking social work training has attended trainings in child justice but however still lack counselling skills.

Recommendations:

- More social welfare officers trained in social work should be employed because they have the appropriate knowledge and skills on how to deal with children in conflict with the law
- All line ministries offering child justice should ensure that newly recruited social welfare officers are oriented in child justice related issues
- A professional body regulating how social workers operate should be established in Zambia so that the standards of the social work profession can be upheld.

- possible need for further capacity training working to keep the employees up to date with local and international statutes and agreements relevant to their work in the juvenile justice system

5.2.3 LEGISLATION AND POLICY

With regard to the legal instruments that are applied in designing juveniles programs it was established that the Juveniles Act was the most utilized with a record of 100% usage. This was a positive aspect because the Juveniles Act is the primary law in Zambia that governs child justice programs.

5.2.3.1 Application of statutes in designing programs

Application of statutes in designing programs is vital because the provisions in the statutes provide guidelines on how to administer child justice programs. It was established that one but all the participants had utilised the provisions in the UNCRC in designing rehabilitation programs which was a good trend because the piece of legislation is premised on the principle of the “best interest of the child”. The utilisation of the provisions of the UNCRC entails that the rehabilitation programs are designed to meet the best interest of the child offenders.

It was also noted that the majority 15 (75%) of the respondents had employed the provisions in the ACWRC. This is a positive outcome considering that the ACWRC is mainly concerned on the situation of the African child. It can be deduced that the programs designed by utilising the ACWRC addresses the unique factors of the African child such as their social-economic, cultural, traditional and developmental circumstances but to mention a few.

The provisions in the Constitution of Zambia were utilised by the majority of the respondents. This was a positive indication because the Constitution is the supreme law of the land. However, it was noted that the provisions in the UDHR which happens to be a cardinal piece of legislation were not utilised by a good number of the respondents. The UDHR is an important piece of legislation in child justice.

Moreover, it was established that less than half of the respondents had utilised the Beijing Rules despite it being the only piece of legislation that stipulates the standard minimum rules for the

administration of child justice. This was a negative indication because child justice cannot be administered effectively without making reference to the Beijing Rules.

Only 9 (45%) of the respondents had utilised the provisions in the ICCPR when designing rehabilitation programs which is a matter of concern because the legal instrument puts emphasis on the separation of child offenders from adults as well as upholding all the procedures of rehabilitation. It can thus be stated that the ICCPR is an important piece of legislation that should be employed in child justice programs.

The **conclusion** was that most of the social welfare officers seem to have knowledge about the key legislations applied in child justice at both local and international level. However, about 30% of the social welfare officers indicated ignorance of some of the key pieces of legislation. Not been conversant with some of the legislation would make achieving the goals of effective child justice delivery impossible.

Recommendations:

- Social welfare officers should receive training on the various statutes concerned with child justice.
- Statutory services in child justice should be provided by social welfare officers with a qualification in social work because the social work training is comprised of law modules that enable the social workers to have knowledge about the relevant legislation.
- Zambia should consider putting into place a legal instrument that is mainly for the protection and care of children so that the country has a statute that solely promote the legal protections and safe guards for children, distinct from those of adults.

5.2.3.2. Influence of international statutes on Zambian legislation

Zambia has ratified a number of international statutes of which it is a State Party. It was ascertained that these international statutes have an influence on the Zambian legislation. The majority of the participants had indicated that the international statutes are well incorporated in the Zambian legislation. It was stated that the both sets of legislations have a mutual concern on matters that concern children in conflict with the law. Some participants though expressed some concern on the conflicting statements with regard to the definition of a child.

The **conclusion** that can be drawn is that the international statutes have had a positive influence on the Zambian legislation as there has been a successful incorporation. The provisions in the international statutes have been applied to complement the provisions in the local statutes hence strengthening the child justice system.

Recommendation:

The definition of who a child is should be clearly spelt out in Zambia so as to compliment with the international definition.

5.2.3.3 The National Child Policy (NCP)

The national child policy is the main policy that addresses issues of child justice in Zambia. The majority of the participants indicated that they never had access to the NCP before hence expressing ignorance. A small fraction of the participants mentioned to have had knowledge and access of the NCP. The preceding group indicated that the NCP was a viable document that provided guidelines on how to execute child justice programs. However, another small fraction of the participants indicated that even though they had had utilised the NCP, it did not adequately address the issues of child justice in accordance with the resources availed.

The **conclusion** is that the NCP is not a well-known document among the social welfare officers providing the child justice services. Furthermore the respondents are of that view that, the contents of the document are known not address the issues of child justice according to the resources provided.

Recommendations:

- Social welfare officers must ensure that they acquaint themselves with the necessary policies that govern their line of work.
- The government must ensure that the policy is made available to all stakeholders providing child justice services

5.2.4 Theories and Programs

With regard to theories and programs, the participants were requested to indicate their views on what theories they had applied in designing rehabilitation programs. The participants were requested to state the rehabilitation programs they had executed in child justice as well as their experiences. This section had also attempted to establish the role undertaken by the participants in the child justice process.

5.2.4.1 *Theories applied in designing programs*

It was ascertained that the majority of the participants were conversant with the restorative justice theory and had applied it in designing the programs. However, the large minority of the participants were not familiar with the systems theory as well as the strength perspective. Furthermore, only a small fraction of the respondents had ever applied the risk need responsivity model or offender rehabilitation in child justice programs.

The **conclusion** that can be drawn from this is that the majority of the social welfare officers are mainly familiar with the restorative justice theory in comparison to the other theories and that they have never employed any other theory despite the ones stipulated in the interview schedule.

Recommendations:

- Social welfare officers should engage in career development workshops to enhance their knowledge about appropriate perspective, theories and models applicable to the rehabilitation of child offenders.
- Ministries should encourage social welfare officers to attend trainings where they gain continued professional development points.

5.2.4.2 *Programs executed*

The programs that were implemented in rehabilitating child offenders ranged from chaplaincy, inmate care, substance abuse, human development and behavioral modification. It was established that all the rehabilitation programs had been executed before by all the participants.

The program that was most executed was the behavioral modification program and the least to be executed was the inmate care program. All the programs recorded an above average usage.

It can be **concluded** that, the social welfare officers employ the rehabilitation programs in rehabilitating the incarcerated child offenders on average. There is need for the social welfare officers to execute all rehabilitation programs in order to meet the needs of the child offenders.

Recommendations:

- That social welfare officer's should be equipped with knowledge and skills on how to execute all the rehabilitation programs so that all programs are utilized effectively.

5.2.4.3 Roles of social welfare officers in child justice and their experiences in executing the roles

The participants were requested to indicate their experiences in executing their roles in child justice. It was indicated that the majority of the participants had executed the designated roles of social welfare officers in child justice. Some of the participants indicated that they experienced the execution of roles without any challenges hence recorded success stories. However, a fraction of the participants indicated that they had challenges in executing some of the roles due to lack of skills (counseling) as well as lack of facilities (no resources).

In **conclusion**, it can be stated that social welfare officers are able to execute the designated roles in rehabilitating child offenders however the lag in some skills and resources defeat the purpose of the role.

Recommendations:

- All social welfare officers should be equipped with psychosocial counseling skills so that even the social welfare officers without training in social work will be able to provide effective counseling to child offenders.
- The social welfare department should consider social welfare officers with social work training as a first choice to work directly with children.

5.2.5 CHALLENGES FACED IN REHABILITATING CHILD OFFENDERS

During the study it was established that social welfare officers encounter myriad challenges during the process of rehabilitating child offenders. The participants were requested to indicate some of the challenges that they experienced in rehabilitating the incarcerated child offenders.

5.2.5.1 *Lack of organizational resources*

The participants pointed some of the resources in the organization that were lacking. It was indicated that the social welfare department had limited office space which could not facilitate the effective counseling of the child offenders. The offices did not provide any privacy hence making confidentiality impossible. It was also indicated that the social welfare officers were providing the service with inadequate transport. This impeded their roles in that home visits could not be conducted in time. The other challenge that the participants pointed out was the lack of recreational facilities. It was stated that some of the programs like inmate care required that the child offenders utilize recreational facilities but to no avail.

The **conclusion** from the above was that social welfare officers were operating from offices that were not conducive to provide the service designated in child justice which compromised on privacy and confidentiality. The social welfare department also does not have enough transport to meet the needs of the institutions and that there is a lack of recreational facilities for the child offenders.

Recommendations:

- The social welfare department should ensure that social welfare officers occupy offices that create an optimum environment for offering child justice services. Social welfare officers are not supposed to share offices due to the nature of the cases ‘sensitive’ they deal with.
- The social welfare department must ensure that transport is provided at the institutions.
- Recreational facilities must be installed at all the institutions providing rehabilitation services to child offenders in accordance with policy documents.

5.2.5.2 Anti-social and deviant behavior among child offenders

The anti-social and deviant behavior among the child offenders was one of the challenges indicated to impede the rehabilitation of child offenders. The participants indicated that this was one of the most common challenges that were experienced by social welfare officers. The participants alluded that the abuse of substances and alcohol was the main grounds on which the above challenge was premised. Some of the participants asserted this to lack of proper security at the institutions. More so, the other factor that was mentioned to have led to anti-social behavior and attitude problems among the child offenders was the fact that at times more attention was given to educational programs rather than behavioral modification programs.

The **conclusion** is that the child offenders have access to alcohol and other intoxicating substances which in the end lead to anti-social behavior and attitude problems. Also that, an imbalance between educational and behavioral modification programs can lead to child offenders exhibiting behavioral problems.

Recommendations:

- Substance abuse programs should be strengthened in the institutions
- There should be a balance in the provision of education and behavioral modification programs to ensure various needs of the child offenders are met.
- Institutions must provide adequate security to ensure that the child offenders are kept within the confinement of the penitentiary.

5.2.5.3 Lack of human resources

It was indicated by the majority of the participants that the lack of manpower greatly affects the service delivery in child justice. In view of this, the participants attributed the above lag due to lack of enough social welfare officers. An example was projected were Lusaka district had nine (45%) social welfare officers catering for a population of three million people. The other attribute was that there was a lack of other support professionals to execute child justice programs.

The **conclusion** was that number of social welfare officers does not correlate with the population of the catchment area. There was need to include other support professionals on board if the child justice services would be delivered effectively.

Recommendations:

- The government must advocate for more people to train as social workers so that the lag in the social work profession can be met.
- Professionals that providing the supporting role in child justice must be employed

5.2.5.4 Lengthy criminal proceedings at the high court

The lengthy criminal proceedings at the high court were one of the challenges identified. A good number of the participants gave an indication that the lengthy criminal proceeding was one of the challenges that social welfare officers experienced. One of the attributes to this challenge was the lack of transport and that judges took long to finalize the cases.

In **conclusion**, some cases at the high court take long because the institutions do not have transport to ferry the child offenders to and from court and also that some judges take long to finalize the cases.

Recommendations:

- High court judges must consider finalizing all cases involving child offenders within the shortest possible time.
- The government must provide the institutions with transport to ensure that child offenders are not delayed to appear in court.

5.2.5.5 Lack of knowledge by social welfare officers to execute the programs

Some of the participants mentioned that the lag in knowledge by some social welfare officers was one of the challenges that were being experienced. The attributes to this assertion were that quite a good number 9 (45%) of the social welfare officers did not have social work training. The poor quality reports compiled by some social welfare officers were attributed to the lack of training in social work as well. More so, the fact that the social welfare department

was not conducting any training meant that the social welfare officers may lack some knowledge.

In **conclusion**, it can be stated that some social welfare officers' lack of training in social work limits their ability of effectively rehabilitate child offenders. The social welfare officers seem to have limited counseling skills.

Recommendations:

- Only social workers registered with the professional body (suggested earlier) should be allowed to practice to ensure that child justice services are executed by officers with the appropriate knowledge and skills.
- The institutions offering training in social work should consider introducing a Para-social work training course that is comprised of basic social work skills in all the methods. This is meant to equip the social welfare officers without a qualification in social work with the appropriate knowledge and skills to execute social work roles.

5.2.5.6 Lack of coordination of social welfare department with the police department

A small fraction of participants indicated that there was a lack of coordination between the social welfare officers and the police officers. It was established that some of the police officers did not have a good approach towards work.

The **conclusion** was that there was lack of proper coordination in how to execute child justice roles between the social welfare officers and the police. It also seemed as though the social welfare officers were putting the blame of lack of proper coordination on the police officers.

Recommendations:

- Social welfare officers to have joint trainings on child justice with the police officers so that their roles are clearly spelt out. Having joint trainings is also likely to strengthen the working relationships between the departments.
- The Inter-ministerial coordination among ministries providing child justice services should be strengthened to ensure effective service delivery in child justice.

5.3 KEY FINDINGS AND MAIN CONCLUSIONS

The research study established that Zambia has good legal instruments that have provisions on how child justice should be executed. However, it was noted that the country does not have a piece of legislation that sets out principles relating to the care and protection of children. It was also established that there is only one policy that addresses issues of child justice and it was believed to be under review during the time of study. The research study came to the conclusion that it would be appropriate to have more policies that spell out how to deal with cases of not only child justice but child protection. More so, it was indicated that not all social welfare officer executing the roles of social workers are trained social workers hence more social workers should be trained in order to fill the lag. What is more, it was indicated that a fraction of the social welfare officers lacked some of the essential knowledge of executing child justice roles hence more capacity building ought to be conducted. The challenges of the experienced by social welfares were explored and it was established that the social welfare officers are faced a myriad of challenges that impede service delivery. Curbing the challenges experienced by the social welfare officers needed the custodian of the child justice programs to strengthen their resources. It seemed most of the challenges were experienced because of a lack in resources ranging from; manpower, capacity building, trained social workers and facilities.

5.4 FURTHER RESEARCH

In light of the results from the empirical investigation with regards to the challenges experienced by social welfare officers in rehabilitating child offenders, it is suggested that further research focus on the mechanism that are employed in designing the rehabilitation programs. This may improve the quality of programs that will be utilized in rehabilitating children in conflict with the law. More so, this will help in designing programs that correlate with the resources and the unique needs of children across the cultural needs.

Furthermore, research could explore the views of other stakeholders on the mode employed in rehabilitating child offenders in Zambia. This would be beneficial because a wider view on how incarcerated child offenders should be rehabilitated would be established. It would also ascertain the challenges that the other stakeholders encounter in child.

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APPENDIX A: INFORMED CONSENT

STELLENBOSCH UNIVERSITY

CONSENT TO PARTICIPATE IN RESEARCH

THE CHALLENGES EXPERIENCED BY SOCIAL WELFARE OFFICERS IN REHABILITATING INCARCERATED CHILD OFFENDERS

You are asked to participate in a research study conducted by **Tamara Muyobela**, a masters student from the Social Work Department at the University of Stellenbosch. The results of this study will become part of a research report. You were selected as a possible participant in this study because you are Welfare Service Provider at Ministry of Community Development.

1. PURPOSE OF THE STUDY

The aim of the study is to explore the challenges experienced by social welfare officers in the rehabilitation of incarcerated child offenders.

2. PROCEDURES

If you volunteer to participate in this study, we would ask you to do the following:

A semi-structured interview will be utilized to gather information confidentially. You need not indicate your name or any particulars on the interview schedule. The schedule will be completed during an interview conducted by a student-researcher.

3. POTENTIAL RISKS AND DISCOMFORTS

Any uncertainties on any of the aspects of the schedule you may experience during the interview can be discussed and clarified at any time.

4. POTENTIAL BENEFITS TO SUBJECTS AND / OR TO SOCIETY

The results of this study will provide welfare organizations with guidelines and recommendations for social work intervention in Child Justice. This information could be used by welfare organizations for further planning in service delivery.

5. PAYMENT FOR PARTICIPATION

No payment in any form will be received for participating in this study.

6. CONFIDENTIALITY

Any information that is obtained in connection with this study and that can be identified with you will remain confidential and will be disclosed only with your permission or as required by law. Confidentiality will be maintained by means of coding where each questionnaire is numbered. All questionnaires will be managed, analyzed and processed by the researcher and will be kept in a safe place.

7. PARTICIPATION AND WITHDRAWAL

You can choose whether to be in this study or not. If you volunteer to be in this study, you may withdraw at any time without consequences of any kind. You may also refuse to answer any questions you don't want to answer and still remain in the study. The researcher may withdraw you from this research if circumstances arise which warrant doing so, e.g. should you influence other participants in the completion of their questionnaires.

8. IDENTIFICATION OF STUDENT-RESEARCHER

If you have any questions or concerns about the research, please feel free to contact:

Dr. M. Strydom (Supervisor), Department of Social Work, University of Stellenbosch,

Tel. 021-8082070, E-Mail: mstrydom@sun.ac.za

9. RIGHTS OF RESEARCH SUBJECTS

You may withdraw your consent at any time and discontinue participation without penalty. You are not waiving any legal claims, rights or remedies because of your participation in this research study. If you have questions regarding your rights as a research subject, contact Ms Maléne Fouché [mfouche@sun.ac.za; 021 808 4622] at the Division for Research Development.

SIGNATURE OF RESEARCH SUBJECT OR LEGAL REPRESENTATIVE

The information above was described to me the participant by _____ in English and the participant is in command of this language or it was satisfactorily translated to him / her. The participant was given the opportunity to ask questions and these questions were answered to his / her satisfaction.

I hereby consent voluntarily to participate in this study.

Name of Participant

Signature of Participant

Date

SIGNATURE OF INVESTIGATOR

I declare that I explained the information given in this document to _____ [name of subject/participant]. [He / She] was encouraged and given ample time to ask me any questions. This conversation was conducted in English and no translator was used.

Signature of Investigator

APPENDIX B: SEMI-STRUCTURED INTERVIEW SCHEDULE

UNIVERSITY OF STELLENBOSCH

DEPARTMENT OF SOCIAL WORK

The challenges experienced by social welfare officers in rehabilitating incarcerated child offenders.

Researcher: Tamara A. Muyobela

SECTION 1: IDENTIFYING PARTICULARS

Answer the questions by; ticking your preferred response and filling in the blank spaces.

1.1 What is your age as at last birthday?

Age	Response
20-29	
30-39	
40-49	
50-59	
60-69	

1.2 What is your gender?

Age	Response
Male	
Female	

1.3 What is your highest qualification?

Level of education	Response
Secondary certificate	
College certificate	
College Diploma	
University Degree	
Postgraduate Degree	

1.4 What did you study at tertiary level?.....

a. If not social work, indicate in service-training undergone to gain skills in executing rehabilitation programs for incarcerated child offenders.

.....

1.5 What is your position in the organisation?.....

1.6 How long have you worked as a social welfare officer in the organisation?

.....

1.7 How long have you been working with incarcerated child offenders?

.....

SECTION 2: POLICIES AND LEGISLATION

2.1. Which of the following statutes do you apply in designing programs for the rehabilitation of incarcerated child offenders?

STATUTE	RESPONSE
United Nation Convention on the Rights of a Child	
The Beijing Rules	
The Universal Declaration of Human Rights	
The International Covenant on Civil and Political Right	
The African Charter on the Welfare and Rights of a Child	
The Constitution of Zambia	
The Penal Code	
The Criminal Procedure Act	
The Probation of Offenders Act	
The Juveniles Act	

2.2. How do the international statutes influence the Zambian legislation in child justice?

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2.3. How does the National Child Policy address issues of child offenders?

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SECTION 3: PROGRAMS AND ROLES

3.1. Which of the following theoretical frameworks do you employ in designing rehabilitation programs for incarcerated child offenders?

Theoretical Framework	Response
Strength Perspective	
Systems Theory	
Restorative Justice Theory	
The Risk Need Responsivity Model for Offender Rehabilitation	
Other	

3.2. What is your experience with the utilisation of the theoretical frameworks in the implementation of programmes?

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3.3. Which of the following programs do you execute in rehabilitating child offenders?

Program	Response
Human Development	
Behavioural Modification	
Inmate Care	
Substance Abuse	
Chaplaincy	
Other	

3.6. What roles do you execute at the following stages of child justice?

TASKS EXECUTED	RESPONSE
Assist child from moment of arrest	
Preparation of a social inquiry	
Organizing diversion	
Support of incarcerated child offenders	
Preparation for release	
Aftercare	
Other	

3.7. How has been your experience in executing the mentioned roles?

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SECTION 4: CHALLENGES FACED IN THE REHABILITATION PROCESS

4.1. Which of the following challenges do you experience when rehabilitating incarcerated child offenders?

Challenge	Response
Behaviour and attitude problems	
Lack of Human Resources	
Lengthy criminal proceedings for child offenders	
Lack of transport	
Lack of essential skills by social welfare officers to execute the programs	

4.2. Which other challenges besides the mentioned above do you experience?

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Thank you for participating!