

**THE IMPACT OF ZAMBIA'S REINTRODUCTION OF
THE MARKET ECONOMY ON JUVENILE
DELINQUENCY AND REFORMATION WITH SPECIAL
REFERENCE TO APPROVED SCHOOLS**

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***THE IMPACT OF ZAMBIA'S REINTRODUCTION OF THE
MARKET ECONOMY ON JUVENILE DELINQUENCY
AND REFORMATION WITH SPECIAL REFERENCE
TO APPROVED SCHOOLS,***

BE accepted for examination. I have checked it and I am satisfied that it fulfils the requirements relating to the format laid down in the regulations governing obligatory essays.

DATE

4th May, 2000

Kabazo

Judge Kabazo Chanda(RTD)
(SUPERVISOR)

Quotable quote

“I was asked, ‘if you had one wish and a magic wand, what would you ask for to impact juvenile justice?’ It would be that every child born in this state or nation would have one responsible adult—not necessarily the parent—who would be assigned to that child and who would mentor him and keep him focused. It’s a known fact that the difference between a child who grows up in an inner city and comes into the juvenile justice system, and a child from the same neighborhood who goes to Harvard, was a coach, a teacher or a preacher. Most of you can remember someone or even just one conversation that put you on track. That’s what kids out there are lacking out there.”

Per---Secretary Calvin Ross, Florida department of juvenile justice, page 69 Of this research.

DEDICATION

It is with great happiness that I dedicate this piece of work to my beloved parents, **Mr Mundia Mike Songolo** and **Miss Godfriedah Phiri**. Mum, you started it all and single handedly saw me through the most difficult times of my life-as a baby, then a small boy, then grade one; and Dad, you have finished it, from high school to where I am now, a University graduate! You paid through your nose to see me this far. To both of you, thank you very much. My prayer is that we all live long enough to see the day that you shall reap from what you have sown in me.

I love you.

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My sincere gratitude also goes to Mrs Masisani and Mr Nkole at the department of social welfare for making available their annual reports from Nakambala Approved school to me. I remain greatly indebted to them. They made my work easier. May I also take time to thank my classmates, in particular, **Kafula Mwiche, Chibangula Davies, Sichone Frighton, Milimo Moyo, Sekelebaka Muwamba, Besa Christopher, Major Moses Phiri, Major Hara Constatine** and **Kayanda Austin** for their invaluable suggestions and ideas some of which have been reflected in this work. To all of you, thank you very much for being such great classmates and colleagues. I remain, of course, solely responsible for any errors and misrepresentations in the final document.

III

Finally, but not at all the least, my unreserved gratitude goes to my friend and brother, **Collins Mabuku Sitali** for everything. To him I owe my happiness and all positive liability during my stay at the University of Zambia. I shall never thank him enough. May the good lord be with him always.

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INTRODUCTION

Juvenile delinquency and reformation in Zambia like any other country in the world today has become such a pressing issue that lawyers, psychologists, sociologists, policemen, social workers and indeed many other people in practically all walks of life are trying to redress it. If newspapers, police and the department of social welfare's annual reports are anything to go by, it is hardly difficult to conclude that juvenile delinquency is on the increase and that shortcomings in our reformation system are worsening.

The coming to power of the movement for multiparty democracy marked the end of Zambia's command economy. The new government opted for capitalism and embraced the International Monetary Fund (IMF) and World Bank dictated structural adjustment programs. This reintroduction of the market economy¹ saw the withdrawal of the state in the running of the economy reducing its role to that of a regulator, provider and maintainer of an enabling environment for private investment. In line with these policies, the state withdrew from the provision of important social services. The provision of free education and medical services, for instance, were done away with. Naturally, subsidies on essential commodities were next on the list and by the end of 1992 had been abolished completely

The foregoing were followed by the enactment of the *Privatization Act*² and the *Investment Act*³ in 1991 and 1993 respectively. These two pieces of legislation effectively saw the privatization of state owned enterprises. However, unlike parastatals that had tried to provide work for as many Zambians as possible, the new players in the economy could not keep a large yet unproductive workforce. Inevitably, hundreds of thousands lost and have continued to lose jobs. In a shrinking economy, the alternative has been self-employment on the streets for the lucky few with some bit money. The majority, on the other hand, have been condemned to abject poverty. The impact of this on such workers and their dependant juveniles has been catastrophic to say the very least.

The failure by the state to cushion the impact has and is proving fatal. Many juveniles, in an attempt to help their parents have taken to the streets. But without capital and proper education, a large number of them have ended up becoming delinquents. What is of sad note, however, is that despite the enormity of this problem, conditions in the juvenile reformatory institutions have continued to deteriorate. Very little is being done to improve them to properly help rehabilitate a few juveniles lucky enough to find themselves there.

This research therefore has evaluated the extent to which the reintroduction of the market economy has affected juvenile delinquency. And to help understand the subject well, Chapter one has discussed the many reasons advanced for

juvenile delinquency and the extent to which they hold true for Zambia's third republic. Of special reference to this research is Nakambala Approved School, primarily established to cater for juveniles i. e both delinquents and those in need of care who are between the ages of eight (8) and eighteen (18). Chapter two therefore has studied the institution's capability to execute its statutory duties in this our market economy as representative of other juvenile institutions. And to help appreciate its relevance and operations, the school's historical background has been given. Chapter three has analyzed the school's annual reports from 1991 to 1998 in an attempt to evaluate the impact of the market economy on its operations while Chapter four has embarked on a comparative study of how other capitalist communities have dealt with the problem at hand. The Chapter has gone further to make proposals on how best this problem can be solved.

A very important aspect to be had in mind however in a research paper of this magnitude is the limitation of approach. An exclusively legalistic approach to the problem of juvenile delinquency and reformation may miss the vital sociological aspects of the same problem. It is suggested that a competent piece of work on this subject should take a multi-disciplinary dimension. Critics of this approach are apt to maintain that the legal researcher is bound to lose his ground of observation if he shifts emphasis from this disciplinary point of view to that.

However, such an interpretation is certainly unfounded as it is an incorrect view of what is meant above.

The contention in the above argument is to the effect that juvenile delinquency is a social phenomenon that does not exist in a vacuum. It exists in all sorts of conditions and hence it is important for the lawyer, members of the bench and all concerned to survey all the conditions that give rise to this problem. It is however improper for a legal researcher to usurp the terrain of sociologists and other fields and forget about his legal battle-ground. It is my hope that I have remained true to the forgoing through out this work, but if I have failed, may those who come after me take heed.

ENDNOTES FOR CHAPTER INTRODUCTION

¹ Zambia entertained a market economy from 1964-1973

² Chapter 386 of the laws of Zambia.

³ Chapter 385 of the laws of Zambia

CHAPTER ONE

1.0 WHAT IS JUVENILE DELINQUENCY?

Perhaps the initial question should be; who is a juvenile? To frame the question in such wide terms will give us a wider spectrum for discussion. It will also give us enough room for a thorough consideration of juveniles in general and juvenile delinquents in particular. In terms of section two of the Juveniles Act Chapter 53 of the laws of Zambia, a juvenile means 'a person who has not attained the age of nineteen and includes a child and a young person.' A 'child' under the same section has been defined as a person who has attained the age of sixteen' where as a 'young person' has been defined as 'a person who has attained the age of sixteen but has not attained the age of nineteen.'

Juveniles are always the objects of protection by society and the law in that society. The reason for this keen interest in them is that they constitute the future of this country and the world at large. It is them who will carry on the human biological mission of procreation, hence the need for society to adequately prepare them for that role.

Disease in man is not one problem but many. There are many forms of illnesses and many roads to prevention, cure and health. The same is true for juvenile delinquency. The phrase has many aspects i.e. prevention, treatment, public

attitude, legislative control, administrative practice, which, as in most other enterprises suffers a constant menace from insufficient resources and chronic bureaucracy.¹

With such diversity, it is hardly surprising that the definition of what constitutes juvenile delinquency elicit different and conflicting views. This has been compounded by the absence of a clear statutory definition of juvenile delinquency in the juveniles Act. Thus a social worker writes that delinquency consists of 'socially unacceptable acts;' a psychiatrist suggests that delinquent behavior is 'activity which deviates from the normal.'² Accordingly, it is expected that a lawyer will write as I now do that juvenile delinquency is what the law says it is, just as it is the law that says what a contract is.

This lawyer's definition of juvenile delinquency cannot go unchallenged in the Zambian context. A critical analysis of the juveniles Act reveals that instances envisaged to be delinquent behavior are so vague and general that a dividing line between actual delinquency and mere misbehavior is difficult to draw. The Act only legislates that a child who is exposed to moral or physical danger is a child 'in need of care.' However from the definition of a child 'in need of care,' offered in section nine of the Act, one gets the impression that with such a broad meaning attached to it, any child 'in need of care' could be labeled as delinquent. This, it is contended, is a wrong approach because if such a broad meaning is

adopted, a large number of juveniles in the so called 'shanty' compounds could at any rate be labeled as delinquents, a stigma which the courts generally try to avoid imposing. Hence giving juvenile delinquency such a sweeping definition would be inappropriate suffice to say that the social welfare department did attempt to define it in 1985, which definition for present purposes, i propose to adopt thus:

"It is behavior of juveniles which is ant social and conflicts with the law. Some of the characteristics of delinquency and criminal behavior are so damaging that the product is usually an ill motivated adult hardly able to make a positive contribution to the community and nurturing a low opinion of himself or herself."³

1.1 CAUSES OF JUVENILE DELINQUENCY

There have been many theories advanced on causes of juvenile delinquency. The main reason ofcourse is that delinquency as a social problem is as old as life itself.⁴ To simplify the approach to this rather complex study, three factors have been identified as being at the root of delinquency: Enviroment, Heredity and Will. Thomas Travis has written that;

"It would take a volume on the psychological phases of heredity, will and enviroment to trace the operations of these three great factors as they cause offences, for the further back we go the more clear it becomes that

delinquency has its rise in the subnormal, abnormal, or renitent factors of will, heredity and enviroment.⁵

In his study, Thomas Travis⁶ places under 'Will' all individual causes; under 'Heredity,' disposition and physiological causes; while under 'Enviroment,' he places all economic and physical causes.

1.1.1 SOCIAL CAUSES

(a) Social progress

The style of living in present day Zambia is completely different from say thirty years ago. Since then, it has undergone an amazing social change, which change, has had to a greater extent, a negative impact to juveniles generally. Compared to the old customs and way of life, a lot has to be leant regarding the bringing up of children. Discipline in the olden days was swift, precise clear and strict with children growing up as society dictated. Societies then were settled in fairly limited numbers, with the shield of impersonality there to provide protection. The child enjoyed in addition to the support of its parents that of the community;

"The child---enjoys the emotional security of the extended family where (s)he has multiple fathers, mothers, brothers, sisters, unties and uncles. All the attention the child gets is well reflected in the societal values and hence is obligatory."⁷

As the child grows, he has access to neighbours and relatives without reservation. The child is handed to the relatives who in turn hand him over to the community. During this time, any adult can discipline, send, educate and even own him or her as theirs. Life styles have now changed and the reintroduction of the market economy and its attendant policies i.e. the cash budget, privatization of state owned companies and the liberalization of the economy in general has been the major reason for this change. Due to tight domestic budgets, extended family ties have been severed giving way to nuclear families living in urban environments without social support from relatives. Inevitably, most of these nuclear families are failing to provide the most basic needs for their homes. Regrettably, in an effort to help supplement the little that is provided at home, juveniles have ended up becoming delinquents.

(b) Defective correctional institutions.

Correctional institutions are those charged with the duty of correcting the behavior of those juveniles pronounced delinquent in to that of law abiding citizens. Such juveniles are sent to these institutions as an alternative to jail. A visit to these institutions however, reveal that most if not all of them are not fit for their purposes. Most of the correctional activities leave much to be desired and as will be shown later in this research, the institutions are poorly manned. The consequences of this state of affairs, of course, goes without saying. Instead of reforming our juveniles, they come out hardened incorrigible

criminals. No sooner are they released than they appear before the courts of law again.

(c) Defective education

Disparities between aspirations and opportunities for achievement in Zambia are so discouraging. Just like in developed countries, advancement is through education and yet in Zambia today, schools, colleges and universities are far from being adequate. Given that the are adequate, a review of examination results in schools and entrants in to our two universities from selected years beginning with 1991 is saddening. This however is not a new phenomenon except that the sentiments expressed in 1979 by the then minister of youth and sport, apply today albeit with much more vigor;

"I do not want to alarm the nation but it is my duty to warn that youth explosion is imminent unless urgent measures are taken to mobilize resources to cope with the situation while there is still time... for example, from 1969 to 1977, there were 700,000 primary school leavers who were not selected for form one. Since 1977, in only two years time, another 200,000 will be added to the role of the unemployed youth bringing the total to 900,000 by December 1979. To this figure, we must yet add the unfortunate ones Who either have not entered school or are aborted by the system before reaching grade seven."⁸

Nineteen years later in 1998, only 56,044 out of 172,182 grade seven pupils qualified to go for high school. Out of 36,251 grade twelves who sat for their examinations in 1996, only 800 were admitted to the University of Zambia. This trend is not improving. If anything, it is getting worse. For those who fail to make it to high school and are normally in the age group of twelve to fourteen years, the future offers little more than joblessness, hopelessness and helplessness. For seven years at primary school, they are taught how to read, write and do arithmetic all in preparation for the day they will enter high school, the day that only 20% would see. They are not eligible for employment, for they either lack basic skills or are far too young to be recruited in laborers jobs.

In terms of section 12 of the employment Act as amended by Act number 15 of 1997, the employment of such young persons is prohibited and the Act defines a 'young person' as one who has not attained the age of 15. So, having been ejected from the school system at such tender ages, they find themselves with nothing to do save roaming the streets. Naturally, therein breeds delinquency. For those who are lucky enough to reach grade 12, their future in the education system is also bleak as their qualifications are generally insufficient to gain them employment. As a daily paper aptly put it;

"Thousands of the so called the future of Zambia
are destined to a life of crime, begging, prostitution

and other vices through no fault of their own but that the nation has adopted an elitist system to select who would enjoy Zambia.”⁹

The school curriculum can also be an agent of delinquency. One of the common activities of juveniles is truancy. Finding pupils ‘hanging around’ before classes end is a common feature in schools;

“As far as the school is concerned, this springs from a curriculum not suited to the needs of the truant boy or girl and the fact that too much emphasis is put on acquisition of knowledge and too little on methods of thinking.”¹⁰

This kind of juvenile does not care for academic education, if anything (s)he becomes restless under it and where (s)he feels compelled to do it, will hate it intensely. Maybe if it is taught to him in reference to its application in manual work, this need would be satisfied. Many truants as a result fail to qualify for high school. They are not interested in study for study’s sake. They want practical work which the school might not provide or provides for very little. From this, it is quite clear that the school should be a reflection of the needs of a country. As the employment situation stand now, it would be helpful for these young persons to learn a skill such as carpentry or brick laying instead of gardening alone. These may become handy should they fail to proceed with

their education. Otherwise when they fail to make it to high school there is no way they can fall back on their seven years of school all because what they have acquired is factual and not practical.

(d) Migration

The migration of people to urban areas has also been cited as a major factor leading to delinquency.¹¹ Besides bringing the family into a strange and usually unfavorable locality and disorganizing the home, migration has another delinquency causing phase;

“The child of the migrant soon learns the language
his parents do not know and feels brighter than them.
It is surprising how soon the child becomes a street
kid.”¹²

It is common cause that many social causes of juvenile delinquency are actually colored with economic causes. It certainly cannot be ruled out that at the root of migration are economic reasons. Perhaps, this whole cause may be summed up in the following words;

“Whenever two classes widely differing in economic
ability and intellectual development meet, the weaker
of them disappears either by absorption or death. And
in the process, a defective and delinquent class is one of

the stages."¹³

1.1.2 ECONOMIC CAUSES

The economic causes of juvenile delinquency are the most prevalent ones coloring virtually all causes known so far. It is now beyond question that in developed countries, it is economic affluence and technological advancement, for instance, the internet, that puts the youth in a state of permanent rebellion against parental authority and the law, where as in under developed countries like Zambia, it is poverty which is the culprit.

(a) Unequal economic struggle

The economic problems Zambia is facing are untold. Poverty levels in the country continue to alarm the whole world. The majority of people in this country barely manage to have three meals in a day. There is no disposable income to save for the 'rainy day' such that everyone is leading a 'hand to mouth' type of living. Those who have failed to withstand the onslaught of poverty have been pushed into dependency on already over depended homes. Inevitably, juveniles have found delinquent behavior irresistible as a way of earning a living.

(b) Defective Housing

That housing plays a part in juvenile delinquency is now well established.¹⁴ Of the juveniles at Nakambala Approved School in Mazabuka, over 70% of them come from Lusaka and other copperbelt towns. The reason given by the staff at the school for this state of affairs is that of over-crowded homes in the two provinces. A family of so many children is forced to share one small house. By trying to look for alternative shelter among friends, juveniles pick up all sorts of ideas. The problem has been exacerbated by a decline in formal employment measured against the growing population in towns. The result has been a proliferation of 'shanty' compounds. The houses therein are so crowded together such that there is hardly any space left for use as play grounds for children save the streets. At an early age therefore, a child is introduced to life on the streets. This causes delinquency.

(c) Unemployment

This word brings to mind visions of economic disarray. It invokes fear of destitution and instills despair among those in positions delicately balanced between dubious jobs and joblessness. It has been suggested that any growth in population over the growth in formal sector employment leads to growing unemployment. The increase in population entails more juveniles as against the

number of jobs available. Poverty is the inevitable result that initiates the child in the offender's life;

"Unemployment means another offshoot of problems- crime escalation, youth delinquency and general decline in the standards of living as livelihood becomes a question of despair by the hour and day."¹⁴

The children of the poor are, as a consequence of the above, sent out to work too soon regardless of their being ill equipped and underdeveloped. The work they do, if at all, gives them little income. This forces them to steal from their employers and other members of the public to supplement their meager wages. The legacy that such conditions leave is permanent. In the words of Bwino and Onyango:

"They work until they are of marriageable age and then in turn put their children at the same labor. The standard of living, health and vitality, intelligence and the forces which oppose delinquency and crime are constantly lowered."¹⁵

1.1.3 DISPOSITIONAL CAUSES

It is trite that children will usually entertain an adventurous disposition more so if they are enjoying excellent health. It is the entertainment of this disposition that causes the child to engage in all sorts of mischievous behavior which behavior

more often than not offends legislation or moral codes of child behavior acceptable to society. Most juveniles will indulge in such activities just for fun, but then, the desire for lawlessness transcends all humanity. The mere fact that a certain course of conduct may or is against the law, rules or regulations of a home or indeed the express commands of a school or anyone in whose care the children are away from home is enough to excite a desire to do just that. No cause can therefore be shown in court to justify such conduct as it is often devoid of malicious intent but for the desire to be pursued by those charged with their care. When such occurrences keep recurring, it is of no surprise at all unless carefully guided to find such a child appearing before courts of law.

It may further be asked: why, apart from the foregoing do children run away from school? The answer to this question may lie either in illness or sheer nervousness. For some it could be a dislike of a particular teacher or indeed a particular school. Others justify truancy on the fact that the school is either over-crowded or is quite a distance from home. Idleness, it has been proved, also impels truants. It would have been better to place this under physiological causes as it is often a matter of underdevelopment of the body. However, as Travis says, at a certain stage, a growing child is lazy because his energy is being taken over by growth. At this stage in his development, he absconds from all kinds of work, and to obtain his peace of mind, he ends up being a truant. Away from home, playing on the streets, he drifts easily into delinquency.¹⁶

1.1.4 PHYSIOLOGICAL CAUSES

It is quite normal for children to be full of life but the maximum period generally of delinquency is 14 to 16 years of age, the age of puberty. At this age, the child is more susceptible, more nervous and more easily influenced for good or bad than at any other period. Several experiments have been carried out to prove that the ages of 14 to 16 are decisive for the youth either for better or for worse.¹⁷ This of course is attributed to the rapid growth and conflicts taking place in a young person's mind which may be hard to understand at that age.

1.1.5 INDIVIDUAL CAUSES

(a) Bad Habits

- (i) Intoxication: The number of beer drinking juveniles in this country today has reached alarming levels and the trend continues to worsen. It is amazing how this, once frowned upon practice has become almost fashionable these days! It is no longer surprising to find juveniles in night clubs, hotels and other drinking places at any time of the day which leaves one wondering as to what happened to rules and regulations prohibiting admittance of juveniles to such places. This promotes delinquency. A young person will usually not be able to exercise restraint in the amount of beer to take such that it leads him or her into all sorts of delinquent conduct that may finally become to him or her a way of life.

- (ii) Smoking: This habit has equally become a common sight. For most of these juveniles, smoking is a symbol of maturity, a sign by which they assert their grand entrance into adulthood, and to prove that they are worthy to be considered as adults, they engage in all sorts of delinquent behavior
- (iii) Bad associates: It is often stated that delinquency is caused by juveniles 'growing up in the midst of seasoned criminals.'¹⁸ A child learns delinquent behavior just as (s)he learns many other things. (s)he learns his or her values and behavior from those with whom (s)he associates and if these turn out to be criminals, the result is inevitable. This theory is known as *differential association* and is closely associated with *professor Sutherland*. The professor argues that differential association may vary in frequency, duration, priority and intensity. Priority is important in the sense that non-delinquent behavior entertained in early childhood may persist throughout life and the converse is also true. Frequency refers to the number of times that that child comes into contact with delinquent conduct as this will contribute to his being influenced to join such behavioral patterns. Duration refers to the period of time that the child is exposed to the delinquent behavioral patterns. Intensity, on the other hand, is not precisely defined but has to do with such things as prestige of the source of delinquency or non delinquency patterns and with emotional reactions related to the association.¹⁹ The professor further argues that

the whole of delinquent behavior is an expression of general needs and values. But those general needs and values have not been explained and the problem is that even non delinquent conduct is an expression of general needs and values. For instance, a juvenile may steal in order to secure money but likewise, an honest laborer works in order to secure money. To this extent the theory is rather not helpful.

1.1.6 FAMILY CAUSES

Of all causes of juvenile delinquency, the non or semi functioning home ranks quite high. Correctional institutions fail to discharge their functions effectively for the simple reason that they cannot provide conditions for the juveniles as effective and equating those obtaining at home. Locking up a juvenile in isolation and standing guard over him for a set term in the hope that (s)he will come out an honest citizen fall far below the conditions obtaining in a properly functioning home which is nature's way of bringing up children. The importance of a properly functioning home can therefore not be over-emphasised. Detrimental consequences discussed earlier in the research will only become harmful in a defective home.

In this connection, causes emanating from the family are not so different from those under disposition and physiology. They become functional under irresponsible parents. Parents who are lazy, ignorant or simply incompetent in

all areas of life except perhaps procreation cannot be expected to guide a child away from delinquent conduct. A child will not become a drunkard if the parents are concerned about his or her welfare. Instead such parents claim to be busy;

“It is the lack of persistent, unrelenting yet tactful efforts on the part of the guardian which allow a child with such tendencies to indulge in them.”²⁰

From the above, it is quite clear that it is the duty of parents to ensure that their children are not left unattended to failing which, home influence and lessons therefrom desert him or her on contact with bad company from whence (s)he learns all about delinquency activities. The non or semi functioning home can be divided into two classes; the lax and the vicious home.

(a) The lax home

In this scenario, the home may not necessarily be economically deprived. If anything, the home may appear perfect with intelligent parents. The weakness however lies in disunity therein. Perhaps the mother has so much work left for her attention while the father either does nothing or lacks any wholesome ideas. In such a situation children are not watched over. No insistence is made on obedience or dignified conduct. Blame, as far as such a parent is concerned when a child does something bad, is always on everyone else but himself and his child. The fact that the child is a nuisance to others does not cross his mind. All

he believes is that others take so seriously the pranks of his child. He realizes the truth when it is already too late-before a court of law! Here clearly, the home, the parent, is the real cause of delinquency.

In another scenario, a child may be attended to but not loved. This does occur where the parents are simply irresponsible. A similar situation may arise where the parents of the child are dead and the child is looked after either by relatives or is given away to an orphanage. The absence of love is a serious deprivation for a child such that even the United Nations have had something to say about it. In its declaration of the rights of a child, the world body has stipulated that a child is entitled to;

“affection, love and understanding, to adequate nutrition and medical care, to free education, to opportunity for play and recreation, to a name and nationality, to special care if handicapped, to be among the first to receive relief of disaster, to learn to be a useful member of society and to develop individual abilities, to be brought up in the spirit of peace and universal brotherhood, to enjoy these rights regardless of race, sex, religion, nation and social origin.”²¹

In the result, lack of maternal love or a good mother figure as a substitute can result in serious psychological deprivation in a child. Some of the most hardened

criminal in our society today are those who suffered deprivation of maternal love. Such children will grow up physically but they become individuals without feeling. When they commit crime, they do it without feeling and for this reason are called psychopaths-very dangerous and violent. To this extent therefore, deprivation of love can be a serious cause of juvenile delinquency, more so in this country in which life expectancy due to the AIDS problem has dropped to 39 for men and 45 for women.²² This coupled with high birth rates means that more and more children are orphaned quite early in their lives. Orphanages are not a solution. They are places where one thing is certainly missing, and that is normal maternal love.

(b) The vicious home

This situation refers to the absence of harmony in a home. It includes fighting between parents mostly caused by perpetual drunkenness from either or both parents to which might be added striking immorality. Sometimes a parent even deserts the matrimonial home for long periods of time during which time there is no control over the children. Such homes no doubt breed rough and vicious juveniles who find fighting and other vices copied from both their parents and peers simply irresistible.

1.2 SUMMARY

It is quite clear from this chapter that most of the causes of juvenile delinquency will only affect neglected children. Both the economically affluent and the poor can spoil their children to the point of delinquency but this can only happen if there is irresponsibility on the part of first, the parents and second, the government whose duty it is to see to it that the welfare of every Zambian is taken care of. Even if economic, social and cultural rights are not justiceable, they are constitutional rights which the government should endeavor to satisfy. To crown it all, Zambia is a signatory to both the international covenant on economic, social and cultural rights and the convention on the rights of a child. The country must be seen to put these instruments into practice.

The next chapter discusses the evolution of Approved schools in Zambia from colonial times to present day.

ENDNOTES FOR CHAPTER ONE

¹ Sol Rubin-----Crime and juvenile delinquency at page 15

² *ibid* on page 48

³ Department of social welfare annual reports.

⁴ Zambia council of social services of the annual conference 1965
Zam.HV447.Z2 Zam

⁵ Thomas Travis-----The young male factor, 1912,p.100

⁶ *ibid*

⁷ N.O Bwino and P. Onyango-----Child abuse and child labour. Paper presented at a workshop on criminal justice and children in Nairobi, Kenya in April 1986 at p. 2

⁸ Sunday times of Zambia-----15/03/77 Comment.

⁹ *Ibid*

¹⁰ Supra Thomas Travis p.24

¹¹ Zambia council of social services report of the annual conference 1965
ZamHV447.Z2. Zam

¹² I.L.O Zambia basic needs in an economy under pressure (united press Addis ababa)

¹³ Supra Thomas Travis p.124

¹⁴ I.L.O Narrowing the gaps: punter—Addis ababa, 1977

¹⁴ *Ibid*

¹⁵ Supra, N.O Bwino and P. Onyango----Child abuse and child labor.

¹⁶ Supra, Thomas Travis p.136

¹⁷ see note 11

¹⁸ see note 16 on p.146

¹⁹ Juvenile justice under Zambian law----Paper presented to the University of Zambia, school of law in partial fulfillment of examination requirements for the award of the degree of bachelor of laws of the university,1982

²⁰ Crime and the child in Zambia, paper presented to the school in 1982 as in *ibid*

²¹ Universal declaration of the rights of a child 1959

²² Times of Zambia 16/09/1999.

CHAPTER TWO

2.0 The evolution of approved schools in Zambia

The only approved school currently in existence in Zambia, *Nakambala approved school* traces its ancestry from the country's very impressive and rich history. In order to understand the creation and administration of the delinquent juvenile reformation system, it is necessary to appreciate the fact that Zambia was a British protectorate and that being her status, she inherited the application of English law in her territory. In this connection, the North Western Rhodesia Order in council and the North Eastern Rhodesia Order in council of 1899 and 1900 respectively, effectively introduced English law into the territory.¹

The introduction of English law however did not operate to extinguish the application of Northern Rhodesia's Native laws entirely leaving as it did room for the application of such laws that were compatible with the orders in council, principles of natural justice and other specific legislation.¹ With the unification of North Western and North Eastern Rhodesia's judicial systems in 1911, a High Court for Northern Rhodesia was established.

Notwithstanding this creation, most of the work particularly that dealing with juveniles was still reposed on the subordinate courts that were manned by magistrates, native commissioners and assistant native commissioners.

One however needs to note that at that time, the problem of juvenile delinquency was relatively negligible. This was attributed to the restrictions that were placed on the movement of juveniles to the newly opened and expanding copper mines. Added to this was the effectiveness of customary laws that placed adequate controls on juvenile crime. A child's misconduct drew uncompromising and sharp reaction from the parents, extended family members and the community at large. Punishment for such children was swift and decisive. Society had a firm grip on its children and their upbringing.

The foregoing more likely explains the absence of a separate criminal process for juvenile delinquents at that time. There was clearly no justification for such a system. It may further be recalled that after the British South African company handed over the administration of the territory to the British Government in 1924, the latter in 1929 not only introduced indirect rule under which the indigenous chiefs were to manage their respective areas on behalf of the governor, but also granted them jurisdiction to entertain minor criminal cases involving both juveniles and adults.² This buttressed the chief's already firm grip on juvenile behavior. More native courts were established under the auspices of the 1936 Native Authority Ordinance wherein more elders with demonstrable knowledge of customary laws were appointed to serve. This was a recognition of their ability to impose and enforce discipline in their communities.

It must be noted however that the flourishing of these courts was a reaction to the growing native population in towns. As the mines expanded, they in turn gave birth to other industries that supplied them with other requirements. It thus became difficult to enforce the orders restricting movements of people from rural areas as the demand for labour kept on rising. The slapping of poll and hut tax for those aged 16 and above also made the need for the young men to look for remunerative work in towns inevitable. This movement naturally proved counter productive. The restraining eye of village elders was no longer upon the migrant juveniles. For those born in towns the situation was even worse. Without the elder's strict discipline around them, the young men took no time in engaging themselves in felonious activities and other hitherto socially undesirable adventures.

The increase in the number of juveniles becoming delinquents attracted strict solutions. It may again be recalled that it was around this time that Ordinance number 32 otherwise known as the Penal code was enacted.³ The enactment of this piece of legislation necessitated the establishment of more police stations along the line of rail and training of more law enforcement personnel. A small detachment of police officers was stationed at Mongu and Fort Jameson, now Chipata. The creation and expansion of a police force marked the genesis of a chain reaction. It led to an urgent need for detention institutions wherein to keep convicted persons and juvenile delinquents.

As far as the then secretary of native affairs was concerned, the youth were at that time beyond parental or guardian control such that sending them back to their villages would have been everything but the solution to the problem. There were, on the other hand, very few missionary settlements with discipline sufficient or strict enough to reform the youths into better citizens of the territory.⁴ It was therefore decided that the only way to save them from a life of crime was by imprisoning them, albeit separate from adult convicts, for lengthy periods of time under strict and uncompromising discipline. During this period, the young offenders would be taught a trade or so to enable them lead honest lives in healthy surroundings. The secretary for native affairs further suggested that native teachers should drill and instruct them in reading and writing among other things in order for them to acquire an elementary education to help them after their discharge. An institution for juveniles was therefore seen as a necessity in Northern Rhodesia. This led to concrete proposals for it on the third day of July 1929.⁵

Having won the support of the department of native affairs, the proposal was worked upon resulting into a draft bill in 1930 that *inter alia* made provisions for special proceedings in cases involving juvenile delinquents. The bill was later enacted into law and was called The Juvenile Offenders Ordinance. Section 17(f) of this Ordinance naturally provided for the sending of juvenile delinquents to a

reformatory institution. In the Juvenile Offenders Ordinance of 1933, provisions were made for European juvenile delinquents to be sent to South African reformatory institutions while native juvenile offenders were detained in district messenger's compounds. In addition, the governor under the same ordinance was empowered to release on probation native juveniles who demonstrated tractable good behavior of condition that they attended the mission school that was run by the Salvation Army in Kafue and did so to the satisfaction of the principle.⁶ However, before the native juveniles could be sent to the salvation army mission, they were first detained on warrant at Livingstone central prison at which they were separated from adult prisoners and put in the juveniles section.⁷ This detention Centre naturally proved unsatisfactory to then visiting justices who sparked off debates as to whether or not native juvenile delinquents like their European counterparts should also be sent to South African reformatory institutions. The view that they should seem to have been favored judging by subsequent events. Between 1944 and 1947 for instance twenty-five (25) juveniles were committed to Livingstone central prison. Of these, eleven (11) were sent to South Africa. Five (5) were sent to the Salvation Army mission in Kafue. Seven (7) were sent to Chikankata mission while only two (2) remained at the central prison in Livingstone.

Sending juveniles to Chikankata and Kafue however proved not so good an alternative. Being Salvation Army Missions, the authorities there did not

entertain the idea of ministers belonging to other churches visiting the school. Worse still, Chikankata mission was so much removed from government administrative offices which made regular visits difficult. In 1947, these rather difficult alternatives forced government to prioritise the building of a home for juvenile delinquents in its development plan. In this connection the attorney general for Northern Rhodesia at that time proposed the idea to the chief secretary in Southern Rhodesia in the following terms;

"I am to suggest that the time is now ripe to make a completely fresh approach to the problem of dealing with juvenile delinquents and of providing adequate facilities for their supervision and training, under circumstances where ministers of all religious denominations would have reasonable facilities for access. It is suggested that this is yet another direction in which the three Members of the central African council might combine in order to erect a suitable home to take juvenile delinquents from all three territories. I am to request you, therefore, to refer the matter for consideration of the central African council."⁸

This suggestion however received hostile reactions from other members of the council who felt that Northern Rhodesia was well covered by reformatories in the union of South Africa. The criticisms notwithstanding, Northern Rhodesia went right ahead with its plans. Preliminary works therefore commenced at Katombora on 17th day of July 1950⁹ and on 8th day of December 1953, Katombora was gazetted as a reformatory institution.¹⁰

The reformatory catered for juvenile offenders falling in between the ages of nine (9) and eighteen (18) years.

The system functioned relatively well until it could no longer cope with the increasing number of juvenile delinquents. This prompted the opening of other institutions to contain the situation. Under the authority of the Juveniles Ordinance section 75(2) enacted in 1956 and modeled on the British criminal justice Act 1948, the Prisons Act 1952 and the Children and Young Persons Act 1933, Nakambala Approved School was established and opened in 1960. Formerly known as Nakaputa, the school was initially situated a few kilometers from Ndola. However, the area had problems of water supply and the number of escapees was a bit too much owing to the fact that most of the inmates emanated from the copperbelt towns. In addition, the buildings set aside for the school were not only unsuitable for vocational and handcraft training of the inmates but also for agricultural activities. It was therefore decided that the school be shifted to another area suitable for its objectives. Thus in October 1963, the decision was implemented and the school was finally moved to Mazabuka after which it was renamed Nakambala Approved School, the name it still carries up to this day.¹¹

The school, which is approximately hundred and thirty (130) kilometers south of Lusaka has a capacity of seventy-five (75). It caters for juveniles sent to the

school for committing offences which would otherwise attract a prison sentence for an adult and for those juveniles 'in need of care' in terms of the Juveniles Act. It must however be noted that no Approved School Order can be enforced unless and until it has been confirmed by the High Court. While waiting for this confirmation, the juvenile may be committed to a responsible person for periods of not more than twenty-eight days at a time¹² The length of an approved school order varies from one (1) to three (3) years, but no juvenile having reached the age of nineteen (19) can either be admitted or be entertained at the school thereafter.¹³ Ideally, members of staff at the school are supposed to be professionals. The Act provides for a principal, deputy principal, primary school teachers on secondment from ministry of education, social workers from ministry of community development and social welfare, agriculture officers from the ministry of agriculture and fisheries and trades instructors.

It is therefore apparent that the training programs at the school were ideally aimed at rehabilitating the juvenile into a useful member of society. Formal primary education was and is thus made mandatory and arrangements made for those who qualify for high school to attend the local schools. Under authority of section ninety (90) of the juveniles Act, the minister of community development and social welfare has made rules governing the running of the school, and by virtue of rule 4(1) of the rules made by the minister, the principal of the school is responsible to the commissioner of juvenile welfare for the efficient running of

the school. In addition, the commissioner is empowered to appoint at least four (4) persons to act as members of a visiting committee who stay within reasonable distance from the school. It is the duty of the committee to satisfy themselves that the training, welfare and education of the inmates is satisfactory. The inmates have the right of audience with this committee and hence an opportunity to express themselves on any issues affecting them at the school.

It should however be emphasized that the school is not exclusively for juveniles found 'guilty' of crime or delinquent behavior. Its facilities are also available to juveniles who in the exercise of the court's discretion are 'in need of care' within the meaning of section 9(1) of the juveniles Act that is to say they require care, control or protection. This section defines 'in need of care' as referring to a person who;

(a) is a juvenile who having no parent or guardian, or a parent or guardian unfit to exercise care and guardianship or not exercising proper care and guardianship, is either falling into bad associations or is exposed to moral or physical danger or beyond control or (b) is a juvenile who (1) being a person in respect of whom any scheduled offence has been committed or (ii) being a member of the same household as a juvenile in respect of whom such an offence has been committed or (iii) being a member of the same household as a person who has been convicted of such an offence against a juvenile or (iv) being a female member of a household where a member has committed an offence under section 149 of the penal code in respect of another female

member of that household or (v) frequenting the company of any reputed thief or prostitute or (vi) lodging or residing in a house or the part of the house used by any prostitute for the purposes of prostitution or is otherwise living in circumstances calculated to cause, encourage or favor the seduction of the juvenile; requires care, control or protection.

For the purposes of this section, the fact that a juvenile is found a destitute, or is found wondering without any settled place of abode and without visible means of subsistence, or is found begging or receiving alms (whether or not there is any pretence of singing, playing, performing, or offering anything for sale) or is found loitering for the purpose of so begging or receiving alms, is, without prejudice to the generality of the provisions of section 9(1) (a) and (b) above quoted, evidence that he is exposed to moral danger.¹⁴

Further the law provides that any parent or guardian who successfully convinces the court that (s)he is unable to control the child, and fully appreciates the consequences of an approved school order and that it is expedient and indeed to the benefit of the juvenile in question to be sent to the approved school, the order would be made.¹⁵ This provision of the law is however rarely used if at all perhaps because no parent would take pleasure convincing a court of law that he has failed to bring up his juvenile child or dependant. The stigma on such a parent would understandably be too much to bear.

On the other hand, any police officer or juveniles inspector having reasonable grounds for believing that the juvenile is in need of care may bring him before a juvenile court unless he is satisfied that the taking of proceedings is undesirable in the interest of such juvenile or that proceedings are about to be commenced by some other person. If the court is satisfied that the juvenile brought before it, is a juvenile 'in need of care' it may either order his or her parents or guardians to enter into recognizance to exercise proper care and guardianship or commit him or her to the care of a fit person whether a relative or not who is willing to undertake the care of him or her. The court may also place such a juvenile under the supervision of a probation officer or some other person appointed for this purpose by the court for a period not exceeding three (3) years. If the above orders are all unsuitable, then the court would order such a juvenile to be sent to an approved school.¹⁶ Unfortunately, like section 17, this provision is hardly ever used.

2.1 SUMMARY

Summing up this chapter would certainly be incomplete without making mention of the fact that approved schools were initially meant for white juvenile delinquents, but with the disintegration of the federation of Rhodesia and Nyasaland and the onset of independence, the only school was opened up to all races. It is meant to cater for juvenile delinquents and all those juveniles 'in need of care' However, the economic woes brought about by the reintroduction of the

market economy has turned the school in to a full fledged prison thereby defeating the whole purpose for which it was established-a home away from home where juvenile delinquents could be reformed to become better and contributing members of society. It is highly doubtful as to whether the school is still performing this function.

The next chapter addresses this issue and gives a detailed account of the impact of the market economy on this institution as representative of other juvenile reformatory institutions and juvenile delinquency in general.

END NOTES FOR CHAPTER TWO.

- ¹ Gann, L.H The birth of a plural society, Manchester University Press 1957 page94.
- ² Native courts order in council 1929
- ³ Ordinance number 32 of 1930
- ⁴ 15th june1929 Department of native affairs file no136 volume 1
- ⁵ *ibid*
- ⁶ Section 15(1) of the Juvenile Offenders Ordinance of 1933
- ⁷ Department of native affairs file number (SEC/JUS/20)
- ⁸ Department of native affairs file number (SEC1/JUS/1149)
- ⁹ Northern Rhodesia prison services annual report for 1950, Government printers.
- ¹⁰ *Ibid*, 1953 annual reports.
- ¹¹ Juvenile delinquency and reformation in Zambia-----Sibeso Mukuni 1986 page 46
- ¹² Approved schools for juvenile delinquents----The Zambia case-----Aloysius S. Mapate.
- ¹³ Section 78 and 86 of the Juveniles Act
- ¹⁴ Section 9(2) (a) (b) (c) and (d) of the juveniles Act.
- ¹⁵ Section 17 of the juveniles Act
- ¹⁶ Section 10 (1) and (2)

CHAPTER THREE

3.0 The impact of the market economy on juvenile delinquency and reformation from 1991 to 1999

The question as to whether juvenile delinquency and inadequacies in our reformatory system of such juveniles are on the increase or otherwise as a result of the reintroduction of the market economy is not only a difficult one to hazard an answer to but complex too. This is so because a proper response to such a question demands examination of an array of issues which issues may be based on data not always reliable. For instance, a researcher in this area is readily attracted to the Zambia police annual reports in which reported and detected offences are recorded. Such reports however, are not without flaws. One writer has inevitably observed;

"Crime statistics essential in criminology have been considered by criminologists as faulty, unreliable and for scientific purposes of very little use."¹

It is easy to come up with several reasons why such data is generally unreliable. It may be due to differences in the administrative competence of officers from one station to another or from one command to another. There may be changes in the methods of detecting crime, in the methods of arrest and charging or even in the methods of disposal of detected and reported crime. The above may give a false impression of delinquency trends during a stated period of time when in

fact nothing has changed. Statistics, released from such departments as the police, prisons, reformatory institutions, department of social welfare and others involved in this area are also a source of concern. Increased awareness of a problem may lead to increased recognition of examples of it. Juveniles may be tempted to emulate their colleagues who are hitting headlines in such statistics. This consideration may therefore affect the veracity of such statistics released for public consumption.

It should also be noted that there is a close relationship between increased police presence and juvenile delinquency trends. In places where there are few or no police officers, the number of juvenile delinquency cases reported or detected is very small. Naturally, where the opposite is the case, there is an increase in the number of cases brought before courts of law. This rarely means that juvenile delinquency is on the increase but rather that detection of delinquent conduct has improved² Additionally, it is incontestable that some cases of juvenile delinquency are never reported to or indeed detected by the police. This is particularly true in rural Zambia. This failure, however, to report such incidences may be occasioned by a number of reasons the following of which are but exhaustive.

3.1 Public attitude.

Some delinquency activities are detected but never reported to the police because friends and neighbours agree to 'take care' of the problem informally. Owners and operators of shops who apprehend juvenile shoplifters may not report the offender to the police but may instead handle the situation informally by retrieving their goods and warning the offender not to repeat the offence. In some cases where parents are known a report to them suffices. In others, the victim of the delinquent act may be a willing participant such that unless something really unpleasant has been inflicted, this victim is most unlikely to report the incidence to the authorities. Further, there are certain individuals in society who for different reasons entertain hostile feelings towards the police. They can never report a crime to the police. In other cases, victims of delinquent conduct or witnesses thereto may be apprehensive of consequences of reporting the offence from the offender. In others, delinquent behavior goes unreported by professionals. For instance, a medical practitioner may conduct an illegal abortion on a juvenile or indeed prescribe narcotic drugs for him or her. It is highly unlikely that such a practitioner would do the needful. At work places, a delinquent act may only result in a dismissal or a reprimand without the same being reported to the police. The effect of all this on published statistics goes without saying.

3.2 Police difficulties.

More often than not, an offence may be unrecorded despite being reported or even witnessed by the police themselves. The reason for such behavior may be economic. The delinquent conduct in question may be so trivial that is considered to be a waste of public funds to set the machinery of justice in motion. The police may simply be too busy to attend to such minor infractions or may have no transport to conduct follow-ups especially in victimless crimes. In such cases nothing will be reported.

Further, it should be noted that trends in juvenile delinquency must always be related to population growth. This is so because what may seem to be absolute juvenile delinquency trends by themselves may in fact merely reflect population trends.

At this point, the rather difficult question is this: if police annual reports which have not necessarily been to court successfully can be this unreliable in terms of giving us the correct state of affairs on the ground due to the above discussed problems, which as earlier stated, are not even exhaustive, one is left to wonder as to the veracity of annual reports from Nakambala Approved School in that regard. This is so because the annual reports therefrom only discuss cases that were successfully prosecuted. What about those cases where appropriate orders

could not be made, not because the delinquent act was not committed but because the case was not properly investigated or prosecuted?

The foregoing illustrates the dangers undeniably inherent in placing complete reliance on such reports when conducting a research of this nature. These weaknesses or problems associated with the reports do not however relieve them of their enormous value in helping keep track of trends reflected therein. In this regard, whilst acknowledging the dangers above stated, this researcher has placed considerable reliance on the department of social welfare annual reports under which Nakambala Approved School falls. The school's annual reports from 1991 to 1998, (being the latest at the time of this paper) have been analyzed and form the basis of this chapter's analysis of the impact of the market economy on the institution and juvenile delinquency at large.

In 1991, the school's activities remained more or less the same i. e formal education and the teaching of trades. These are carpentry, bricklaying, plastering, tailoring, joinery and agriculture. The school catered for seventy-four (74) juveniles comprising of forty-three (43) brought forward from 1990. Thirty-one (31) juveniles were new admissions. During the course of the year, there were forty-four (44) discharges comprising of twenty-five (25) licensees. Three (3) juveniles were ordered to be transferred to Katombora reformatory having reached the age of nineteen (19) while twelve (12) of them escaped. At the

close of the year, the school remained with thirty(30) juveniles.³ This information is provided in the table at the end of this chapter.

In 1992, the school continued to provide residential training to juveniles committed to it. During this year, the school catered for sixty-two (62) juveniles out of which thirty-two (32) were new admissions⁴. In 1993, there were thirty-one (31) new admissions with twenty-seven (27) carried forward from 1992. It is to be noted that some of the admissions in that year were from the rural areas, a slight departure from the normal trend and an indication of the effects of the new economic policies on the rural communities. In all, the school had a total of fifty-eight (58) inmates. Fifteen (15) were released on license and one (1) was discharged. Nineteen (19) escaped from the school out of which only two (2) were recaptured and taken back to the school. The remaining seventeen (17) have stayed at large. At the close of that year, the school only had twenty-two (22) inmates left.⁵ It is further of note that in the same year (1993), the school had no trade skills in carpentry, joinery, bricklaying, plastering and tailoring. It was attributed to lack of instructors.

In 1994, a somewhat similar trend continued. The school handled a total of forty-eight (48) new admissions. In terms of services the school only managed to provide academic education and counseling. It was unable to provide skills training and no recreation facilities existed.⁶ In 1995, the school took care of

seventy-two (72) juveniles. Of these, forty-nine (49) were new admissions while twenty-three (23) were cases from 1994⁷. The year 1996 saw the school handling eight-five (85) delinquents with fifty-six (56) new cases⁸. The number of new admissions dropped to seventeen (17) in 1997 with forty being brought forward from 1996⁹. The trend continued in 1998 which only recorded nine (9) new admissions with forty-five being cases from 1997.¹⁰

From the above information, one can safely conclude that from 1991, juvenile delinquency has been on the increase with the trend almost doubling in 1996. The drop in the number of admissions has been explained below. The increase to a very large extent has been due to the economic policies of the current government that have left hundreds of thousands without jobs. People are thus hungry, there is simply no money to buy food for their families. This has occasioned crime escalation perpetrated by both adults and juveniles. The policies have caused a general decline in the standard of living as livelihood becomes a question of despair. Poverty has pushed the boys and girls out of their homes and has initiated them into the offenders life. The situation in this country is very worrying. I hasten to point out that the data being analyzed here show no more than pointers and deals with one institution only. The facts on the ground are very sad. A few examples may suffice to explain this.

As provided for under chapter fifty-three (53) of the laws of Zambia, five (5) juveniles were committed to the commissioner of juvenile welfare in 1991 alone. At the same time, the commissioner was also responsible for thirty-six (36) children carried forward from 1990.¹¹ The juveniles under probation paint another sad picture. In 1991 alone, there were two hundred and eighty-one (281) cases of probation.¹² Of these only twenty (20) cases closed satisfactorily. Twenty three (3) closed unsatisfactorily and the rest were carried forward to 1992. The year 1992 saw four juveniles being committed to the care of the commissioner for juveniles welfare bring the number of children under his care to forty (40). In the same year, probation officers dealt with four hundred and fifty (450) cases almost double that of 1991. In 1993 there were nine (9) committal orders brought forward from 1992. During the year the commissioner received six (6) more orders. In the same year, probation officers handled one hundred and fifty-eight (158) juvenile offenders out of which fifty-eight (58) were new cases¹³

In 1995, probation officers dealt with seven hundred and seventy-six (776) cases of juvenile offenders.¹⁴ As evidenced by these statistics, the number of cases increased by more than 200% from 1994's two hundred and eighty-two (282). In 1996, probation officers handled eight hundred and thirty-two (832) cases¹⁵ while in 1997, they dealt with six hundred and seventy-seven cases.¹⁶ Another significant number of juveniles are on the streets of our towns and cities. The street is their home and source of livelihood. The government is watching while

they become delinquents since the economic reality cannot mould anything else out of them. Families are watching because the economic situation can no longer allow them to look after extra family members. The result has been an increase in juvenile delinquents never before experienced.

The situation has necessitated the formation of street children committees across the country to try and rehabilitate these juveniles. In 1994 for instance these committees handled eight hundred and twenty-one (821) children.¹⁷ This reflected a 59% from 1993's case load of four hundred and eighty (480) children. In 1995, the committees from the copperbelt and central provinces alone handled one hundred and sixty-nine (169) street children while the number went up to three hundred and sixty-one (361) in 1996.¹⁸ 1997 saw all the committees in the country dealing with two hundred and eight (208) street children where as the department of social welfare and some non governmental organization dealt with nine hundred and eighty-three (983) street children in 1998.¹⁹

It is hoped that the foregoing examples give one an idea of how bad the situation is on the ground. Again, these figures only cover those cases reported to the department of social welfare by the committees. The actual figures should be much higher. In fact, it is estimated that there will be two million (2,000,000) street children by the year 2010²⁰ The mushrooming of street children

committees from about 1996 up until this day perhaps explain the decline in the number of admissions to Nakambala Approved School. Otherwise, most of the children, now under the care of street children committees qualify to go to the school. They would have been eligible for admission as children 'in need of care' as defined by the Juveniles Act and as discussed in chapter two of this research.

Other reasons for such a decline may be attributed to police incompetence in handling juvenile cases or perhaps their inability to detect or conduct thorough investigations due to economic reasons. The decline may also be attributed to courts of law which of late have preferred probation orders to approved school orders it being cheaper for the state. The number of juveniles escaping from the school may also discourage courts from sending more juveniles there. Any one of these reasons may explain the decline but what is of note is that while Nakambala recorded a decline, probation orders almost doubled over the same period.

Further, that the harsh economic realities being experienced in Zambia have been the major cause of the unprecedented rise in juvenile delinquency over the last ten (10) years is attested by the perpetually high number of offences against property. Theft related cases have always been high on the list. 1992, for instance recorded three hundred and thirty-seven (337) cases while the next on the list, unspecified offences, had only one hundred and forty (140).²¹ In 1994,

there were two hundred and twenty-six (226) theft related cases as compared to the next on the list offences against the person which only had ninety-four (94). 1996 recorded two hundred and fifty-seven (257) theft related cases while 1998 had two hundred and ninety-one (291) cases, with their nearest categories, offences against the person, being fifty-three (53) and seventy-one (71) respectively.²² Drug related cases involving juveniles have also increased over the same period of time as juveniles try to make ends meet through being used to transport them to users and sometimes to drown their hardships in them.²³

The impact of the harsh economic times can also be detected in other areas of juvenile delinquency as well. Since juveniles cannot be expected to concentrate at school on empty stomachs, poor school achievement is true for the vast majority of juvenile delinquents committed to juvenile institutions. In most cases, only one in five (5) was doing okay in school. The rest were either failing academically, were expelled or suspended or had dropped out all together. Less than a third of them were attending school regularly and two thirds had been identified in school as aggressive or disruptive²⁴ In other cases, marriages are failing because of economic problems. The result is having juveniles being raised by single parents. Some girls get pregnant in the process of 'earning a living,' as they have no choice in the matter. It's a question of survival. They end up being single parents. Single parenting, however, has a telling effect on juvenile delinquency. For instance, only one (1) out of four (4) juvenile delinquents who

have landed in juvenile institutions from 1995 to 1998 come from two-parent homes. Most of them are being raised by single mothers and that is why it is even more saddening to note the rising proportion of girls in the juvenile justice system, 20% over the last ten (10) years.²⁵

The impact of the market economy on Nakambala Approved School and indeed other reformatory institutions manifests itself in the shortage of staff, food, and facilities at the institution. Cash flow to the institution has been tightened and even the little that is allocated to it is rarely released. Further, while the school is experiencing shortage of staff problems, the government is trimming the civil service. In effect, this has perpetuated the shortage of instructors for vocational training since 1993. In 1994 the school could not even afford any type of recreation due to lack of facilities.²⁶ There is simply no money to sustain such activities and the problem has continued to this day.

In the result, the school is operating like a full fledged prison. This, however, is contrary to the primary objective for establishing the institution. The school was meant to provide protection, training and reformatory services to juvenile delinquents in a home-like environment.²⁷ The juveniles Act is very clear on the issue of imprisonment. Section 72(2) provides that;

“No young person shall be sentenced to imprisonment if he can be dealt with in any other manner”

The supreme court in *Chishala v the people*²⁸ echoed the same sentiments. In that case, the appellant, a juvenile, was convicted of aggravated robbery and was sentenced to fifteen (15) years imprisonment. It was stated on appeal that the major objective of the juveniles Act was to rehabilitate offenders so as to make them useful members of society. It was held, therefore, that the trial judge had not complied with section 72(2) of the Act because there was an alternative more suitable punishment than imprisonment. Based on the relevant factors surrounding the offence, a reformatory order was substituted.

This case demonstrates the importance of keeping juvenile delinquents away not only from prisons but also from prison-like conditions. It is highly questionable whether Nakambala Approved School is still reforming, training and protecting juveniles under the conditions obtaining there today. We may in fact be 'manufacturing' hard core criminals instead

3.3 SUMMARY

In sum, we must all realise that the consequences of juvenile delinquency are very real, from the damaged or ruined lives of both the victims and the perpetrators, to a loss of childhood innocence and the violation of general security in play grounds, schools, homes and neighbourhoods. Statistics cant tell the whole story because one slaying, one scared victim, one habitual juvenile

felon is always one too many. The impact of the market economy can therefore only be described as having been catastrophic on these young lives.

The next chapter is a comparative study of how other capitalist communities have dealt with the problem at hand. It offers recommendations on what we can do as a community to redress the trend. Finally, the chapter concludes the research.

END NOTES FOR CHAPTER THREE

- ¹ Thorsten Sellin in criminology. A book of readings edited by O .B Vedder P. 16.
- ² Senior provincial commissioner for the western province in African affairs report of 1950 at page 25
- ³ 1991 annual reports for the department of social welfare under the ministry of community development and social welfare.
- ⁴ 1992 annual reports as in *ibid*.
- ⁵ 1993 annual reports as in *ibid*
- ⁶ 1994 annual reports as in *ibid*
- ⁷ 1995 annual report as in *ibid*
- ⁸ 1996 annual reports as in *ibid*
- ⁹ 1997 annual reports as in *ibid*
- ¹⁰ 1998 annual report as in *ibid*
- ¹¹ *supra*, 1991 annual reports.
- ¹² *ibid* page 6
- ¹³ *supra* 1993 annual reports.
- ¹⁴ *supra* 1995 annual reports
- ¹⁵ *supra* 1996 annual reports.
- ¹⁶ *supra* 1997 annual reports.
- ¹⁷ *supra* 1994 annual report
- ¹⁸ *supra* 1996 annual reports
- ¹⁹ *supra* 1998 annual reports.
- ²⁰ Lusaka star newspaper for January 2000 page 7
- ²¹ *supra* 1992 annual reports
- ²² *supra* 1996 and 1998 annual reports.
- ²³ 1998 drug enforcement commission annual report.
- ²⁴ *supra* 1998 annual reports.
- ²⁵ *ibid*
- ²⁶ *supra* 1994 annual reports.

²⁷ 1975 department of social welfare annual reports

²⁸ (1975)ZR page 240

STATISTICS AT NAKAMBALA TRAINING SCHOOL.

BROUGHT FORWARD	ADMISSION	RELEASE ON LICENCE	ESCAPES	TRSN KATOMBOLA	TOTAL DISCHARGED	RECALLED LICENCEES
			1991			
43	31	25		3	44	NIL
			1992			
30	32	13	16		41	NIL
			1993			
27	31	15		NIL	NIL	
			1994		23	2
20	24	7		NIL		
			1995			
23	49	-	-	NIL		
			1996			
29	56	-	-	NIL	45	NIL
			1997			
40	17	-	-	-	12	NIL
			1998			
45	9	-	-	-	18	NIL

CHAPTER FOUR

4.0 What has been done in other capitalist communities, recommendations and conclusion.

It is not enough for some of us to be so successful in life if we do not use that success to reach down, back and across to touch our fellow citizens. One has to look directly in the faces of our boys and girls, talk with them, listen to them and help them extract the promise and hope of their young lives.¹ Unlocking the potential in a child is a job for all of us. We must make the critical, sometimes troubled adolescent years of our juveniles a priority. We must create opportunities for boys and girls to connect in a positive manner with adults who model for them the virtues of responsibility, caring, respect and hard work.² Nothing means more to juveniles than an adult who cares about them and believes in their prospect for a productive future. This can successfully keep juveniles out of crime and violence. Any investment of time and energy, no matter how small it may seem may make a profound difference in a young adult's life.

As shown by chapter one of this research, there is no single easy answer as to why a juvenile breaks into a home, steals a car, inhales illegal drugs or assaults someone. Certainly, the message must be loud and clear to wrong doers that they will be punished and held strictly accountable for delinquent conduct, yet evidence in chapter three of this work increasingly shows that juvenile

delinquency is on the increase. Where, then, are we going wrong in our fight against juvenile delinquency? How has the problem of economic reasons for juvenile delinquency been handled in other capitalist countries?

A comparative study of the United States of America's Florida Department of Juvenile Justice may help us find solutions to this problem. The study has been conducted with the full appreciation of the differences in economic development between the two countries and the jurisprudence prohibiting the transfer of solutions from one country to another in the hope that such solutions would work in that other country. But as will be shown later, the methods used to combat juvenile delinquency in the United States of America, are seriously speaking, not beyond our means. It's a question of community 'will' at play.

All across Florida, community leaders concerned about combating juvenile delinquency are part of the citizen led juvenile justice councils representing sixty-seven (67) county's and district boards. These citizen volunteers provide leadership and develop local juvenile justice plans for helping keep kids out of trouble. The boards and the councils target their efforts to meet challenges affecting the juveniles in their area of the state³ One example of the cooperative coordinated effort spawned by these local plans in Florida is the one in *Escambia County*. There, the juvenile justice council's county plan signed by over twenty-five (25) public and private agencies working with the juveniles led to an inter

agency agreement. It was approved and signed on September 15th 1998 by such parties as the clerk of court **Ernie Mahaga**, school superintendent **Jim May**, sheriff **Jim Lawman**, Pensacola chief of police **Norman Chapman**, Pensacola mayor **John Fogg**, state attorney **Curtis Golden**, department of children and families district one administrator **Charles Bates**, and department of juvenile justice manager **John Tallan**. They agreed to devote time and staff to priorities in the plan which include increasing the number of prevention and early intervention programs for children beginning with elementary school, improving educational and vocational alternatives for middle and high school students suspended for misconduct and looking at apprenticeships for juveniles who complete delinquency treatment programs⁴

The Florida community and not the government donate a lot of money for community based programs aimed at keeping the boys and girls away from criminal activities. The federal and the state governments only come in to supplement the already raised funds by the community. In fact, the contribution of the government is not by way of direct grants towards these programs, it is in form of tax deductions for all those individuals and organizations that donate or contribute finances to the programs.⁵

What is of note is that Florida's approach to juvenile delinquency and reformation is not one size fits all. All across the state, community based alliances that cut

across governmental jurisdiction, public and private considerations, and even state and church boundaries are nurturing innovative and coordinated approaches to helping at risk and juvenile delinquents. For instance, every corner of Florida is encompassed in the sixty-five (65) juvenile justice county councils and fifteen (15) juvenile justice boards. These citizen led forums exist not just for discussion but action.

They devise local strategies and priorities for programs and funding. They evaluate what is needed and what is working in terms of combating juvenile delinquency in their communities and also what is not working. They are respected ambassadors/advocates at large who inform and educate the public about specific local challenges ahead in juvenile delinquency and reformation. They represent the diverse nature of those who care about intervening positively in children's lives from police officers to business leaders and community activists⁶

In 1998, for instance, individuals serving on local juvenile justice councils and boards invested over twenty-five thousand, six hundred and eighty-nine (25,689) hours or three thousand, two hundred and eleven (3,211) work days. The boards and councils whose members are appointed from among the community hold regular meetings which are open to the public.⁷ In the words of Jim Clark;

"The child does return to the community. These are serious

issues we need to address. Anybody who is concerned about their community should be involved. I believe when people think about juvenile justice, they only think about the deep-end prison type of setting. I do believe in placing some kids in prisons; some kids should be incarcerated for the safety of the community. But I do not believe it's the majority of kids. That's a misconception. There are some kids who have had family situations and need additional support. People do not understand all the prevention type activities we are involved in. There are more success stories than failures and people just don't realize it"⁸

4.1 RECOMMENDATIONS

The annual reports from *Nakambala Approved School*, the department of social welfare, the police, the media and indeed what we see on the streets of our towns and cities bombards one with evidence that juvenile delinquency is on the increase in Zambia, and at this stage of this work, we all know what has caused it. Even though *Nakambala* has recorded a decline in the number of admissions, the principal of the school, and indeed many people interviewed still feel afraid and confused about the rate of juvenile delinquency in the country.

Too few solutions are being explored and all too often, Zambians are left with a sense that we are powerless to reclaim our children. Hard evidence shows that the real solutions include preventive, rehabilitative and restorative alternatives to punitive approaches for juvenile offenders. Communities in the United States of

America that are successfully curtailing juvenile delinquency realize that investing in our youth is crucial.

We need to realize that the criminal justice system has an important role to play in maintaining society's values and safety but it was not designed to create public safety because it reacts to crimes only after they have been committed. In fact, only a small portion of offenders are actually punished through the courts. To make neighborhoods truly safe, we need to break the cycle of crime and violence by responding to the needs of juveniles and families in crisis.

While it may seem obvious that preventing juvenile delinquency before it happens is crucial to keeping the streets free of violence, doing so requires the involvement of the whole community and the most effective ways of doing so requires teamwork and partnership not only among justice agencies but between them and community based groups. Children need to be offered guidance and resources if we want them to become productive contributing adults. Every adult has the capacity and responsibility to make a difference. Each effort in the life of a child however small enhances the chances of a health productive future. More importantly, juveniles cannot be expected to worry about the future unless they believe they have a stake in that future. The justice system is unlikely to give them that stake. In the result, stopping crime before it starts is a community affair.

Government departments charged with the duty of reforming juveniles need to work much closer with each other. These departments, for instance, the police, probation officers, courts of law and juvenile institutions seldom if at all share information with each other in the same town or city. This lack of shared information is compounded by the reluctance of those providing social services and schools to involve justice agencies in advance of crime so as to give all a chance to intervene early. Establishing a system of communication between justice agencies, schools and local community organizations is a proven method for increasing success in preventing juvenile delinquency.

Community organization may embark on a city-wide collaborative effort to inform the juveniles of the dangers and consequences of criminal behavior and in particular owning and using a gun. Such a program would bring police officers, probation officers, the director of public prosecutions and other interested organizations into high school classrooms to speak about the risks of violence and delinquent conduct. Such a program would significantly reduce Zambia's gun supply by tracking every weapon seized by the police from gang members. Further, coalitions of schools, the police and probation officers can be formed to meet even twice a month. These meetings would be a regular forum for school headmasters to brief police officers about pupils who bring weapons to school or are generally of bad behavior or for the police to refer troubled juveniles to social

fact, some findings show that abuse or exposure to violence can affect the brain development of infants. Addressing the needs of young mothers especially those who have been victims of abuse or have given birth to low weight babies who have high needs is therefore an important form of juvenile delinquency prevention.⁹

Probation officers are given the least amount of resources in comparison with the police or prisons, yet have one of the hardest tasks, i.e. to enforce court imposed conditions on juvenile delinquents who spend their time in the same conditions that led them into delinquent life. The police therefore should form a league with probation officers in order to enforce more effectively the terms of probation. Such an arrangement would pool their respective legal powers and knowledge. Further, by hitting the streets with police officers, probation officers would gain first hand knowledge about the lives of their probationers that can help them address the roots of delinquent behavior. Such an operation would utilize the probation officers' powers to enter and search their clients without warrant. This of course raised civil rights concerns in the United States of America where this kind of thing is already common place but the courts ruled in favor of the program. The program has been implemented in *Boston* in the United States of America and compliance of court ordered curfews by juvenile probationers has increased from one third to two thirds¹⁰ Such increased success rates would give any court confidence that their sentences will be enforced.

Our high schools working in conjunction with their respective Parents Teachers Associations (P.T.A) can take special measures to address social problems while giving their pupils a good education. In collaboration with other community based organizations, high schools can hire outreach workers who would go beyond the school walls and into the community to work closely with families and children. If a child misses school, the outreach worker would pay a home visit to the family to find out why and see whether the school can help solve their problem. The role of schools in crime prevention is crucial. In many cases, the school offers the only safe and stable environment in a child's life. Because the hours after school are known to be the most dangerous for children, high schools should ensure that they provide a variety of after school activities to keep them safe and positively engaged. All the teachers should be trained in conflict mediation so that when trouble arises on the school grounds, they can teach the juveniles that violence is not the only way to handle conflict. This is especially important in younger children especially those in families where older brothers or sisters are already involved in delinquent behavior or where violence between their parents is rife.

The church is another institution that can play a very big role in preventing juvenile delinquency and generally improving the welfare of juveniles. For instance, Reverend ***Eugene Rivers*** of Florida, United States of America and

other African American church leaders have created what they call *The National Ten Point Leadership Foundation* to help African American Christian churches develop the strategic vision, program structure and financial resources necessary to save juveniles from child abuse and neglect, school failing, street violence, drug abuse, teenage pregnancy, incarcerating chronic joblessness, spiritual depravity and hopelessness about the future. Our church here is capable of doing this. Such a program can adopt children from a very tender age and give them the nurturing and mentoring that would enhance their chances of doing well in school and finally in life.

The police, on whose shoulders the ultimate responsibility of fighting crime rests have a duty to advocate measures to prevent juvenile delinquency and crime in general. They can come up with a recreational oriented crime prevention program that would rely heavily on athletics and recreational activities to tighten the bond between police officers and kids in the community. Such a league would be based on the belief that if reached early enough, children can develop a strong positive attitude towards police officers in their journey through life towards a goal of adulthood and citizenship. Using athletics and other recreation activities would be a way of involving juveniles in such a program. While involved with the league, the message of avoiding bad company, drugs, alcohol and other detrimental activities would be discussed with the youngsters. With the coming in of computers, such a league would do well to incorporate programs such as

computer skills, mentoring and homework help to further aid the children. Studies have shown that if a youngster responds to a police officer in a positive way on the ball field or in the classroom, he or she will very likely come to respect the laws that the police officer enforces. Such a benefit to the juveniles, the business community and our neighborhoods in which they grow up is virtually immeasurable. Such a league would be able to provide information, training and seminars for officers involved in it. It would be able to coordinate provincial and national tournaments, publish a quarterly paper and other media publicity projects. The police officer, the juvenile and the community working together would be a symbol of Zambia at its best. It would be a magic combination that would cement the bond necessary for safer communities.

However, like a parent who must be both strict and supportive, the juvenile justice system should provide real sanctions for juvenile criminal behavior as well as guidance and support to help the delinquents turn their lives around. The recommendation here is to deal quickly and firmly with first time offenders even if the crimes committed are minor. The thought is that if the system does nothing, then the result will be continuing inappropriate conduct by a juvenile. It is a known fact that juveniles involved in serious crime began with minor ones. If the system is not firm the very first time, the juvenile might think that the juvenile justice system is a joke. Hence applying tough and appropriate punishment should remain a priority. In this connection, the police should work

out a program with the juvenile court to deal with the first offenders properly. The winners of the program after all will be the juveniles.

Nakambala Approved school should be everything but a prison. It is a school meant to play a role in redirecting juvenile delinquents back into the main stream schooling by giving them an opportunity to complete their education and develop the necessary skills to enable them seek gainful employment. It is meant to reform the juveniles, equip them with trades and give them hope for their future. The ideal situation at the school should be an increased staff to pupil ratio so that an environment is created in which the juveniles receive academic and vocational instructions as well as discipline. The school can only discharge these functions efficiently if sufficient funds are made available to it. The environment has to be suitable for rehabilitation. The juveniles Act presupposes a home-like environment and not what is obtaining at the school now.

In this connection, the community would do well to assist the school both materially and financially. After all, the juveniles committed to the school will eventually join us. So, unless efforts are made to fully rehabilitate them while they are still at the school, they may spend a significant part of their developmental years without any encouragement to learn the skills required to become responsible and contributing citizens. The visiting committee appointed by the commissioner of juvenile justice should be seen to do its job. It is their

ultimate responsibility to help highlight the problems the institution is facing and also to help solicit for funds from the community.

A disturbing feature in this research has been the rising number of girls in the juveniles justice system and yet there is neither an institution, equivalent to *Nakambala* approved school nor preventive programs specifically targeting this group of delinquents. It is the recommendation of this research that an approved school for girls should be built and programs intended for such girls embarked on. It has been done in Florida, where there is *Listen to girls*, a community based initiative that has spotlighted not only the growing delinquency problem among girls but also the need for strong female role models in communities to reach out and provide support and guidance to troubled girls¹¹ In Orlando, it happened to be a man, **Albert Brinson**, owner of *Brinson's Funeral home* who got the vision on his own that;

"nobody did anything for girls. Most programs are biased-for boys only. I said we had a serious need to do something for the young ladies. Wonder why everyone was getting pregnant?"¹²

He started a basketball league for girls where they must maintain their grades and come to informational lectures before games in order to stay on the team. It has been a great success;

"The big point is not necessarily playing basketball but young ladies in the community have something to do. They are working cooperatively."¹³

Our communities can certainly emulate the above programs for girls. Running a net ball team should not be that expensive if they get well organized and focussed. Such preventive measures are therefore highly recommended. If we all contributed a little something towards these programs, enough resources can be raised to run the programs enumerated in my recommendations. It all boils down to the question of 'will'. How willing are we as a community to fight juvenile delinquency? The economic difficulties prevailing in the country are appreciated, but how is posterity going to judge us if we all fail to contribute that little something to run programs that could have changed their lives? We all know government's responsibility in this matter but should we all sit back and watch these young lives go to waste just because the government has no money? What, then, is the meaning of justice to all of us if it is not the just allocation of the country's resources, advantages, burdens and responsibilities? How can we claim to be a just society if we cannot extent our hands to these our poor children caught up in situations they don't even understand? For how long shall we continue to pretend not to see what is happening around us? For how long.....?

4.2 CONCLUSION

This research has been an attempt to trace the problem of juvenile delinquency from colonial days when the need for an institution to deal with the delinquent child was realized to present day Zambia and has specifically zeroed in on the impact of the market economy and its attendant policies on the problem of juvenile delinquency and reformation. The research is in no way exhaustive as the problem under discussion is complicated on which volumes could be and have been written.

The foregoing notwithstanding, the research has discussed various causes of juvenile delinquency but has singled out economic problems as the major cause. The statistics discussed in chapter three clearly point to economic reasons for delinquent conduct. The research has also identified some key risk factor impacting on juvenile delinquency as

being poverty, failure or expulsion from school, having a parent or sibling who has been imprisoned, witnessing or being a victim of violence, lacking early parent-child bonding, being a child of a teen parent and generally lacking a vision for the future. The research has further observed that extended families of yesterday have given way to nuclear ones and this has too often led to teenage mums raising children alone. It has also been observed that many children and

youths especially during after school hours are raising themselves with little or no adult supervision at all.

The research has equally observed that the constant drumbeat of violence in our neighborhoods has a negative impact on our children. Truancy has also been singled out as a major problem as the statistics show that most juveniles who end up in the juvenile justice system have not been regularly attending school and are often far behind academically. It has additionally been noted that emotional and mental problems among children and adolescents often are not diagnosed or dealt with adequately. Up to seventy (70) % of the juveniles who commit crimes are estimated to be in need of mental health, counselling or treatment. It has finally been observed that rates of domestic violence, child abuse and divorce remain high and that the economic problem seem to be running through all these reasons.

The research has proceeded to recommend a number of ways in which the problem under discussion can be dealt with. The emphasis in all the recommendations is on community participation at all levels. The community, it has been noted, offers a unique opportunity

to lift the level of debate and thereby encourage more informed decision making affecting juveniles by all of us especially policy makers. The research has

recommended that increased public participation is crucial more so that the government claims to have no money for juvenile programs. Thus, families, schools, churches, business houses, civic organizations, the judiciary, law enforcement agents, the government and volunteers have all been asked to work together to increase public safety and to increase the quality of life for our children. The government and the community have been urged to improve funding and donations respectively to Nakambala Approved School and to build an Approved School for girls.

If we all work together, we can win the battle against juvenile delinquency, after all, the battles that count aren't the ones for gold medals. The struggles within ourselves-the invisible inevitable battles inside all of us are what counts. In the words of Calvin Ross;

"I was asked, 'if you had one wish and a magic wand, what would you ask for to impact juvenile justice?' It would be that every child born in this state or nation would have one responsible adult-not necessarily the parent—who would be assigned to that child and who would mentor him and keep him focused. It's a known fact that the difference between a child who grows up in an inner city and comes into the juvenile justice system, and a child from the same neighborhood who goes to Harvard, was a coach, a teacher or a preacher. Most of you can remember someone or even just one conversation that put you on track. That's what kids are lacking out there." ¹⁴

END NOTES FOR CHAPTER FOUR

¹ Gen. Cohen Powel at Florida's promise for youth summit in Tampa, May 30th 1998 and Calvin Ross of the Florida department of juvenile justice in a speech to the national MAD DADS conference in Miami July 30th 1998.

² Calvin Ross-----Florida department of juvenile justice.

³ Florida department of juvenile justice guide for implementing a comprehensive strategy for serious violent and chronic juvenile offenders.

⁴ *ibid.*

⁵ *bid*

⁶ Florida department of juvenile justice pressures from a growing teen population and a changing society 1998 report.

⁷ *ibid*

⁸ Jim Clark-----Chairman of district no 4 juvenile justice board, Florida, USA

⁹ Florida department of juvenile justice annual report for 1998

¹⁰ Boston department of juvenile justice 1997 annual report.

¹¹ Florida department of juvenile justice annual report for 1998

¹² *ibid*

¹³ *ibid*

¹⁴ Sec Calvin Ross, Florida department of juvenile justice in a speech to the national MAD DADS conference in Miami, July 30, 1998

¹⁴ Sec Calvin Ross, Florida department of juvenile justice in a speech to the national MAD DADS conference in Miami, July 30, 1998

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