



# Specific Learning Disabilities and Children in Conflict with the Law in Ghana

Name:

Agyemang

Alphabet:

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z  
a b c d e f g h i j k l m n o p q r s t u v w x y z

Mathematics:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20

1.  $6 + 5 = \boxed{11}$  x

2.  $9 - 2 = \boxed{7}$  x

3. 
$$\begin{array}{r} 12 \\ \times 3 \\ \hline 36 \end{array}$$
 x

Colours:

## Preface

This study was made possible through support from Disability Rights Fund (DRF), USA. We thank DRF for their work to protect and promote the rights of persons with disabilities. We also thank officials from the various Centres for Remand and Rehabilitation of juvenile offenders for their cooperation.

A Thank You goes to the Director and staff of Angel Zoe Foundation, who gave us valuable insights in juvenile justice administration in Ghana and who facilitated our communications with the various Centres. And we thank all who participated in the Focus Group Discussion and shared their knowledge and experience.

## Summary

Special Attention Project (SAP) conducted a study into Specific Learning Difficulties (SpLD) and juvenile delinquency. A relatively high incidence of suspected SpLD was found among children who had been in conflict with the law. Other findings show strong similarities to data on children for whom learning difficulties were a factor that made them drop out of school at basic level. Knowledge on SpLD was found to be low among stakeholders in juvenile justice administration, while no special education is provided in rehabilitation settings.

Front cover: Assessment detail of a 13-year old boy who dropped out from Primary Class 2

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## Introduction

Specific Learning Disabilities (SpLD) are often called 'hidden disabilities': it cannot be seen from the outside when a child has, for example, a reading disorder. The child looks like a normal child, but when it comes to reading related tasks the disability manifests itself. The social environment of the child may not be aware that there is a disability. But in a society that is more and more information-based, learning disabilities will become increasingly an issue.

In recent years, Special Attention Project (SAP) has conducted several studies on learning disabilities in children in the streets of Accra. Majority of children on the streets have been to school but have dropped out at an early stage. The learning levels of many of these children are far below the level they should have attained in school. The pattern is that they mostly drop out from Primary level (majority from Primary class 3), after which they stay at home for a year or two before resorting to the streets.

When these children are provided with individualized education, they still make very little progress. Reading is a major problem for nearly all of them. Learning problems and behavioural patterns do strongly correspond with diagnostic descriptions of Specific Learning Disabilities. Meanwhile, they are intelligent children who are well able to survive on their own in the streets, and who often show amazing skills in making money.

This group of children, as described above, are relatively often in touch with the police. Their life in the streets exposes them to social vices and crime. But there are also many reports of children being truant or involved in stealing before they ran away from home. Many parents and relatives express doubts when attempts are made to re-integrate a child with its family. They complain about the difficulties they experienced with the child, and fear further stigmatization in their community.

The impact of learning difficulties on individual children and on society as a whole has not yet been well-researched in Ghana. Criminality is often researched from economic or moral perspective, without taking into consideration the role of education or the lack of it. No study on the role of learning difficulties in crime in Ghana could be found in preparation of this study. One observation is however included in the book 'Fighting armed robbery in Ghana' by Prof. Ken A. Attafuah.

It is from this background that SAP initiated this study into a possible link between learning difficulties and juvenile delinquency.

## 1. Background and social context

### 1.1 What are Specific Learning Difficulties?

Specific Learning Disabilities (SpLD) refer to learning difficulties in a specific area; for example reading or mathematics. The individual has no particular problems in other areas: a child with a mathematics disorder may perform well in reading. It is therefore fundamentally different from intellectual disabilities whereby the intelligence level of an individual is below average, affecting all learning abilities.

Some Specific Learning Disabilities are:

- Dyslexia: difficulty in reading, writing and spelling;
- Dysgraphia: difficulty in writing;
- Dyspraxia: motor difficulties;
- Dyscalculia: a difficulty performing mathematical calculations;
- Attention Deficit Disorder (ADD), or Attention Deficit Hyperactive Disorder (ADHD): concentration difficulties with heightened activity levels and impulsiveness;
- Asperger's syndrome and Autism: social communication difficulties;

In Ghana, there are very few possibilities for screening and testing on SpLD. The Ghana Education Service (GES) does not have the facilities to screen, and provides little targeted support to children with learning difficulties. As a result, there is not much information on children with Specific Learning Disabilities in Ghana. Statistics from other countries however suggest that up to 10% of children in any population have a specific learning disability.

### 1.2 Juvenile justice administration in Ghana

When a person under 18 years of age is arrested by the police, the procedure to be followed is laid down in the Juvenile Justice Act. It contains the following steps:

- The age of the child should be verified and a juvenile should not be kept in the same cells as adult suspects; the juvenile has to be brought to court within 48 hours.
- If no bail is approved, the child is to be sent to the nearest Remand Home or remanded at the home of a responsible guardian. If the court approves bail (which the law encourages for juveniles), a surety is requested from a parent or guardian,
- The juvenile can be diverted from the criminal justice system and handed over to a Child Panel, to decide what should be done.
- Court cases for juveniles are to be kept separately from other cases, at a Juvenile Court.
- If the juvenile pleads guilty, a Social Enquiry is to be carried out by a social worker, and a recommendation given; if the juvenile pleads not guilty, a trial is started.
- The Magistrate together with other panel members hears the case, and discusses it with the prosecutor and defense counsel in order to come to a conclusion. If the juvenile is found guilty, a Social Enquiry is ordered.
- When found guilty, the child can be sent to a Senior or Junior Correctional Centre (according to age) for the length of the sentence.

### 1.3 Relevant legislation

The current legislation in Ghana which refers to Juvenile Justice Administration or which is relevant to children with learning difficulties is the following:

#### A. Criminal Code (30) 1960

The Criminal Code deals with criminal justice in general but does not provide specifically for juveniles. The Juvenile Justice Act (see below) deals with that.

#### B. Juvenile Justice Act (653) 2003

The Juvenile Justice Act was passed in 2003 and regulates justice administration for juvenile offenders. The Act reiterates the Welfare Principle, whereby the interest of the child is the highest priority. It states for example the rights of a child when arrested, stipulates that a parent, guardian, lawyer or close relative should be present anytime the child is questioned and lists the rights of a child on remand.

When a child is charged, a social enquiry is to be made by a Probation Officer. Content should cover the social situation and the circumstances under which the offence was committed. The Act does not specifically require information on educational situation.

The Act also provides for establishment and operation of Senior and Junior Correctional Centres and Remand Homes, but does not specify what these Centres should provide in terms of education and training.

#### C. Children's Act (560) 1998

The Children's Act is based on the Welfare Principle which means that the interest of the child is priority in any situation. It gives a general outline of children's rights and for example stipulates regulations for foster care and child protection. It does not cover juvenile justice specifically but does deal with situations of abuse and inhumane treatment.

#### D. The Disability Act (715) 2006

The Disability Act deals with the rights of persons with disabilities, and has a section that covers justice administration. It states that a court of justice should take into consideration the condition of a person with a disability and provide appropriate facilities.

A definition of 'disability' is included in the Act, but does not clearly cover individuals with Specific Learning Disabilities.

#### E. The Education Act (778) 2008

The Education Act covers provision of education in Ghana, and has one article (Article 5) on Inclusive Education. This article deals with infrastructural issues, and provides the underlying values of Inclusive Education. The Act does not provide for education to individuals in detention.

#### F. UN Convention on Rights of Persons with Disabilities (CRPD)

At the time of writing, Ghana had ratified the CRPD but not yet signed it. The CRPD covers a wide range of rights issues concerning persons with disabilities, based on the principle that persons with disabilities should be fully included. On access to justice, the Convention states that appropriate facilities should be provided and that appropriate training should be given to those working in the field of justice administration.

## 2. About this study

### 2.1. Overview

This study was conducted in November and December 2011. It was planned as a follow up to SAP's earlier findings that many out-of-school children show strong signs of Specific Learning Disabilities (SpLD). It was to find answers to the relative higher prevalence of criminal behaviour among children who have dropped out of school. It sought to explore the knowledge base of professionals in the juvenile justice administration as far as the Convention on the Rights of Persons with Disabilities (CRPD), Disability Act (DA), Juvenile Justice Act 2003 and Specific Learning Difficulties are concerned. Lastly it was conducted to explore if the possibility that a child has learning difficulties is taken into consideration when juvenile offenders are committed and rehabilitated.

The study involved the following:

- Interviewing of twelve (12) children in Osu Remand Home, seventeen (17) children in the Junior Correction Centre in Swedru and seventeen (17) children in the Senior Correction Centre in Accra (formerly the Borstal Institute);
- Screening of the same children for suspected Learning Disabilities;
- Follow up to homes and schools of seven (7) of the children;
- Interviewing of staff at the three Centres;
- A Focus Group Discussion with stakeholders in juvenile justice administration.

### 2.2. Aim of the study

Focus question:

*Is there a link between Specific Learning Difficulties and juvenile delinquency?*

Specific questions to be answered were:

1. How many children in remand and rehabilitation show symptoms of Specific Learning Difficulties?
2. What is the educational level of children in remand and rehabilitation centres?
3. What is the timeframe between drop-out of school and committing an offence?
4. What was the performance and attendance level of the children when in school?
5. What were the particular behavioral patterns of children at home and school?
6. What is the staff observation about the behavioural patterns of the children?
7. What is the level of involvement of families?
8. What are the parents, teachers, and law enforcers' knowledge on (1) Specific Learning Difficulties (SpLD), (2) the Disability Act (DA), (3) the Convention of the Rights of Persons with Disability (CRPD) and (4) the Juvenile Justice Act 2003? and are they aware that children could have Learning Disabilities (LD)
9. What is the consideration given to SpLD when committing children?
10. What educational materials are available for education of children in rehabilitation?

### 2.3. Methodology

The following methods were applied to gather data:

- Semi- structured interviews for children and staff covering educational and social circumstances of children prior to arrest.

- Checking report cards and previous school attendance records to establish the performance and attendance levels of children when they were still in school.
- Structured interviews for parents and former teachers on the particular behavioral patterns of the children when in school and at home.
- Questionnaires to parents, teachers, officials and law enforcers to establish knowledge on Specific Learning Difficulties and relevant legislation
- Focus Group Discussion for stakeholders to gather data on consideration given to possible learning disabilities when committing children.
- Survey of availability of materials and facilities for education of children in detention by observation and interviewing staff.

#### **2.4. The screening exercise**

A total of forty-six (46) children were screened for Specific Learning Difficulties (SpLD) at three different juvenile centres in Greater Accra Region and Central Region. It had been established that all children had previously been to school.

##### The screening tool

For lack of official screening and testing tools, a basic tool was used to test if a child is at risk of to having SpLD. It did neither seek to measure how intelligent a child is, nor did it diagnose severity or type of difficulty. Rather, the screening tool sought to come out with an initial assessment that indicates whether there is the likelihood that the child has a SpLD.

The tool was actually meant for children from 4 – 7 year old. Meaning at ages between 13-17 children who have been to school should under normal circumstances be able to pass with ease. SAP used a screening tool much lower than the least of ages of the children, because other factors could account for children not been able to perform well. It was not possible to prepare children beforehand or to familiarize the child with the exercise. It could be that the child was not in a good mood, had not eaten well, was tired or felt intimidated by the exercise. This could affect the performance negatively. The long period of time that some children had been out of school was also a factor.

The results should have been different if we had used a screening tool that is in line with the ages of the children, but would not take into consideration the exceptional present circumstances of the children.

##### The screening included:

- Testing a child's knowledge in primary colours; they were asked to identify an object (for example a star) and colour it with a particular colour.
- Testing on numbers; they were asked to count a number of objects and write the answer down.
- Writing of numbers 1-10.
- Knowledge of sounds and auditory; numbers and alphabets were mentioned for the child to write down.
- Rhyme test, where children were made to indicate 'yes' or 'no' if certain words rhyme or not.
- Fine motor control of children; they were asked to copy simple shapes like square, triangle and kite.

- Visual testing; this test involved a mixture of six (6) numbers and alphabets written down and children were required to identify similar numbers and alphabets and circle them.
- Visual sequencing; children were asked to rearrange pictures which involved common activities from the first to the last.
- Writing of their first names.

The tool consisted of twelve (12) different sections and each test carried a score of 10 marks, making the total score to be 120. The 'pass mark' was 85 / 120. Any child who scored 84 or less is suspected to have a SpLD.

At the Osu Remand Home officers objected that the children should write their first name (which was part of the total score for the screening exercise), in order to protect the identities of the children. The score of those children was therefore reduced to 110 instead of 120, and the 'pass mark' reduced to 75. This did not affect the outcome of the final screening results in any way.

## **2.5 Focus Group Discussion with stakeholders**

The Focus Group Discussion (FGD) involved representatives of the following organizations:

- Department of Social Welfare
- Judicial Service
- Legal Aid
- Accra Rehabilitation Centre
- Special Education Division (SpED), Ghana Education Service
- Juvenile Justice ProBono
- Ghana Police Service (DOVVSU)
- Department of Social Welfare (Swedru Boys Correctional Centre)
- Osu Remand Home
- Basic Education Unit , Ghana Education Service
- Department of Social Welfare (Junior Girls Correctional Centre)

The FGD covered issues on commitment of children, rehabilitation and education, court processes for juveniles and challenges after detention, with focus on children with possible SpLD.

## **2.6 Challenges and constraints**

- Teacher transfer  
SAP wanted to in addition to the results of the screening exercise, follow up to the homes and former schools of children who were found to be at risk of having SpLD, in order to confirm the outcome of the screening. However, almost all the former teachers of the children have been transferred and only limited information on those children could be collected.
- Record Keeping  
None of the schools we visited kept proper records of the attendance and performance of the school children. In one instance, although the name of the child was in the school register, there was nothing recorded on her.

- Short time and inadequate information:  
Because of the regulations surrounding children on remand or in rehabilitation, only limited access was possible. This meant only short time was available, and it was difficult to establish rapport. Children were therefore reluctant to give directions to their homes and schools. This limited the number of follow up visits that could be carried out.

## 2.7 Overview of sample

The total number of children involved in the study was 46, with 41 of them being males and 5 females. The ages ranged from 13 – 19 years. The breakdown is below:

Age	Boys	Girls
13	4	2
14	4	1
15	8	0
16	13	0
17	12	2
19	1	0
<b>Total</b>	<b>41</b>	<b>5</b>

### 2.1 Overview of sample

NB Legally, a person over 18 years is not a child / juvenile, but one individual was found to be 19 years old.

The children were at the following locations:

Location	Number of children
Osu Remand Home	12
Junior Correctional Centre	17
Senior Correctional Centre	17
<b>Total</b>	<b>46</b>

### 2.2 Children per location

The children were charged with the following offences:

Type of Offence	Number of children
Stealing	28
Defilement	13
Murder	3
Possession of firearms	1
Causing harm	1
<b>Total</b>	<b>46</b>

### 2.3 Offences children were charged with

Stealing cases involved:

Money(13); Laptops; Phones(4); Car spare parts; Goat; Sewing and barbering machines; Shop lifting provisions(3); Cattle; Cloths; Cables; Electronic gadgets; Holding a knife allegedly to steal.

### 3. Findings on prevalence of Specific Learning Difficulties in children in conflict with the law

This section of the report provides an overview of the data collected on educational levels, school drop-out and actual learning levels of children on Remand or in Rehabilitation. Starting point is the outcomes of the screening, which is indicative of a possible link between learning difficulties and juvenile delinquency. Other data provides supporting indicators or provides context, according to the sub-questions as stated in Section 2.

#### 3.1 How many children show symptoms of Specific Learning Disabilities?

The outcomes of the screening exercise are presented in this table:

	<b>Number of Children</b>	<b>Boys</b>	<b>Girls</b>
Children suspected to have SpLD	14	14	0
Children not suspected to have SpLD	32	27	5
<b>Total</b>	<b>46</b>	<b>41</b>	<b>5</b>

#### 3.1 Suspected Specific Learning Disabilities

The table shows that about 30% of the children are suspected to have a learning difficulty. Literature on learning difficulties from other parts of the world usually estimates the percentage of children with learning SpLD in any population between 5% and 10%. The rate of 30% corresponds however with findings on learning difficulties among children who live in the streets of Accra (Catholic Action for Street children 2005 and SAP 2010).

All children suspected to have learning difficulties are male. This corresponds with international statistics that learning difficulties are more prevalent in boys than girls. However, the low representation of females in the sample group may as well account for this finding.

The following table shows how long the children had been out of school, and the number of children who are presently involved in education:

	<b>Average length of time since dropping out from formal schooling (months)</b>	<b>Number of children currently receiving education (during rehabilitation)</b>
Children suspected to have SpLD ( <b>14</b> )	32.15	5
Children not suspected to have SpLD ( <b>32</b> )	10.46	15

#### 3.2 Drop out length and children receiving education while in detention

The fourteen (14) children who were suspected of having SpLD had dropped out of school averagely for a much longer time than those who were not at risk (less than one year against more than 2.5 years). This could either mean (1) that learning difficulties caused them to drop out at an early stage of their educational career, or (2) that the long absence from formal schooling had caused these children to lose previously acquired knowledge and skills.

Out of the twenty (20) children who are in school during their detention, five (5) were suspected to have SpLD. All five (5) children were staying at the Senior Correction Centre. The nine (9) children who were suspected to have SpLD but who were not receiving education were in the Junior Correction Centre (7) and Osu Remand Home (2).

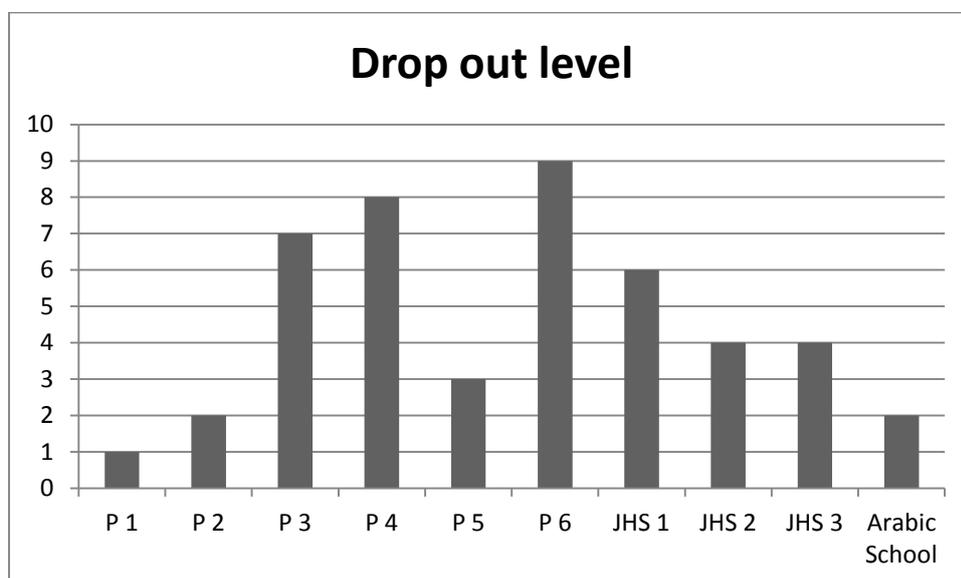
*I encountered two other juveniles, who clearly had difficulties in communication and processing of information. I couldn't follow up on one because I didn't get any correct contact details. He had a problem with speech and memory. According to officials at the correctional centre, the father said the boy had a problem with the head and that has affected him. Would he have defiled a three year old girl if he had received the needed care and support?*

*Evans, Data Collector*

*Case Study I*

### 3.2 Educational level of children in Remand and Rehabilitation Centres

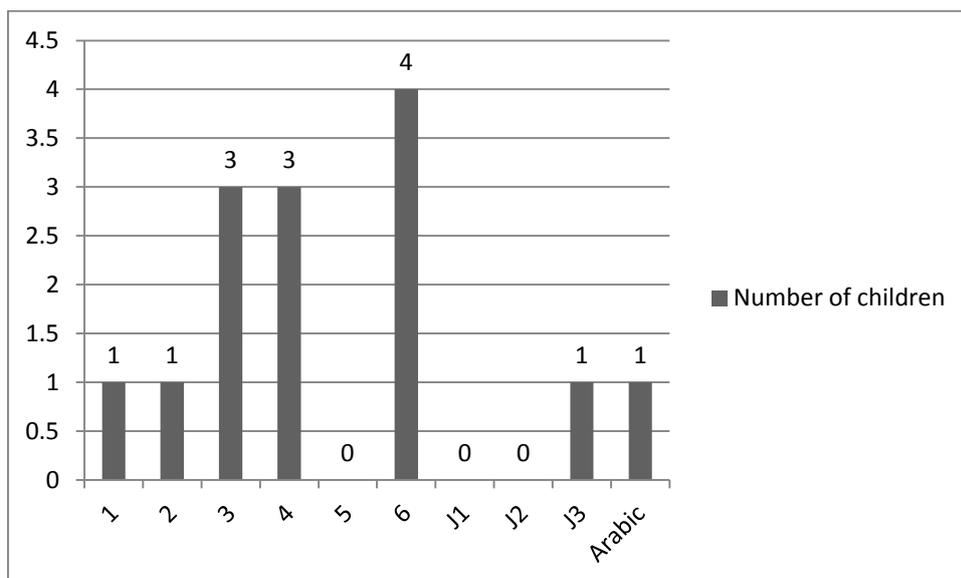
During the interviews, children were asked about the level at which they stopped formal schooling. The answers were as follows:



### 3.3 Drop out levels of children

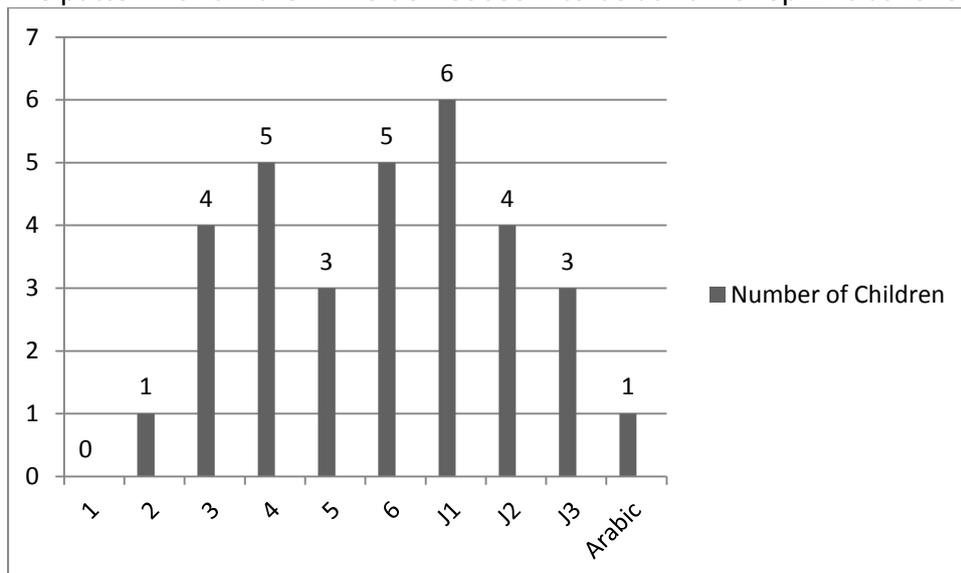
Thirty (30) of the children out of the total of 46 dropped out from primary level. This represents 65% of the total number. A peak is seen in P3 and P4, and again at P6. This table shows strong correlation with other findings of SAP on drop out levels of children with learning difficulties. Statistics show that children with learning difficulties start dropping out of school from Primary class 3. Thirty percent (30%) of the children in the survey group dropped out of school in Primary 3 and 4, and another twenty percent (20%) from P6.

The drop-out levels of children suspected to have SpLD show similarities with the pattern of the total sample. Large majority of these children dropped out from Primary level.



3.4 Drop-out levels of children suspected to have SpLD

The pattern for children who do **not** seem to be at risk for SpLD is as follows:



3.5 Drop-out levels of children **not** suspected to have SpLD

Majority of children who reached Junior High School are in this group.

*One child I followed up on was from Techiman, in the Brong Ahafo Region and he told me that he dropped out JHS 3. But the mother refuted it and said he was in Class six (6). Accused of defilement, both the boy and the mother vehemently denied the offence. According to the mother the suffered from convulsion when he was a small boy and that might have affected him. He is currently learning to be a mechanic at the centre and very enthusiastic about it. The mother said the son's performance in school was average.*

*Evans, Data Collector*

**Case Study II**

### 3.3 Time between drop out of school and committing the offence

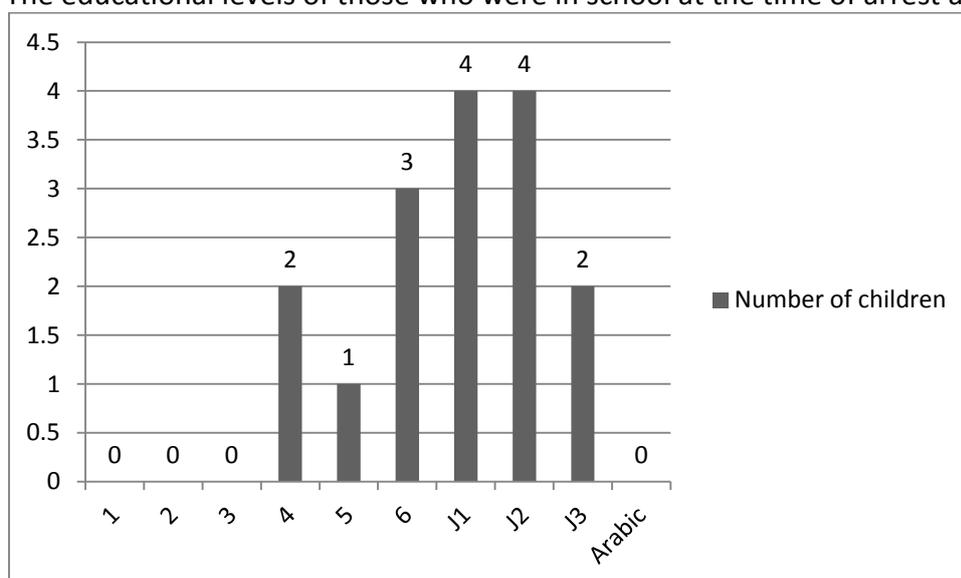
Children were asked how long they had been out of school, and this was compared with the date of arrest for each child. For the total group the figures are as follows:

Average time since dropping out from school (months)	Average time since arrest (months)	Average time between drop-out and arrest (months)
23.6	6.8	16.7

#### 3.6 Time between school drop-out and arrest

A total of 16 children (15 boys and 1 girl) were in school when they were arrested while the remaining 30 (26 boys and 4 girls) were already out of school when they were arrested.

The educational levels of those who were in school at the time of arrest are as follows:



#### 3.7 Educational levels of children who were in school at the time of arrest

This shows that all were at Upper Primary School level or beyond, with majority in Junior High School. Out of this group, fourteen (14) are not suspected to have a SpLD, while the screening results of two (2) indicate that they are suspected to have an SpLD.

The charges against this group are as follows:

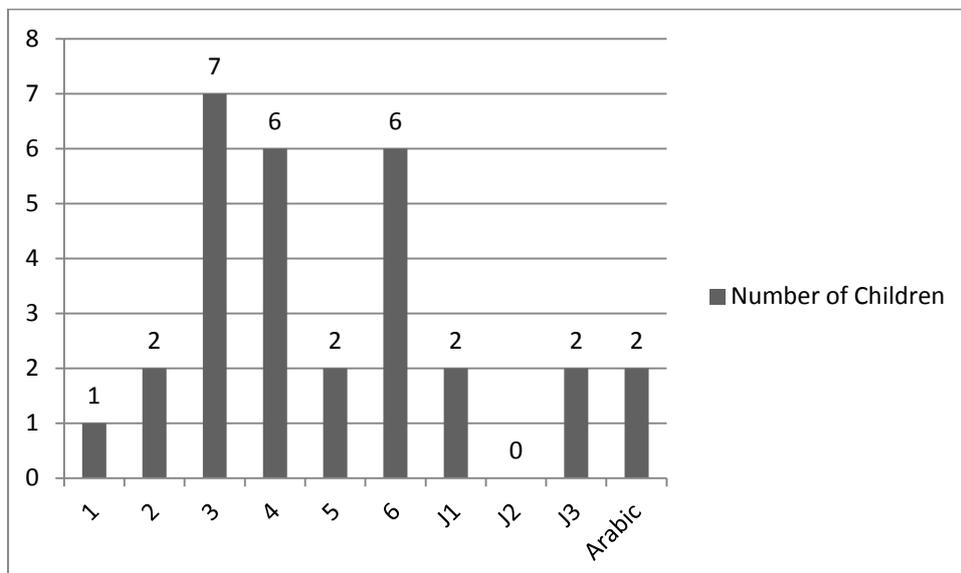
Stealing	5
Defilement	9
Murder	2
<b>Total</b>	<b>16</b>

#### 3.8 Charges against children who were in school

Their average age is 15.7; lowest age is 13, highest is 19.

Out of this group, eleven (11) children are receiving education while in detention.

The educational levels of those who were out-of-school at the time of arrest are as follows:



3.9 Educational level of children who were already out of school at the time of arrest

This shows that children who were already out-of-school when arrested had generally much lower educational levels than children who were schooling at the time of arrest. Twelve (12) of the fourteen (14) children suspected of having SpLD are in this group.

The charges against this group are as follows:

Stealing	23
Defilement	4
Murder	1
Possession of firearms	1
Causing harm	1
Total	30

3.10 Charges against children who were out of school

Their average age is 15.4; lowest age is 13, highest is 17.

Out of this group, nine (9) children are receiving education while in detention.

This group is slightly younger than the group that was in school, while stealing is more and defilement less prevalent.

The data on school drop-out generally shows that there is some link between school drop-out and juvenile delinquency, as two out of three children in the survey group were already out of school when they were arrested. The average period children were out of school before they were arrested is nearly 1.5 years. Questions that can be asked are:

- Do children come into conflict with the law *because* they are out of school (boredom, frustration)?
- Do children come into conflict with the law for the similar reasons as why they drop out of school (for example poverty and the need to steal)?
- Do learning difficulties and behavioral problems play a role (poor performance in school, stigmatization in the community with subsequent controversial behavior by the child)?

*At Cape Coast, one juvenile was described by the teacher as truant and a bully. He was very notorious in the house and in school and often associated himself with bad friends. He performs very poorly in class. The teacher believes the boy's problem is lack of parental control. The family also described him as very hyperactive, truant and often associated with bad friends. They also believed that that boy's problem is spiritual.*

*Ishmael, Data Collector*

### *Case Study III*

The above data shows strong resemblance with findings on children with learning difficulties who live in the streets, and did drop out from school prior to leaving home. The pattern is that children still spend up to two (2) years at home after they have stopped schooling, and before they run away and start living in the streets (CAS 2005 and SAP 2010). Though running away to the streets does not strictly amount to offending the law, it is undesirable behavior in a child and as such comparable to criminal acts.

Children were asked the reason for dropping out of school.

<b>Reason for dropping out of school</b>	<b>Number of children</b>
Inability to pay school fees	17
Because of the arrest	16
Don't like school	2
Not a good student	1
Wanted a new school	1
Peer pressure	3
Divorce	2
Accusations	1
Absenteeism	1
Not in school	1
Completed BECE	1

### *3.11 Reasons for dropping out of school*

Out of the seventeen (17) children who claimed that unavailability of school fees forced them to drop out from school, fourteen (14) were charged with stealing. This could indicate that economic difficulties played a role.

Follow up to seven (7) families however revealed that in all seven cases school fees was not the issue. Families rather stated that poor performance and difficult behavior on the part of the child was the reason why they stopped school. See case studies for details.

This data also needs to be seen in the context in which it was collected. The children were interviewed by data collectors from SAP, whom they were not familiar with. It is therefore likely that children gave an 'easy answer' instead of confiding more complicated or embarrassing reasons for dropping out of school.

Experience with children who live in the streets shows that nearly all children mention 'lack of money for school fees' as the reason why they are not in school when they are first

asked. When however a further survey is conducted, in nearly all cases different factors are found: for example family problems or poor performance in school.

*During follow up in the Western Region, a father of a juvenile offender (who had twenty nine (29) children in total) refuted the child's claim that school fees was the cause of his exit from school. The father who is a farmer even went and brought the school uniform of the child and reminded me that government schools do not collect fees. According to him, the boy didn't like school but rather chose to be loitering with bad friends. He was described as stubborn and not good at school.*

*Evans, Data Collector*

*Case Study IV*

Children were asked about their 'likes' and 'dislikes' concerning their former schools and teachers. Here are a few significant findings.

- 34 children said their former teacher taught well, and 22 said that the school offered good education;
- 16 children liked their school because of sports;
- 10 children said they liked everything about their school.

Children were asked what they don't like about their former teacher:

<b>Why don't like teacher</b>	<b>Number</b>
Beatings	17
Like everything	9
Liked nothing	12
Does not address complaints	1
Insults	3
Reveals secrets	1

**3.12 Reasons for not liking former teachers**

Seventeen (17) children reported that their teacher beat them, and 12 children said there was nothing they liked about their teacher. But nine (9) children said they liked everything about their teacher.

This may suggest that beating and caning is still prevalent in schools in Ghana. Poor performance and behavioural problems in school may also attract more beatings.

**3.4 Performance and attendance level of the children when in school**

This is one of the major challenges of this study. It was very difficult to meet with teachers in the former schools of the children because many had been transferred; in view of the long periods of time the children had been out of school this was not surprising. In cases where the teacher was found, inadequate record keeping made it difficult to locate the required data. SAP eventually found information on the performance and attendance on only two (2) of the children. Even with that, one of the teachers was a Physical Education (PE) teacher who only knew the boy because of he was involved in sporting activities. The other former teacher was met all-right but there was very little recorded on attendance.

Both of the children were described as truant, while one was confirmed to be hyperactive. The school attendance was 15 / 64 for a term; his results for mathematics and reading were average while that for spelling and writing was poor.

SAP's studies of children with SpLD fit the above. Description of the performance and attendance of the two children by their teachers is similar to SAP's observations of children with SpLD. Both children were among those suspected of having SpLD.

*One headmistress of a primary school in Ashanti Region found the name of the child SAP was working on but could not provide any other information because most of the teachers have been transferred out. Thus, getting to interview class teachers of the juveniles proved very difficult.*

*Ishmael, Data Collector*

*Case Study V*

### **3.5 Behavioral patterns of children at home and school**

Below are the words former teachers used to describe the children that were followed up on:

- Bully
- Truant
- Disturbs classes
- Likes sports
- Jovial
- Lacks parental control

Seven (7) parents were visited and asked about the behavioural patterns of their children:

- Talkative
- Stubborn
- Stealing
- Disrespectful
- Smoking
- Wickedness
- Playful
- Quiet
- Respectful

Majority of characteristics are negative. The more positive characteristics of 'playful', 'quiet' and 'respectful' were all attributed to boys who were charged with defilement. This could be attempts at 'image clearing' by families, but could also suggest that the act which was interpreted as defilement was maybe an act committed by a child who was otherwise not creating much problems.

*At Asamankese in the Eastern Region, one juvenile was described by police as incorrigible. He dropped out of school more than five years ago. Parents were divorced and the mother was the one taking care of him. No record of him at the school because he dropped out of school long time ago. The mother said he was very stubborn and was smoking a lot. Days after SAP visited the centre, the boy was caught smoking. He said he dropped out of school because of school fees but the mother denied that assertion and said the boy was a truant. He simply couldn't stay in school.*

*Evans, Data Collector*

*Case Study VI*

*Again at Cape Coast, another juvenile was described the family as very difficult and always stealing from neighbours. The family was not even aware that he had been arrested. At his school, authorities could not make him out since most of the teachers have been transferred from the town.*

*Ishmael, Data Collector*

*Case Study VII*

All these descriptions are very much in line with descriptions by parents of children who dropped out of school because of learning difficulties. During Parents’ workshops organized by SAP many parents and caregivers express their worries and frustrations in similar terms.

**3.6 Staff observations on behavioural patterns of children**

Officers from the Centres used the following terms to describe the children:

- Quarrelsome
- Forgetful
- Playful
- Don’t take instruction
- Not sociable
- Hypoactive
- Slow to learn
- Inattentiveness
- Shouts when talking
- Fighting

Most of these descriptions are typical for children who have learning difficulties. Not included in the study was the question to what extend the circumstances of the children influenced their behavioural patterns. For example: living together with many other children in a confined space may result in a high incidence of quarrels and fights.

**3.7 Involvement of families**

Children were asked who was in court with them. The answers are as follows:

<b>Who was in court with them</b>	<b>Number of children</b>
Family	29
Community members	1
Nobody	16
<b>Total</b>	<b>46</b>

*3.13 Who was in court with the child?*

Children were asked who came to visit them and how often:

Who came to visit	Number of Children	How often (total)
Father	6	15
Mother	5	14
Siblings	8	15
Boyfriend	1	4
Family (not specified)	3	3
No visits	20	20

### 3.14 Who visits the child?

Out of the fourteen (14) children suspected to have SpLD, nine (9) reported never to receive visitors. Five (5) of them had nobody in court with them.

All thirteen (13) children charged with defilement had a family member with them in court. Four (4) of them report no visitors during detention.

Children charged with stealing (28) show a more varied pattern: fourteen (14) had a family member or community member in court with them, the other fourteen (14) had nobody. Eleven (11) children reported not to receive any visits during their detention.

*At Takoradi, one juvenile whose grandmother could not even find words to describe him, had stayed with not less than five people after the death of the parents. The grandmother was convinced that the cause of the boy's predicament is spiritual since the younger sister 'with an even worse attitude' is on remand at another juvenile centre. Because of the frequent movements there was little or no information academically on this boy. The grandmother said he was not good in school and that he even stole on his first day at school in Takoradi. Money seemed not to be a problem for this juvenile at all, since after all the "wickedness" (that was the word used to describe the siblings by the grandmother), they are still visited every month and provided for. The grandmother, who herself is a prophetess, is willing to help but the problem is what type of help and where to even get that help. She is depending on God to save her grandchildren.*

*Evans, Data Collector*

*Case Study VIII*

## 4. Findings on knowledge of professionals concerning children with learning difficulties and the law

### 4.1 Knowledge on legislation

A cross section of professionals in the juvenile justice administration system was interviewed on their knowledge of legislation that is relevant for children with learning difficulties who come into conflict with the law.

Respondents were asked to mention provisions from the Disability Act (2006):

	Number of provisions mentioned by seven (7) respondents:
Provisions on Transport	2
Provisions on Employment	2
Provisions on Justice Administration	3
Provisions on Education	3
Provisions on Access to public places	4
Provisions on Medical Care	1
Know the DA but don't know content	1
Don't know about the DA	1

#### 4.1 Knowledge on Disability Act

The table shows that respondents averagely could mention less than one (1) provision per category each. Two respondents did either no content or did not know about the Act.

Respondents were also questioned on their knowledge of the Convention on the Rights of Persons with Disabilities:

	Number of provisions mentioned by seven (7) respondents:
Provisions on Transport	3
Provisions on Employment	4
Provisions on Justice Administration	2
Provisions on Education	4
Provisions on Access to public places	4
Provisions on Medical Care	3
Know the CRPD but don't know content	0
Don't know about the CRPD	1

#### 4.2 Knowledge on CRPD

Knowledge on the CRPD seems to be slightly higher, with respondents being able to mention two (2) or more provisions per category. As with the Disability Act, they know less than one provision each per category. One person had not heard about the CRPD.

Respondents were interviewed on their knowledge with the Juvenile Justice Act:

	Number of provisions mentioned by seven (7) respondents:
Rights of children under arrest	4
Courts system for juveniles	2
Correctional Centres	5
Know the JJA but don't know content	1
Don't know about the JJA	0

#### 4.3 Knowledge on JJA

Respondents could each mention some aspects of the JJA, but less than one provision per category each. All respondents know about the JJA, but one person could not tell any content.

#### 4.2 Knowledge on Specific Learning Disabilities

The same respondents were asked to mention some Specific Learning Disabilities. No respondents could mention any.

Respondents offered the following descriptions of out-of-school children who come into conflict with the law:

- These children can describe themselves vividly
- They pretend
- They are not truthful
- They become hardened
- They are withdrawn
- They learn bad behaviour

#### 4.3 Causes of juvenile delinquency

Respondents suggested the following causal factors that made children come into conflict with the law:

- Spiritual reasons
- Get rich quick attitude
- Inappropriate parenting
- Peer pressure
- Poverty
- Broken homes
- Falling moral standards
- Individualisation
- Poverty
- Irresponsible media

## 5. Findings on consideration of (possible) learning difficulties in committing and rehabilitation of juvenile offenders

### 5.1 Consideration given to SpLD in committing children

A Focus Group Discussion (FGD) was organized to get professionals' insight in SpLD and juvenile delinquency. It was attended by major professionals in juvenile justice administration including a Magistrate, a lawyer for juvenile justice, Police (DOVVSU), Probation Officers, Social Workers, Special Education Division of GES, Legal Aid, Remand and rehabilitation Centres, Accra Rehabilitation Centre, and the Basic Education Unit of GES.

The first part of the programme consisted of education on Specific Learning Disabilities by a facilitator from SAP. The more common learning difficulties were presented, and participants learned about identifying symptoms and interventions for remediation. After that, participants were asked to reflect on a set of questions pasted on the walls, and add their thoughts (in *italics*):

- **What considerations are given in the preparation of juvenile cases for court? Is SpLD considered?**  
*No!*  
*Because SpLD is not common in our investigations of juvenile cases.*  
*The symptoms are also not known, so we hardly consider them during investigation.*
- **What steps are taken in the rehabilitation of children in the Remand /Correctional Centre?**  
*Individual learning pace*  
*One-on-one learning situation*  
*Staff gives special attention to children with specific difficulties.*  
*Reinforcing positive behaviour: Children at the home are awarded marks after every positive behaviour and are given money at the end of the week for accumulative points.*
- **What do children who have SpLD and are in custody need?**  
*Love*  
*Affection*  
*Specific attention*  
*Care*  
*Engage them in activities such as games*
- **What considerations are given to children who have SpLD during the hearing/Court process?**  
*Care and patience*  
*Sign language interpreter*
- **What specific provisions are made in the laws of Ghana for children with SpLD?**  
*No provision in the laws of Ghana in the Juvenile Justice Act, perhaps because of absence of knowledge.*
- **What challenges are children with SpLD likely to face in Ghanaian society?**  
*Excluded from school and peers*  
*Taunting from peers*  
*Lack of appropriate learning equipment (facilities)*

After the reflection-on-the-wall, participants discussed this further. Below are extracts from the discussion.

***Recognition and care:***

DOVVSU: 'We have not been fair to a whole lot of children because not all of them are equal in strength and abilities. Does one need to show two (2) or more symptoms for to be declared as suffering from SpLD?'

Facilitator: One is enough.

DOVVSU: 'Is SpLD different from physical disabilities?'

Facilitator: Yes!

DOVVSU: (Case Handled)' A man whose son who is a grown up and has been threatening him and attempting suicide. He has been sent to prayer camps and different hospitals. He has been diagnosed of suffering from "Multiple Personality Syndrome. He cannot be treated but he is also sound. The father said he has 'dashed' the son to the police. He said he was going to shoot the son the next time he comes the house so they had to remand the son at Nsawam Prisons.'

Magistrate: 'Was the hospital report explained to the father?'

***Exclusion from society:***

Legal Aid: 'Peers make fun of SpLD children. They won't like to stay in school, then leave. I have a personal experience. My daughter was suffering from SpLD and I was initially beating her up because I never understood anything until I met Professor Danquah (UG) .Now the situation is ok as a result of the knowledge that I acquired. Let the SpLD child understand the situation, send them to a SpLD school and she will pick up. There are special schools for these children e.g. Jesus and Mary School at Mile 7 in Accra.'

SpED : 'Name calling can lead to low self esteem, performance then goes down'.

Facilitator: 'SpLD children are not unintelligent but are having specific weakness. Special schools are being scrapped.'

***Inclusion in education:***

SpED : 'Children are sometimes not understood by teachers. Beating only put pressure on them to leave the school to the streets. This leads to crime, to the police station and then to the juvenile centre. SpED is against special schools. The focus is now Inclusive Education'.

Lawyer: 'More teachers must be trained.'

Probation officer:' Public schools are not equipped to handle SpLD children and we are scrapping the Special Schools? We should encourage more private special Schools.'

Rehab Centre: 'Special schools are not been scrapped but Inclusive Education is been encouraged. If there are two special Schools up North, do you send your ward all the way up there?'

Probation Officer: 'How equipped are teachers in public schools? Majority of children are in the public schools.'

Facilitator: 'That's why SAP is training Resource Teachers in GES and also the reason why we are here to seek information from professionals who have been working with these children to see how best they can be helped.'

***Legal provisions:***

Rehab Centre: 'The Disability Act has been a law since 2006. Ten year's moratorium for full implementation of the law?'

Facilitator: 'Why the recent demonstration against the construction of disability unfriendly foot bridges? Is there a Legislative Instrument to back the law?'

SpED: The Legislative Instrument is full of loopholes!

***Care of children in rehabilitation:***

DOOVVSU: 'The problem is how to identify SpLD. With unintelligent or mentally derailed persons, there is normally a check by a specialist'

Rehab: With language barrier, the court gets an interpreter' (everybody agreed).

Facilitator: 'What if a child is sound? That is where there must be a screening for possible SpLD.'

Remand Home: 'One classroom with two or more teachers. Children are taught literacy at all levels. Even the illiterate is taught. There is also reinforcement of positive behaviour at the Girls Junior Correctional Centre. Every good behaviour is equal to 1 star (☆) which is equivalent to GH¢0.20. Thus 5 stars (☆☆☆☆☆) a week is equal to GH¢ 1.00. This is done to promote good behaviour.'

Boys Junior Correctional Centre: 'Know the background of the children and strategise. There is counselling, indoor games and punishment for bad behaviour for the boys. Those who wish to go to school are sent to nearby schools with the support of their parents. Others who want to learn a trade are also sent to nearby workshops.'

Lawyer: 'Juveniles tell what they want you to hear and not the truth.'

DOVVSU: 'You don't get to know what you need to know. Information is always concealed. Juveniles have social lives outside their homes which makes planning with them very difficult. SpLD children in custody need special teachers, love and care.'

Legal Aid: 'SpLD children must be screened well with psychologist studying information from the child's birth.'

DOVVSU: 'As a country we need people to do the assessment. We do not have to discount anybody.'

#### ***Challenges after rehabilitation:***

Remand Home: 'Children are kept for too long. No vivid direction is given by the children for follow up to their homes.'

Boys Junior Centre: 'Information processing for the children is very low'.

Probation Officer: 'Knowledge on SpLD is very low!!'

DOVVSU: 'People are not treated well at all! Because of our inability to really assess the situation.'

#### ***Conclusions and recommendations from participants:***

- Train specialists to tackle problem at early stage.
- Screening at my "first day at school"
- Improvement of infrastructure, supervision and personnel in rehabilitation centres
- Review rehabilitation and reintegration process. We must get a place for the children.
- Parents must be educated.
- Universities to put SpLD on curriculum.
- Student: teacher ratio should be looked at.
- People doing Pro bono work to help.
- Parents must be sensitised through PTAs.

#### ***Commitments of participants:***

'I will take time to examine children before they are committed. I will change the style of hearing'

'I will equip myself with the SpLD knowledge and disseminate it.'

'I will engage parents more.'

'I will educate my other colleagues on SpLD when it comes to writing the enquiry report.'

'I will show love and care in handling cases.'

'I will educate co-prosecutors to watch out for signs and symptoms of SpLD.'

'I will assess children and know their likes and dislikes and help give them employable skills.'

'I will educate parents in my community.'

'I will encourage mothers in the society through my experience.'

#### ***And a personal reflection:***

'I have been humbled by today's experience because I have always thought of myself as an expert in assessment, until today.'

## 5.2 Perceptions of children about Court Officials.

Children were interviewed about the way they perceive court officials. The response is as follows:

Reasons why they like court officials:

Twenty one (21) of them spoke positively about court officials and their comments are as follows:

- Good treatment
- Allowed to speak
- Helped to learn a trade
- Truthful
- Moderate sentencing
- Given bail

Sixteen (16) of the juveniles did not like court officials, citing various reasons such as:

- Beatings
- Insulting
- Not allowed to talk
- Wrong sentencing
- Long sentencing

Nine (9) of the juveniles were neutral. They did neither like the officials nor dislike them.

Forty three (43) of them said, the offence that they had committed was explained to them.

Three (3) said nothing was explained to them.

Thirty (30) of them said that they were allowed to speak during the court process. Sixteen (16) said they were not allowed to speak.

## 5.3 Educational materials available to children in rehabilitation

There two types of education at the Remand and Rehabilitation Centres, formal schooling and vocational training.

The number of children participating in education or training:

Children in school	20 (17 at Senior and 3 at Junior Correctional Centre)
Children learning a trade	4
Children not involved	22
<b>Total number of children</b>	<b>46</b>

### 5.1 Children involved in education or training

There are educational materials and facilities for the children at the Centres. The following resources are available:

Classrooms; Books; Time; Counters; Practical lessons; Pencils; Crochets; Footballs

There are no special educators to educate children who are generally termed as “difficult children” who may be having learning difficulties. Literacy classes take place at the Osu Remand Home and the Girls Correctional centre.

## Conclusions

- 67% of children in conflict with the law were found to have been out of school for more than one year averagely before they were arrested.
- The number of children on Remand or in Rehabilitation who are suspected to have a Specific Learning Disability (SpLD) is higher than in an average population.
- Children who are suspected to have SpLD mostly dropped out from primary level, and had been out of school nearly three times as long as their peers who are not suspected to have SpLD.
- There is a high rate of charges for defilement among children who were in school at the time of arrest. This group mostly was at Junior High School level.
- There is high rate of stealing charges among children who had dropped out of school already at the time of arrest. This group mostly was at the primary school level, and nearly all children suspected of having SpLD fall in this group.
- A high number of children blamed their dropping out of school on lack of money for school fees. This was however denied by all parents who were contacted, and reasons related to poor academic performance and difficult behaviour stated instead.
- Majority of children were positive about their former schools and teachers, but more than 30% reported 'beating' as an experience they had had.
- There are strong similarities between children with learning disabilities who live in the streets and children who have come in conflict with the law. Similarities exist in school drop-out patterns and descriptions of behaviour by caregivers.
- There are consistent reports of truancy, poor educational performance and behavioural problems from families and teachers of children in conflict with the law.
- 35% of children had no relative accompanying them to court. Children charged with defilement all had a relative in court with them.
- Children who are suspected to have SpLD receive fewer visitors while in detention than children who are not suspected.
- Knowledge on legislation relevant to children with disabilities who come into conflict with the law is generally low among officials in juvenile justice administration.
- Knowledge on Specific Learning Disabilities is non-existent among officials in juvenile justice administration.

- Professionals recognise symptoms of learning disabilities in children once they have received education on SpLD and generally express willingness to adjust their approach to improve justice administration to children with learning disabilities.
- There are no provisions in Ghana's legislation to consider (hidden) disabilities in children who come into conflict with the law.
- There are no clear provisions in the law for education of children who are detained.
- A number of children in correctional centres are receiving education according to the mainstream curriculum. There is no structured approach to provide remedial education to children who are far behind or who have learning problems.

## Recommendations

- Extensive education of professionals in juvenile justice administration on child development and atypical development, including education on Specific Learning Disabilities.
- Information on educational performance should be included in Social Enquiry reports.
- General awareness on SpLD should be raised among parents and caregivers. PTA's could play a role in this.
- There should be training of teachers on SpLD to prevent school drop-out and to detect symptoms early.
- There should be a review of legislation for stronger emphasis on education for children who are detained.
- Education of children in detention should be inclusive for children with SpLD.

## References

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### For further reading on Specific Learning Disabilities:

- No easy answers – The learning disabled child at home and at school; Sally L. Smith, 1995