

The Evolution of the Prison System in Ghana, 1841-2007

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Abstract

Ghana's prison system evolved from the precolonial, colonial, and post-independence periods. The traditional justice system of Ghana, which entailed detention as a punishment for offenders in the precolonial period, cannot be ignored, although some scholars have argued against its existence. During the colonial period, the prison system was implemented in Ghana as a replica of what was practiced in Britain. The former slave castles were converted to confinement facilities by the British colonial government to support imperialism and colonialism. After Ghana obtained independence from Great Britain in 1957, the prison system was retained. This study examines how the Ghana prison system evolved from the traditional pre-colonial method of incarceration to the prison system in the colonial and post-independence periods. The discussion is built on an argument that Ghana had developed an exclusive traditional system of detention of offenders in the precolonial period, and the British prison system introduced in the colonial era was not entirely distinct from the traditional method. The article also finds that overcrowding in prison facilities in Ghana began in the colonial era and continued up to the post-independence period, irrespective of the strategies and mechanisms introduced to curtail it.

Keywords: Prison, Ghana, Criminal justice, Punishment, Incarceration, Penitentiary.

Introduction

The people of present-day Ghana (Gold Coast) developed many systems in the pre-colonial era. Traditional institutions played a vital role in the preservation of the cultures and customs of the people, which was pertinent to society's socioeconomic and political structure, particularly in the criminal justice system. The term "prison" is a component of the criminal justice system that has a symbiotic relationship with the police and the court in social control, particularly in the colonial era. The

confinement and rehabilitation of offenders encompassed measures such as putting up walls, chain-link fences, engaging security, and unceasing inspection to avert escape by detainees.¹ Foucault maintains that imprisonment is “a penalty par excellence in a society in which liberty is good which belongs to all in the same way and to which each individual is attached.”² Therefore, denting an individual’s freedom can be considered imprisonment and a reasonable method of social control. The application and principles of incarceration or prison kept changing as new initiatives advanced to fortify the system.

Ghana had contact with the Danes, the Dutch, and the Portuguese in the fifteenth century. But in 1874, the British declared the Gold Coast a Crown Colony through military incursions. They spread their influence by capturing other areas such as the Asante Empire, bringing them under the British administration. Through this, it extended the British criminal jurisdiction in the crown colony to all the captured areas, influencing the traditional justice system.³ Also, the signing of the Fanti Bond in 1884 between Commander H.W. Hill and a few Fanti chiefs marked the commencement of Ghana’s legal system and colonial rule in the Gold Coast with its embedded system of prisons.⁴ The British enacted the Native Jurisdiction Ordinance, which did not recognise the native courts at the initial stage when direct rule was applied. But from 1927 to 1944, the British recognised the native tribunals through the implementation of the Indirect Rule system, allowing the native courts to administer justice, which influenced the colonial prison system.⁵

Since its introduction in Ghana, the prison system has experienced many changes. It has gone from a paltry punishment and custody entity to an epicentre for reforming and rehabilitating offenders. The administration of the facilities and offenders evolved as compared to what was in the traditional system of incarceration.⁶ Thus, this paper examines how Ghana’s prison system progressed

¹ Abdulrahman Bello Dambazau, *Criminology and Criminal Justice* (Ibadan: Spectrum Books Limited, 1999), 197.

² Dambazau. *Criminology and Criminal Justice*, 201.

³ Joseph Appiahene-Gyamfi, 'Alternatives to Imprisonment in Ghana: A Focus on Ghana’s Criminal Justice System,' (MA Dissertation, Simon Fraser University, 1995), 16.

⁴ Harrison A. Amankwah, 'Ghanaian Law: Its Evolution and Interaction with English Law,' *Cornell International Law Journal* Vol. 4, No. 3, (1970): 38.

⁵ Amankwah, Ghanaian Law, 46.

⁶ James Teye Tetteh, 'Prisoner Social Reintegration in Ghana through Christian Social Support and Restorative Justice' (MPhil Thesis, University of Ghana, 2019), 34.

from the precolonial incarceration culture of the people to the British prison method that was introduced during colonialism and extended to the post-independence era.

The Indigenous and Traditional Incarceration Method

The origin of penitentiary institutions as punishment in Africa is a subject of debate. Many scholars, such as Bernault,⁷ and Sarkin, believe that the practice of confinement of offenders as punishment was not indigenous to Africa but was introduced and imposed by the Europeans. They perceived it to be a legacy of colonialism that was “designed to isolate and punish political opponents, exercise racial superiority, and administer capital and corporal punishment.” According to them, the African customary response to offenses or misconduct was in the form of compensation rather than punishment related to detention.⁸ These authors also based their argument on the principle that, before the arrival of Europeans in Africa, penal institutions existed in Europe. The system was, therefore, transferred and used to suppress Africans during colonialism.

There is no doubt that before the coming of the Europeans, offenses were controlled through punishments, and among many were reparations, retribution, ostracism, and sale into slavery. In most West African societies, the spiritual technique involving the ancestors in controlling misconduct through sanctions was also prevalent.⁹ In this regard, the family heads and chiefs were responsible for the administration of punishments. The chiefs were in charge of the administration of the customary law, which had physical, spiritual, religious, and cultural nuances. All of these were to bring about long-term harmony between the community and the gods as well as the additional benefit of crop harvest. Therefore, punishment for offenses was perceived differently although it was primarily intended to maintain societal order.¹⁰ Confinement as punishment existed in precolonial Africa, and they were found in northern Nigeria, particularly in Kano.¹¹

⁷ Steven Pierce, Florence Bernault, and Janet Roitman, *A History of Prison and Confinement in Africa*, ed. Florence Bernault, *The International Journal of African Historical Studies*, Vol. 37, (Portsmouth: Heinemann, 2004), 2.

⁸ Jeremy Sarkin, 'Prisons in Africa: An Evaluation from a Human Rights Perspective,' *Sur International Human Rights Journal*, Vol. 5, No. 9, (2009): 2.

⁹ Bernault, 'The Politics of Enclosure in Colonial and Post-Colonial Africa,' 5.

¹⁰ Neny Abl Kwasi, 'Sentencing Persons of Minor Offences in Ghana: Reducing Judicial Over-Reliance on Imprisonment' (Msc. Dissertation, Dalhousie University, 2019), 20.

¹¹ Killingray David, "Punishment to Fit the Crime? Penal Policy and Practice in British Colonial Africa," in *A History of Prison and Confinement in Africa*, ed. Florence Bernault (Portsmouth: Heinemann, 2003), 100.

In the traditional criminal justice system of the Gold Coast (Ghana), specific and general acts were unacceptable and some were considered more grievous than others. Offenses such as rape, treason, and so on were highly punished, while sacrifices were used to admonish some violations.¹² Crimes were punished in different ways, including detention for a brief period with the offender tied to a log to prevent escape.¹³ However, this method of detention in Ghana evolved through a practice called *panyarring*. This practice originated from pawn-ship¹⁴ as a *method* of punishment that involved placing culprits or offenders in iron and logs if they failed to pay the debt. Balakrishnan et al. reflect that the institution of *panyarring* is similar to the European prison system, as he contends that ‘the difference was institutionalisation’.¹⁵ Al-Bakri also describes in the Arab chronicles that in the areas around Ghana, the king's prisons were located around the town, and if someone were sent to those places, no one would hear from him again.¹⁶

The traditional justice method in Ghana was rooted in the culture of the people. Many ethnic groups, such as Fante and Asante, had developed a justice system. This was obvious in 1886 when the British colonial government of Gold Coast was displeased with the traditional method of detention, which was regarded as inhuman; they decided to inquire about its origins in the region. The kings and chiefs were required to provide why they detained their subjects, the period in which the practice lasted, and whether the detention system changed from time immemorial. The chiefs confirmed that it was an aged long practice and was more common amongst the Fante ethnic group.¹⁷ In the 1920s, Governor Whitehall, corroborates that “there has been, for I believe about a year in the Town of Cape Coast, a Native Court... imprisoning and fining people” and that the court was once run by 'Omanhene', the King of Cape Coast, but was subsequently managed by the

¹² Robert B. Seidman, 'The Ghana Prison System: An Historical Perspective,' 90.

¹³ Kwasitsu, “Sentencing Persons of Minor Offences in Ghana: Reducing Judicial Over-Reliance on Imprisonment,” 13.

¹⁴ Sarah Balakrishnan et al., 'Of Debt and Bondage: From Slavery to Prisons in the Gold Coast, c . 1807-1957,' *Journal of African History*, Vol. 61, No. 1, (2020), 8.

¹⁵ Balakrishnan et al, 5.

¹⁶ Cited in Thierno Bah, 'Captivity and Incarceration in Nineteenth Century West Africa Africa,' in *A History of Prison and Confinement in Africa*, ed. Florence Bernault (Portsmouth: Heinemann, 2003), 70. This is to explain that the system of incarceration existed in Africa even before the introduction of the prison system.

¹⁷ Balakrishnan et al., 'Of Debt and Bondage: From Slavery to Prisons in the Gold Coast, c . 1807-1957,' 3.

Fante locals¹⁸. Incarceration of offenders existed in Ghana, although it was on a smaller scale and less organised. It was basically for punishment without elements of reformation or rehabilitation of detainees.¹⁹ It is important to note that deviance or offenses are an aged-long phenomenon and it is considered by functional theorists such as Emile Durkheim to be an integral part of society.²⁰ But the ethnic groups in the Gold Coast (Ghana) had developed a political system²¹ that innately had a mechanism to put offenses and misconducts under check. This explains the extent to which the African civilisation had developed in that regard in the pre-colonial era.

The Advent and Expansion of the British Prison System in Colonial Ghana

Maintenance of law and order and the collection of revenue to effectively run the colony were strategic to colonial administration.²² The introduction of British common law and prisons under colonial rule on the Gold Coast can be understood from the perspective of punishment. The emphasis of the system was to fasten the British penal system in Ghana, and that progressed through a continuous attempt from one reform policy to another guiding principle. Penal law was implemented unconventionally, with forts and old trading castles serving as detention facilities. A committee of merchants had their criminal jurisdiction extended even outside the fort under the supervision of Captain George Maclean. About nine (9) people were incarcerated in Cape Coast Castle in 1841.²³

The forts were converted to detention facilities, and new prisons were founded and added. Thus, the largest pre-trial confinement facility on the Gold Coast was James Fort, which was built during the slave trade era by the British in 1662 as a place for keeping slaves before they were shipped to the Americas.²⁴ Significantly, it should

¹⁸ Balakrishnan et al., 'Of Debt and Bondage: From Slavery to Prisons in the Gold Coast, c. 1807-1957,' 10.

¹⁹ Bah, 'Captivity and Incarceration in Nineteenth Century West Africa Africa,' 72.

²⁰ See Durkheim Emile, *The Rules of Sociological Method*, 8th ed. (New York: The Free Press, 1938).

²¹ John K. Fyn, "The Political System of the Fante of Ghana during the Pre-Colonial Period," *Proceedings* 9 (1987).

²² Killingray David, "The Maintenance of Law and Order in British Colonial Africa," *Oxford University Press* 85, no. 340 (1986), 411.

²³ Appiahene-Gyamfi, 'Alternatives to Imprisonment in Ghana: A Focus on Ghana's Criminal Justice System,' 112.

²⁴ David Killingray, "Punishment to Fit the Crime? Penal Policy and Practice in British Colonial Africa," in *A History of Prison and Confinement in Africa*, ed. Florence Bernault (Portsmouth: Heinemann, 2003), 100.

be noted that in the development of the prison systems, the 1844 bond initiated the British into the criminal justice system of Ghana. According to Kwasitsu;

Under the Bond, chiefs were limited to cases concerning custom and other lesser offenses, such as marriage settlements and land boundary disputes. The replacement of indigenous criminal justice systems in Ghana with the British colonial criminal justice system introduced current ideas of penology into the Ghanaian criminal justice context, which were codified in the substantive and procedural statutes on crime.²⁵

After capturing the areas, the British utilised the 1844 bond to extend their criminal justice, which included the prisons to the other parts of the Gold Coast. Just as the traditional system, the prison system was initially not to rehabilitate nor reintegrate offenders back into society, but was a means to economically, politically, and socially dominate the natives.²⁶ This explains why the colonisers were obsessed with the idea of punishment in the early years of colonialism and as such no effort was done to introduce any form of education in the prisons of Ghana.²⁷ Sarkin corroborates that the colonial authorities used corporal and capital punishment to enforce political oppression.²⁸

The prison system in the early years of its existence was custodial, and the Cape Coast prison, established in 1841, was primarily for the detention of debtors.²⁹ The adoption of the Act “Gold Coast Prison Ordinance” in 1876, patterned on the English Prisons Act of 1865. Consequently, there was a shift from a custodial to a punitive confinement system; and a “separate system, penal labour, and a low diet” were furthermore introduced. The act further provided that prisoners should be kept in separate cells at night if there was sufficient accommodation, but the ‘separate system’ was not implemented because there were no separate cells.³⁰

Furthermore, the 1880 Prisons Ordinance established the caretaker functions of the early prisons with rules for guarding the prisoners. Even though there were punitive

²⁵ Kwasitsu, 'Sentencing Persons of Minor Offences in Ghana: Reducing Judicial Over-Reliance on Imprisonment,' 34.

²⁶ Sarkin, 'Prisons in Africa: An Evaluation from a Human Rights Perspective,' 3.

²⁷ Robert B. Seidman, “The Ghana Prison System: An Historical Perspective,” 97.

²⁸ Sarkin, 'Prisons in Africa: An Evaluation from a Human Rights Perspective,' 3.

²⁹ Appiahene-Gyamfi, 'Alternatives to Imprisonment in Ghana: A Focus on Ghana's Criminal Justice System', 112.

³⁰ Robert B. Seidman, “The Ghana Prison System: An Historical Perspective,” 97.

centres on the Gold Coast before the coming of the colonial regime, the three cardinal points³¹ of the British punitive approach of the 'separate system, penal labour, and a minimal diet' were maintained.³² Despite the introduction of the British prison system, the colonial regime utilised traditional methods of punishment, such as flogging.³³ The importation and adoption of the British judicial or penal procedure at the end of the nineteenth century led to the emergence of a prison system having elements of precolonial indigenous practices.³⁴ Although there were selected differences in terms of organization and principle, this suggests that the prison system introduced by the British was not entirely distinct from the traditional method.

The prisoners were utilised as a source of 'cheap labour' and revenue for the colonial government where in 1904 alone, penal labour provided the return of £413. Penal labour was abolished in 1907 after several attempts were resented by the colonial secretary because of its pecuniary benefits.³⁵ Considering the complexity of the system in the colonial era, the question of whether to reform or punish the culprit was put forward by the Gladstone Committee in Britain. Reformation of the culprit with minor punishments was advanced, paving the way for the principle to be included in the Gold Coast (Ghana) policies in the 1920s. The prison practice of the prisoner earning about a twenty-five (25) per cent decrease in punishment was also adopted from the British system.³⁶

Generally, there was an abrupt and intrusive systematic spread of prisons in African colonies south of the Sahara in the early twentieth century. This was because the British authorities issued a comprehensive series of prison ordinances encouraging the establishment of prisons in their colonies and in all-new administrative posts to conform with the policy of indirect rule.³⁷ The central prisons were situated at the provincial centres, while the lower-level detention centres and lockups at the police facilities were located at the district centres. With so many underlying challenges

³¹ Robert B. Seidman, 'The Ghana Prison System: An Historical Perspective,' 95.

³² Killingray, 'Punishment to Fit the Crime? Penal Policy and Practice in British Colonial Africa,' 102.

³³ Bernault, 'The Politics of Enclosure in Colonial and Post-Colonial Africa,' 3.

³⁴ Bernault, 'The Politics of Enclosure in Colonial and Post-Colonial Africa,' 3.

³⁵ Robert B. Seidman, 102.

³⁶ Killingray, 'Punishment to Fit the Crime? Penal Policy and Practice in British Colonial Africa,' 103.

³⁷ Bernault, 'The Politics of Enclosure in Colonial and Post-Colonial Africa,' 11.

in the subsequent years, the prison department in Ghana was placed under the police administration. In 1920, due to the numerical growth of the prison facilities and staff strength, and the increase in incarceration, the prison department was detached from the police and was posited under an Inspector General of Prisons.³⁸

The colonial era was significant in the evolution and consolidation of the prison system in Ghana as a result of the periodic reforms undertaken. From the 1930s and up to the post-Second World War period, the colonial office consultative committee was constituted to handle lawbreakers. This change was in response to conducts against colonial policies, such as tax evasion and other criminal acts. The colonial penal system also had other organisations supervising it, as Killingray postulates;

Throughout the years of colonial rule, various humanitarian and interested bodies acted as watchdogs of colonial penal practice. These included the Aborigines Rights Protection Society. The Anti-Slavery Society, the Howard League for Penal Reform, the Fabian Colonial Bureau, various political parties and individual parliamentarians and representatives of Christian missionary societies.³⁹

This development was part of the prison system's transformations that helped its institutionalisation in Ghana. Also, there was a replication and implementation of the British penal system in Ghana in the colonial era. Thus, the prisons were patterned as obtained in Britain without putting into cognisance the uniqueness or peculiarity of Ghana's traditional socio-cultural settings and how offences and punishment were perceived by the people in the indigenous punitive or incarceration system.

The prison system transmuted the way offences were viewed, interpreted and enforced in Ghana's indigenous approaches. As a result of the changes, there was a spread of entrenched and controlled colonial custodial systems with facilities set up across several areas. This development was to penalise offences caused by the socioeconomic and political policies of the colonial regime. With taxation leading to rural-to-urban migration and an increase in crime, the colonial regime did not humanise its policies but rather built more detention facilities. But one of the

³⁸ Killingray, 'Punishment to Fit the Crime? Penal Policy and Practice in British Colonial Africa,' 100.

³⁹ Killingray, 'Punishment to Fit the Crime? Penal Policy and Practice in British Colonial Africa,' 100.

problems that characterised the prisons in the colonial era, particularly on the eve of independence was overcrowding of the facilities. It became a severe crisis where the number of prisoners increased from 1,500 before the Second World War to about 3,600 by 1951 and showed no sign of abating.⁴⁰

The Ghana Prison System since Independence

Since the independence of Ghana from the British in 1957, the prison system has experienced a string of reforms, but with a plethora of challenges, such as congestion of the facilities. Nevertheless, there was a change from mere punishments to focusing on prisoners' rehabilitation and sensible handling. This principle was upheld by Section 165 of the Ghana Prisons Service regulations of 1958 providing that while being rigorous in upholding and observance of order and discipline, inmates should be treated with love and humanity. Their reports, complaints, and grievances should be patiently addressed by officials.⁴¹

The prisons adopted the prisoners' leadership style to reduce the prison officers' burden or workload. Although this was a product of the colonial system, it provided the right prisoners who were well-mannered to be assigned the position of leadership amongst the inmates. However, it did not include the enforcement of discipline on other prisoners. This consequently helped in the administration of the prison although cases of abuse of the system occurred but were controlled by the officials. The policy was further backed by the implementation of the Ghana Prison Service legal standing orders of 1960.⁴² Consequently, the prisoners were given leadership responsibilities such as the "checker" who conducted headcounts; the "cell leader" who made sure that all rules were adhered to; the "black coats" who ensured improved welfare of the fellow inmates and adherence to instructions from the officers, passing of information and so on; the "national leader" was at the peak of the leadership in the whole of Ghana. The national leader who commanded the respect of the prisoners and ensured the peaceful existence of the prison by networking with officers and supervising other prison leaders. Other roles included kitchen boys, office boys, and so on.⁴³

⁴⁰ Robert B. Seidman, 'The Ghana Prison System: An Historical Perspective,' 106.

⁴¹ William Kwadwo Asiedu, 'Effective Treatment Measures for Prisoners to Facilitate Their Reintegration into Society: The Ghanaian Experience,' *108th International Seminar UNFAEI*, 327.

⁴² Francis Omane-addo David Ackah, 'Environmental (External) Factors Affecting the Functioning and Operations of the Ghana Prisons Service,' *Dama Academic Scholarly Journal of Researchers*, Vol. 6, No. 9, (2021): 32.

⁴³ Thomas Akoensi, 'Governance through Power Sharing in Ghanaian Prisons: A Symbiotic Relationship between Officers and Inmates,' *Prison Service Journal*, No. 212, (2014): 34-35.

Subsequently, the number of prison formations grew, and the Prisons Department was also pulled out of the civil service in 1964 and named the Ghana Prisons Service, thereby becoming autonomous.⁴⁴ With this development, the need to reform the prison system became more imperative. Thus, the Asafo-Adjei Commission proposed the adoption of both formal and informal education in 1967. This recommendation led to the establishment of schools and libraries for inmates in central prisons in Ghana. Technical and vocational education were also introduced. The insertion of formal and informal education into the prison system was result-oriented. It was evident in 1967 when about nine (9) out of eleven (11) inmates excelled in the national exams.⁴⁵ Vocational training was an indispensable element of the Ghana prison system because it was backed by Section 41 of the Prison Service Decree (NRCD 46) of 1972, which emphasised the safety and well-being of prisoners and the assurance of their reformation and rehabilitation.⁴⁶ It mandated the service to establish vocational centres to train inmates in carpentry, basket making, masonry, etc.⁴⁷ The act also proscribed the use of brutality or inhumane treatment against prisoners. Prisoners were considered worthy members of society aside from their restrictions.⁴⁸

Therefore, experiences of the Ghana Prison Service since its inception have been numerous. One of the significant complications peculiar to this era was the administration of justice approach by the Ghana Judicial Service. There was a rise in imprisonments as a form of punishment by the law courts even when offenses were not punishable by incarceration. The surge in crimes also precipitated increase in imprisonments, and since some of the detention facilities were inadequate, their capacities were put under strain. The situation made the prisons overcrowded and health problems among the inmates and prison officials intensified.⁴⁹ For example, the Nsawam Medium Security Prison, constructed in 1961 with the capacity to

⁴⁴ Francis Omane-Addo and David Ackah, 'Environmental (External) Factors Affecting the Functioning and Operations of the Ghana Prisons Service,' 32.

⁴⁵ Asiedu, 'Effective Treatment Measures for Prisoners to Facilitate Their Reintegration into Society: The Ghanaian Experience,' 330.

⁴⁶ Francis Omane-Addo and David Ackah, 'Environmental (External) Factors Affecting the Functioning and Operations of the Ghana Prisons Service,' 33.

⁴⁷ Asiedu, 'Effective Treatment Measures for Prisoners to Facilitate Their Reintegration into Society: The Ghanaian Experience,' 332.

⁴⁸ Robert B. Seidman, 'The Ghana Prison System: An Historical Perspective', 110.

⁴⁹ Appiahene-Gyamfi, 'Alternatives to Imprisonment in Ghana: A Focus on Ghana's Criminal Justice System,' 23.

accommodate about 811 prisoners, was overcrowded even at the time of establishment. It had a daily average of 1,672.5 prisoners. When Ghana's economy started becoming unstable in the mid-1960s, and bad in the 1980s,⁵⁰ it impacted on the number of offences and imprisonment. It was clear considering Nsawam Medium Security Prison's average growth in the number of prisoners in 1984 which stood at 1,415.6, but it rose to 2,458.6 in 1990. By December 1992, the Nsawam prison had about 2,592 inmates serving jail terms. The block that housed the condemned criminals at the Nsawam Prison could house 70, but it accommodated about 200 inmates as of 1994.⁵¹ Therefore, there was a deficit in prison facilities to accommodate the inmates.

To decongest the facilities, the government periodically granted amnesty to inmates, except for those who committed offenses such as armed robbery, drugs, and murder. But this intervention failed to ease the pressure on the facilities because there were more sentences than discharges. For example, approximately 1,553 inmates were granted amnesty in 1991, and about 8086 prisoners were released, including those who had completed their jail terms. The court incarcerated 13,675 people, even beyond the number of those released. In response to the overcrowding in the prisons and the provision of sufficient food nationwide, the Ghana Prison Service established settlement farms which, however, had no adequate facilities to cater for the inmates.⁵²

Consequently, the Ghana Prison Service could not adopt the large-scale cell accommodation method for inmates. The dormitory system has been used more effectively with ventilation challenges, providing a source of many diseases and illnesses. Most prisons used pit toilets with poor hygiene, making infectious diseases such as cholera and tuberculosis prevalent in dormitories. Cholera killed about 89 inmates in James Forte prison and 105 in Koforidua Prisons in 1983. Similarly, about 43 percent of inmates and officers were infected with tuberculosis in 1991 at Tarkwa Prisons; and one (1) prison official and 65 inmates died of cholera at Ankaful Prison Camp. The prisons did not have medical facilities or personnel; they relied on government doctors and resources to treat inmates. A

⁵⁰ Fosu Augustin and Ernest Aryeetey, "Ghana's Post-Independence Economic Growth Performance," 2006.

⁵¹ Appiahene-Gyamfi, 'Alternatives to Imprisonment in Ghana: A Focus on Ghana's Criminal Justice System,' 108-122.

⁵² Appiahene-Gyamfi, 'Alternatives to Imprisonment in Ghana: A Focus on Ghana's Criminal Justice System,' 108-122.

policy called "cash and carry" where inmates were required to pay for their drugs were put in place, but because the inmates were indigent, their relatives and volunteer organisations paid for them.⁵³

In 1995, the government of Ghana re-enacted legislation by empowering and increasing the mandate of the Commission of Human Rights and Administrative Justice (CHRAJ), which was responsible for the human rights of Ghanaians, including prisoners. The commission was responsible for overseeing the prisons in Ghana through frequent inspection of the prison facilities and police cells by its regional and district officers. The review considers the living conditions of inmates in the detention facilities and the compliance with the set standards as provided by the "International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Social and Economic Rights (ICESR), the United Nations Minimum Rules for the Treatment of Prisoners, the 1992 Constitution of Ghana and other related standards" for the detention of suspects and prisoners, and the rights of detainees with regards to health, food, and self-worth of a human being. Other guiding international documents and agreements are "the 1996 Kampala Declaration", and the "2002 Robbin Island Guidelines," which encouraged African countries to inaugurate an autonomous supervising system to report incidences and contentions of brutality and cruelty in the detention facilities. A "justice for all" programme was initiated in 2007, requiring judges to visit prisons and conduct hearings for untried prisoners.⁵⁴ The correctional components of the criminal justice system were centred on the prison service and the department of social welfare. As such the prison service keeps or detains adult and juvenile prisoners, while the Department of Social Welfare (D.S.W.) "administers the boys' remand homes and industrial training centres."⁵⁵

Conclusion

The paper examined the origin, expansion, and transformation of Ghana's prison system which evolved from the indigenous pre-colonial method of incarceration to the colonial and post-independence prison system. The pre-colonial period in Ghana witnessed the development of a unique traditional justice system with the

⁵³ Appiahene-Gyamfi, 112-123.

⁵⁴ Amnesty International, 'Prisoners Are Bottom of the Pile': The Human Rights of Inmates in Ghana' (London, 2012), 7.

⁵⁵ Appiahene-Gyamfi, 'Alternatives to Imprisonment in Ghana: A Focus on Ghana's Criminal Justice System,' 21.

mechanism to confine offenders. Under the conventional method, offences were punished according to their severity. However some scholars have argued against the view that such development regarding the existence of an indigenous prison system ever Africa. What is factual though is that Ghana had developed such an advanced prison system even though in some cases it was not very organised. The British prison system established during the colonial era was not totally different from the traditional pre-colonial practice even though it innately included some Ghana's traditional punitive methods.

It is from the above context that critical questions on the relevance, application, and compatibility of the British prison system in an African setting or context particularly Ghana have been posed by this study. The prison system as initially instituted in Ghana was largely based on the approach tried and applied in Britain without taking into account how it would fit into Ghanaian socio-cultural and political contexts. Therefore, the perception of offenses among Ghanaians was not explored before it was introduced. The system was the focal point of the European criminal system established in Ghana, which made it easier to institutionalise and manage colonialism. As such, British penal law was implemented and forts and old trading castles were repurposed as prison centres. It should be noted that the British prison system was initially introduced not to rehabilitate and reintegrate offenders as obtained in the traditional incarceration method.

The prison system experienced changes through several reforms since its introduction in Ghana. Particularly, in 1876, it shifted from custodial to punitive incarceration and subsequently changed to a rehabilitation centre by 1922. Since Ghana's independence in 1957, the prison system had undergone several restructurings with laws emphasising the prison officials to handle the prisoners with benevolence. The system evolved in the post-independence era with the inherited overcrowding of prison facilities due to a surge in crime levels as well as increased incarceration by the court. The problem of congestion of detention facilities had its roots in the colonial era and was sustained in the post-independence period. Although the Ghanaian government introduced some reforms as well as an amnesty programme to decongest the prisons, all failed to work effectively.

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