

THESIS

BRINGING ATTENTION TO CARCERAL AND CRIMINAL JUSTICE PRACTICES IN  
GHANA: CRITICAL DISCOURSE ANALYSIS OF INTERNATIONAL ORGANIZATIONS'  
TEXTS

Submitted by

Roland Dumavor

Department of English

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Colorado State University

Fort Collins, Colorado

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Master's Committee:

Advisor: Tobi Jacobi

Lisa Langstraat  
Michael Hogan

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## ABSTRACT

### BRINGING ATTENTION TO CARCERAL AND CRIMINAL JUSTICE PRACTICES IN GHANA: CRITICAL DISCOURSE ANALYSIS OF INTERNATIONAL ORGANIZATIONS' TEXTS

The prison and the criminal justice systems in Ghana are fraught with serious challenges that relate to injustice and inhumane prison conditions. Most of the incarcerated people suffer lack of adequate legal aid, torture, and imprisonment for minor offenses among others. Even though national governance in the area of criminal justice and its related concepts such as legislation, arrest, trial and punishment are obligations and responsibilities of a nation state, international organizations play a key role in ensuring that the nation states execute their duties in ways that meet international standards. The purpose of this study is to investigate how Amnesty International and the United Nations employ discourse, through text, to bring and sustain attention to the issues of human rights abuse and injustice in the Ghanaian carceral and criminal justice systems. The primary question driving this research is: What role do international organizations, specifically Amnesty International and the United Nations play in bringing attention to the issues of criminal injustice and dehumanizing conditions of the places of incarceration in Ghana, and how do they use texts to play this role? In order to address the research question underlying this study, I seek to understand: 1) how these international organizations use their texts to afford or deny agency to prisoners, 2) how the organizations construct identity and relations, maintain human dignity in carceral and criminal justice

practices, and 3) how the texts produced and circulated by these organizations effect change in the carceral and criminal justice practices. This study presents a Critical Discourse Analysis (CDA) of six selected texts produced by these international organizations on the carceral and criminal justice practices in Ghana. Norman Fairclough's three-level approach to the CDA (text analysis, discourse practice and social practice) was used to analyze the selected texts. The findings of the analyses identify and explain the discourses of humanization, effective criminal justice, and transformation through representations of power, human rights and justice, prison conditions and identity. Thus, representation and discourse are employed by Amnesty International and the United Nations in their texts to: 1) bring attention to injustice and dehumanization in carceral and criminal practices, 2) call for prison and criminal justice reforms, and 3) create space for the voices of the marginalized (the incarcerated) people.

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## DEDICATION

To all persons who are marginalized in one form or another. And to all pure hearts and souls who work to provide care and hope to the oppressed and the marginalized.

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## INTRODUCTION

The prison and the criminal justice systems in Ghana are fraught with serious challenges that relate to injustice and inhumane prison conditions. Ghana has adopted the philosophy of incarceration and Euro-centric criminal justice practices in dealing with ‘crime’ during and after the colonial era. In this introduction, I intend shedding lights briefly on what is going on in Ghana in terms of carceral and criminal justice practices, personal narratives that motivate me in doing this study, and the history of the carceral and criminal justice systems in Ghana. After these, I present the overview of the thesis.

### **Personal Narrative Establishing My Motivation for This Study**

Before my graduate education, I worked with a variety of disadvantaged, marginalized and oppressed people in Ghana. In my past nine-year period of active teaching, I spent about seven years teaching in schools located in places considered by the Ghana Education Service as deprived areas. In the course of my teaching and living in Ghana, there were several cases of human rights abuse and injustice in all sectors of life in the country. The issues of human rights, injustice and the future of education of all kinds remain pressing and call for attention from all and sundry, as we seek to promote and cherish the values of humanity. I ask myself about the kind of future that the society is creating for our children and posterity. We, the society, blatantly and selfishly reduce the humanity of our fellow men by imprisoning not only their bodies, but also their existence because of the political class’ and elites’ excessive love for power and privilege through economic deprivation, despotic construction of prisoner identity among others. The power wielded by the political class emanates from the colonized consciousness (Fanon 48).

Frantz Fanon continues to argue that the inheritance of hegemonic structures, colonial laws, imperialistic perceptions of crime and the emphasis on punishment as the means of dealing with crime serve as agents of oppression and marginalization (49). To support of Fanon's position, Angela Davies offers an argument that the definitions crime and criminality serve as a hegemonic model that is used to perpetuate illegality, injustice and dehumanization against the poor and the vulnerable (16-17).

In Fall of 2019, I became a student-intern at CSU's Community Literacy Center (CLC), where I worked with a team of both students and non-students to facilitate a writing workshop program, called SpeakOut! in a jail. When I heard some of my colleague SpeakOut! facilitators lament about the return of some of their former writers to jail (even some on their way to prison), I became lost in deep thought as these concerns remind me of the rhetoric of prison being a place of reformation and rehabilitation. The current high rate of recidivism in most countries including the US provided me with ample evidence and convinced me to accept the abolitionist argument that imprisonment has failed on its own purpose and mandate (Deborah 2 & Martynowicz 83). What became my worry is how marginalized people, socio-economically oppressed people and victims of ill-fated systemic and social constructs can survive the turbulent waves of injustice against them.

In my weekly duty of pulling writers from their pods, I constantly battled the confrontation within myself concerning how the inmates were divided among the pods. The one pod that kept me more active in thought was the one that I was been told housed sex offenders and inmates with mental problems. The simple thought and mention of 'sex offenders' and "mental problems" reminded me of my undergraduate psychology classes on psychological disorders. Contrary to the frequent rumbling of the little voices in my mind about this concern, the prison

has invariably become socially constructed – by few ‘powerful’ people at the helm of affairs – as a healthcare center. That is, the prison is seen as not only specialized in holding people against their will and abusing the human rights of the incarcerated people, but also specialized in providing mental healthcare and clinical psychotherapy with the aim of reforming and rehabilitating the incarcerated population. When I sat beside my writers and listened to some of them share their poems or short stories, I heard the voices of people who described the places of incarceration as places that steal the soul. To them, it is not only because of what they go through daily in the jail, but also because of the socially constructed identity of (former) incarcerated people. When I first got into the jail house as a writing workshop facilitator, my mind was occupied with the preconception that I was going to meet “society-hardened proto-radicals ... yet crippling cautious products of constant observation and the ever-present specter of ‘correction’” (Colson 53). But, contrary to this preconception, I found writers of progressive attitude who are fully aware of the social and economic forces that underpin the philosophy of incarceration.

The realization that most of my writers are from marginalized and poor background resonates with Davies and other critics of the prison system who that the brunt of imprisonment is usually felt by the people who are socio-economically marginalized (Davies 16-17 & Watson 137).

I wish society has not chosen the path of using imprisonment to solve the problem of safety and security that they claim is the underlying reason for social control through incarceration (Ofori-Dua et al. 130 & Pollock 11). My presence in a place of incarceration opened my eyes to the power dynamics that exist between different class or statuses of people (a concept constructed by the powerful few to marginalize the less-powerful majority) – the powerful/privileged vs the marginalized/oppressed. The experiences with my writers invoked in me a sense of concern about the inhumane treatment of the incarcerated population and a sense of concern about the

lack of opportunity for these poor people – victims of the system – to be treated as humans, let alone undergo transformation. One important thing worthy of note is that just like other workshop facilitators, I prepared prompts that aim at encouraging and invoking a sense of self-reflection in the writers about the most effective and realistic ways of helping and freeing themselves from the clutches of the social monster, called incarceration. As I listened to my writers share their writings, I wondered whether the incarcerated people in Ghana had an opportunity to enjoy at least some basic amenities, self-expression, community and educational opportunities. Also, I kept asking myself whether apart from the freedom of movement that the incarcerated people lose, they deserved to lose their freedom to access good healthcare, access and enjoy quality education among others. While people and other countries, such as Norway, are working towards strategizing the most effective ways of defining 'crime' and dealing with it, what Ghana is doing about its carceral and criminal justice system becomes much of a concern to me.

### **Brief History of the Prisons and Criminal Justice in Ghana**

A historical perspective on the Ghanaian criminal justice and incarceration systems provides the backdrop for the current study. This historical perspective establishes the background for the discourse of colonial influence in Ghana's carceral and criminal justice systems and practices. In other words, the purpose of presenting this brief history about the penal and criminal justice systems in Ghana is to illuminate the presence of colonialism in the way the Ghanaian society has accepted the Euro-centric philosophy of imprisonment as the means of social control that focuses on security and safety. In addition, this historical perspective focuses on creating space for the counter-rhetoric that calls for a basic rethinking of the approach to social disorder and violence in the country.

In the 1860s, Ghana (formerly called Gold Coast) officially became a British colony during the invasion of Africa by the European imperialists. The British rule continued until 1957, when Ghana gained independence and became a republic in 1960 under the leadership of Osagyefo Dr. Kwame Nkrumah (Kwasitsu 2). The British Ghana started to see the emergence of Euro-centric criminal justice and the introduction of the penal system during the colonial era in the 1860s, though there were various police cells established by the colonial masters (Ghana Prison 3). ‘Criminals’ were incarcerated in forts, which were mostly built near the coastal area of the country (Ghana Prison 3). By 1876, some mini prisons were established in some forts which held about 129 prisoners who were used to repair public roads among other things (Ghana Prison 3,). It is quite interesting to note that the early use of the incarcerated population for labor purposes in the United States and England, even during the colonial era in the Gold Coast (present day Ghana), confirms the argument of the critics against the penal system. To them, imprisonment is rooted in economics and power. In other words, the use of prisoners for labor purposes contradicts the notion of the liberalists that imprisonment is meant for reformation and rehabilitation. Something that has been the Achilles heel of the philosophy of imprisonment since its inception is the inhumane treatment of prisoners and the dehumanizing prison conditions in which the incarcerated people are made to live. According to the Ghana Prison Service, the state of the prisons was unsatisfactory under the Police Service, and this led to the administration of the prisons to be transferred from the Ghana Police Service to the Ghana Prison Service in 1902 (3). The failure of the penal system in reformatory purposes lends inevitable support to the abolitionists argument against the ideology of imprisonment. Despite the rhetoric of the liberalists concerning imprisonment, the penal system in Ghana has nothing to show off regarding reformation and rehabilitation. The prison service operates on the following objectives.

That are, “to protect the public by: 1) holding prisoners securely, 2) reducing the risk of prisoners re-offending, and 3) providing safe and well-ordered establishments in which we treat prisoners humanely, decently and lawfully” (Ghana Prison). Based on these objectives, the prison service tends to focus more on locking up people constructed as “criminals” and dangerous to the society than providing opportunities and creating conducive environment for incarcerated people to be reformed and rehabilitated. It is not surprising that the Ghana Prison Service considers reformation and rehabilitation of prisoners as a non-core function (4), instead of it being a core function. How could this support the claim of liberalism? Some people engage in a rhetoric that supports the philosophy of imprisonment that incarceration is aimed at making the society safe from criminals. But, how safe could a society be if the administrators of the penal system in Ghana consider reformation and rehabilitation as a non-core function and a society that has high rate of recidivism (Ofori-Dua 130).

The purpose of shedding light on the functions of the Ghana Prison Service is to paint a clear picture of how the discourse of prison being a place of reformation and rehabilitation falls flat. The Ghana Prison Service, under the Ministry of Interior, is charged with the responsibility of administering the penal system in the country. The functions of the Service, according to the NRCD 46 of 1972, have been categorized into core functions and non-core functions. The core functions are only two, namely: a) “to ensure safe custody of prisoners”, and b) “to sustain the welfare of the prisoners” (Ghana Prison 4). These functions stipulated in the NRCD 46 of 1972 are what the prison service continues to work with, even now. It is very surprising that reformation and rehabilitation of prisoners is not a core function of the prison service, if the rhetoric that imprisonment is rooted in reformation and rehabilitation and aimed at protecting the society against ‘criminals’ is valid. These ‘criminals’ are to be reintegrated into the society after

doing their time. It can be assumed from the high recidivism rate (of more than 60%) that the incarcerated population is rather hardened by the prisons in the absence of reformatory or transformation interventions, and that the society is made more unsafe (Agbesi 3, Ofori-Dua et al. 130 & Kwasitsu 33). Even though the Prison Service states that reformation and rehabilitation has become a “pivotal function,” the fact that it is still not considered one of the core functions of the service lends more support to the argument of the critics of the penal system. I can argue that it is the pressure from international organizations, such as Amnesty International and the United Nations that has made the Ghanaian government and the Ghana Prison Service to reposition themselves toward the non-core function of reformation and rehabilitation.

### **The Current Trends of Issues of Carceral and Criminal Justice Practices in Ghana.**

In the recent report of the Ghana Prison Service, the department mandated by the constitution to run the prison system, has indicated that the capacity of the prison facilities across the country has been exceeded by more than 30% of the incarcerated population (Decongestion; 2019 Country report, Ghana Prisons). Below is a chart showing the prison population and remand population in some selected years.

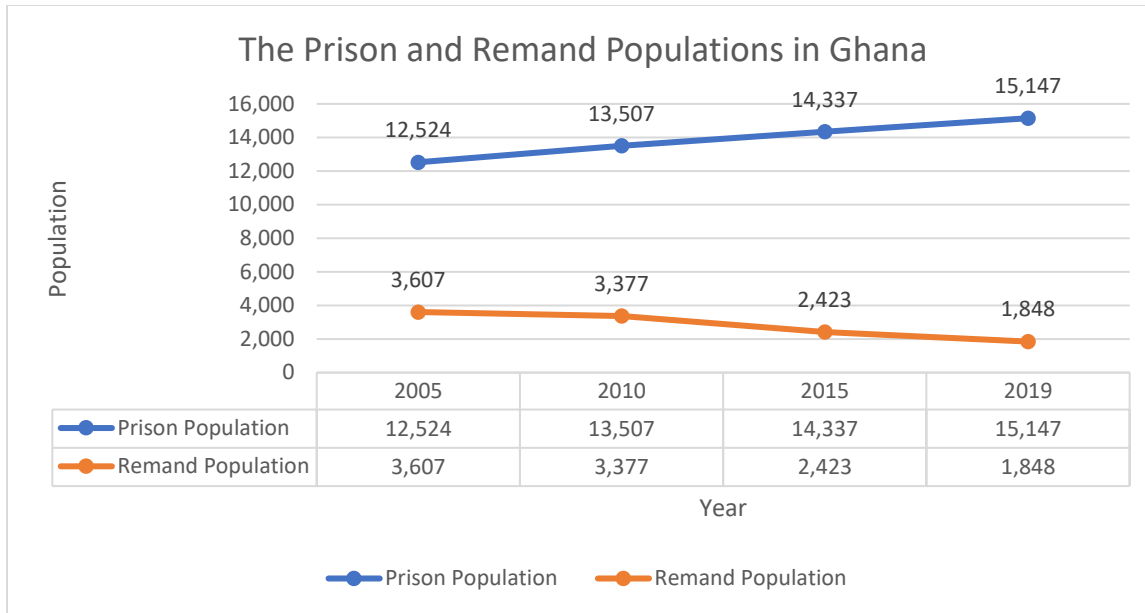


Figure 1: A Chart showing the incarcerated population in some selected years (Ghana Prison).

From the above chart, the prisons in Ghana have exceeded their capacity of 9,875 over a decade. For instance, the prison population in 2019 exceeded the prison capacity by 53%. This development raises concerns about the issues of poor prison conditions and ineffective criminal justice practices. Some of the fallouts of the poor prison conditions and abuse of human rights in the prisons include:

- poor sanitation,
- overcrowding,
- lack of general and mental healthcare,
- poor feeding,
- forced labor,
- prolonged detention,
- abuse – physical and psychological.



Because of the high increase of over-crowding in the prisons, there is an increase in the spread of communicable diseases among the prison population (Agbesi 3), as the prisons have become fertile breeding grounds for diseases. Even the medical services that are provided to some of the prisons, they are overstretched and lack basic medical equipment and medicine (2018/2019 Country reports, & Adjorlolo et al 3). There are some scholars who believe that a larger percentage of the incarcerated population ought to have been at mental health facilities instead of prisons (Ibrahim et al. 2), but the criminal justice system has lost sight of the realization that their mental disorder could have influenced their involvement in crime. Even the carceral system in Ghana has no provisions made for offenders or prisoners with disability in relation to the provision of social amenities and access to recreational facilities (Dogbe et al. 2). In the area of prisoner abuse, there have been several reports by the international organizations, the US State department, and local organizations that have captured that torture is the commonest physical abuse that the incarcerated people receive (2018/2019 reports & Prisoners). In these reports, physical abuse is used by the law enforcement agencies to extract confessions from accused people in detention, and to force them to accept offences that some of them have not committed (2018/2019 reports, Within, Prisoners). When it comes to the infrastructure in which the incarcerated people are housed, many of the facilities need serious facelift to a standard that is befitting to house human beings. Many of these problems regarding the prison conditions are caused by lack of political will from the government in providing more infrastructure and in adopting policies that prioritize the human rights of the incarcerated people.

Similar to the poor prison conditions, there are serious concerns raised about the criminal justice practices in the country. Even though the constitution of the land provides protection against arbitrary arrest and detention, they law enforcement agencies continue to disregard these

constitutional provisions to the extent of intentionally detaining suspects for indefinite time period and blocking legal representations for detainees (2018 report 6). In some cases, the detainees are kept in places of incarceration for more than a year without been charged or arraigned before a court of competent jurisdiction (Agbesi 3, Locked up, Asare 123). As the government fails in these areas, then there is the need for external forces to hold them accountable for the injustice and inhumane treatment meted out to the people. Moreover, the external forces should remind the government of its obligations to the international human rights standards and declarations to which it is a signatory. Though there is a constitutional provision for legal aid for poor detainees, the constitution fails to make this provision binding on the government. Many of the poor and illiterate detainees find themselves imprisoned and are languishing in prisons as they are unable to pay their legal fees or take advantage of the limited legal aid available to them (Agbesi 4). The criminal justice practices and the purpose of imprisonment have been brought to question by the fact that about a third of the incarcerated population is serving prison terms of not more than a year (4).

In sum, the highlights of the carceral and criminal justice practices in Ghana reveal serious concerns about the systemic, institutional, and societal failures leading to carceral and criminal justice practices that flout the international human rights and international criminal justice provisions. These concerns have attracted the interests of invested stakeholders. Just as ‘crime,’ ‘imprisonment,’ ‘justice,’ and ‘laws’ are socially constructed, the issues associated with the carceral and criminal justice are also social constructs. In this vein, it is the society that has the obligation to address issues that result from the systems and structures that it has constructed. It is in this light that some scholars assert that the failures of the social institutions and the increase in human rights cases signify the failure of the society. From the position of the critics of the

Ghanaian carceral and criminal justice systems, Ghana's criminal justice institutions and penal institutions appear to have worsened, rather than remedy the violence, insecurity and suffering in a Ghanaian's life (Asare 122). Asare continues by positing it that the discourse of imprisonment and criminal justice in the country begins to collapse. This is based on the simplistic representation and construction of prisoners as 'criminals', the places of incarceration as sites of rehabilitation and reformation, and the courts as places of justice (121). From these current trends of issues in Ghana, the will and ability of the government to adhere to the Universal Declaration of Human Rights (UDHR) comes into question when it comes to human rights criminal justice. Same can be said about the international organizations regarding the effectiveness of the role that they play by regulating and holding the government responsible for failing to meet its obligations to the international human rights standards and conventions. Invested stakeholders such as international NGOs are clothed with international power to regulate, monitor, and ensure that governments and policy makers comply with the principles of human rights (enshrined in the UDHR) in their legal decisions and governmental policies (Snyder 780). But, how do these international organizations play their role when it comes to the carceral and criminal justice practices in Ghana – a country where human rights complaints, prison and legal policies remain a big deal. Even though the number of civil societies is increasing, there is still the awareness that “the battle of human rights is never decisively won in any place or at any time,” (Amnesty 12). However, it could be rightly assumed that the rising number of the human rights movements and civil societies proves the undying and unrelentless thirst and hunger for humanization in dealing with social problems; a continuous relentlessness for “... dignity and equality [that] will not be extinguished” (Davis 17-18 & Amnesty 12)

## Research Questions

As illustrated in the introduction, the Ghanaian carceral and criminal justice systems are fraught with serious human rights issues and injustice, some researchers will be interested and curious to know the factors causing that and what the government is doing to address those issues. Other researchers might want to investigate the role of human rights organizations that champion effective justice and humane treatment of prisoners. It is the latter option that my research seeks to undertake. Therefore, in this study, I am interested in exploring ways to answer the main research question: *What roles do international organizations, specifically Amnesty International and the United Nations play in bringing attention to the issues of criminal injustice and dehumanizing conditions of the places of incarceration in Ghana, and how do they use texts to play these roles?* There are three questions that inspire the need for more research in this research area. Below are the specific questions that drive this research in ways that answer the main research question:

- (1) How might the texts on carceral and criminal justice systems produced and circulated by Amnesty International and the United Nations afford or deny agency to prisoners?
- (2) How do these organizations construct prisoner identity and relations, and how do they scrutinize the maintenance of human dignity in carceral and criminal justice practices through discourse?
- (3) How might texts like those circulated by Amnesty International or the United Nations effect change in the Ghanaian carceral and criminal justice practices? How do the texts influence public investment and engagement or concerns in these issues?

In the analysis chapters of this study, I intend to examine how Amnesty International and the United Nations employ language or discourse through representation to answer these questions.

## **Structure of the Thesis.**

This study is divided into five chapters excluding the main introduction to the study. The introduction presents the background information, establishes the exigence of the issue and highlights the research question and its sub-questions driving the study.

Chapter One reviews literature related to the study, by providing extended background about issues of carceral and criminal justice regarding the rhetoric of human rights, the rhetoric of NGOs participating in the Ghanaian criminal justice reforms and the rhetoric of colonialism in NGOs in Ghana.

Chapter Two, provides a description of the methodology used in the study. It details Fairclough's approach to Critical Discourse Analysis (CDA) as the main analytical tool for this study. The chapter also discusses the method of data collection, data selection, and data analysis. Regarding the analytical framework, the chapter discusses the Fairclough's three-level approach to CDA approach: text analysis, discourse practices, and social practices. The chapter further sheds light on some critiques and limitations of CDA.

Chapter Three presents the analysis of the study based on the first analytical step of the CDA; that is, text analysis by focusing on the representations in the texts. In this analysis chapter, I examine how the texts producers (Amnesty International and the United Nations) produce these texts to represent not only themselves, but also their specific audience (which is the Government of Ghana) and the prisoners being at the center of attention regarding the issues of carceral and criminal justice practices. The analysis of the results is based on the themes emerging from the texts regarding the use of textual and visual representations.

Chapter Four presents the second part of the analysis which focuses on the discourse practice analysis and social practice analysis of Fairclough's approach to CDA. In this chapter, I interpret the results of the text analysis by examining the relationship that exist between the three levels of Fairclough's CDA. One of the purposes of this chapter is to examine the specific discourses that the international organizations use to construct power relations and how the power relations constructed are maintained in text. Furthermore, the chapter focuses on analyzing the results of the interpretation of the text in relation to the social context of the issue.

Chapter Five presents answers to the research questions based on the evidence provided in the analyses. This chapter provides a discussion on the research outcomes in relation to the literature review presented in chapter two. Furthermore, the chapter presents contributions and recommended directions for future research.

## CHAPTER ONE: LITERATURE REVIEW

Since Ghana's adoption of the Eurocentric approach of dealing with crime through imprisonment continues in 1960 (Kwasitsu 33), international human rights organizations take certain actions to contribute to the reduction of these abuses and injustice. This chapter presents the review of existing literature concerning the roles of NGOs in issues of human rights and in criminal justice reform. In the discussion of the existing literature, the study presents some existing debates about some issues of carceral and criminal justice into a research conversation. This conversation extends to NGOs and their participation in issues such as human rights and criminal justice reform. The first section looks at debates about human rights issues and how NGOs position themselves in these debates. The next section presents some debates about criminal justice and NGOs participating in criminal justice reform, while the next section presents some debates about the discourse of colonialism in NGOs. In the final section of this chapter, I present a brief discussion on how the current study finds space in the existing literature. The purpose of this study is more concerned about the constructive power of language and the notion of power, and their roles in the creation of shared constructs. Concerning the international organizations under critical study in this research, they develop shared constructs regarding the knowledge of the penal system (administration), criminal justice provisions, respects for human rights in governance. This knowledge is in relation to the daily interactions of people and tied to power relations of (international) organizations and various governments including the Ghana government. The international organizations represent a global macro-level processes that influences knowledge construction.

## **The Rhetoric of Criminal Justice and NGOs**

Even though national governance in the area of criminal justice and its related concepts such as legislation, arrest, trial and punishment are obligations of a nation state, international organizations play a key role in ensuring that the nation states execute their duties in ways that meet international standards (Malekzadeh & Zare 1237, Varvahi et al 113, Merwe & Brankovic 225). Some scholars conduct studies to examine how NGOs contribute to criminal justice practices and criminal justice reforms. Olympia Bekou argues in his study that NGOs contribute to ending the impunity of some political figures by using international criminal laws and universal jurisdiction (221). This research examines the roles of NGOs in international criminal justice and their support in formulating international criminal legislations and policies (222). Many NGOs involved in the drafting of both international and national legislative instruments, mostly in developing nations participate through their representatives (222). As NGOs display their support to criminal justice internationally, they end up playing significant role in assisting justice delivery – where they usually defend the interest of the marginalized and disadvantaged people. One way they influence criminal justice is through their reports, which serve as a useful tool to promoting change and influencing criminal justice reforms and practices (Bekou 223 & Varvahi et al 113). However, it is not explicitly clear in research how the NGOs use their reports to influence criminal justice reform. This calls for research into how the NGOs employ their reports and other texts as a useful tool to advocate for change in national criminal law and practices. Furthermore, in the case of Cambodia, NGOs play significant role in advocating for reform in not only criminal justice, but also in education, healthcare, human rights, women and children's rights (Bunthoeurn 42).



Dominic Nardi, in his research, suggests that even if NGOs do not take a more active part in drafting criminal justice legislations, they provide instructive awareness to citizens to become vigilant toward preventing the elites from making policies and laws that are dangerous to the citizenry (251). Some scholars assert that the most direct way for NGOs to participate actively in criminal justice reforms is through seeking judicial interpretation for certain problematic constitutional provisions. As the court, especially the supreme court is the “final arbiter of constitutional interpretations,” NGOs file for constitutional interpretations by persuading the supreme court justices to override legislative and policy preferences of the political class (Nardi 251). In some instances, the NGOs engage in “processes of prevention, intervention and execution of sentences due to the limited resources and facilities at the disposal of formal criminal justice institutions ...” (Varvahi 113). In a related study, Stanislaw Burdziej investigates the role of NGOs in a criminal justice system. In this study it is revealed that because of ineffective criminal justice practices such as prolonged duration of court proceedings and complex court procedures, the Polish people lost trust in the justice system (78). However, the actions carried out by NGOs by conducting research which reveals the dissatisfaction of the citizenry has prompted reform of the judicial and criminal justice practices (Burdziej 78). In a research that is more related to the focus of this current study, a criminal justice scholar, Dirk van Zyl Smit aims at answering a question about whether international legal framework influences national practices in relation to prison conditions. He argues that though there are provisions in the UDHR of the United Nations that set standards for prison conditions, national carceral practices are not explicitly influenced by international legal instruments, as in the cases of money laundering, human trafficking, and drug trade (98). Even though “prison conditions were the first criminal justice issue that the United Nations addressed when it came to setting

international standards” (102), there is no international legal framework to address the issues of injustice and human rights abuse in global carceral and criminal justice systems. This research raises a serious concern regarding the failure of the NGOs and international community to enact international legal laws to regulate carceral practices just like money laundering and others.

Some scholars use their research to advance the call on the government of Ghana to move away from the philosophy of dealing with crime, which is rooted in imprisonment and retribution.

Because of the adoption of the colonial criminal justice system, the Ghanaian government uses imprisonment as a mode of punishment for all kinds of offences including minor offences, such as theft, assault and riot (Kwasitsu 60). There have not been adequate provisions made in the legal frameworks that regulate the prison and criminal justice systems to prioritize the transformation of the incarcerated people. To illustrate this in research, Kwasitsu uses her research to argue that Ghana’s over-reliance on imprisonment has been influenced significantly by the adoption of the Euro-centric criminal law system. She further argues for the shift to non-custodial sentences, which include community service and restorative justice (2). According to her, the current criminal justice system does not encourage alternative sentences and does not create the space for reformation, desistance and reduction in incarcerated population (2). This position echoes the argument that the lack of space for alternative sentencing measures in the Ghanaian criminal laws and the criminal procedure code calls for the amendment of these legal instruments to incorporate international standards of sentencing. For instance, the new legal framework should include when and how to apply probation, when and how to apply discretion to use fines, and what sentence-length should be appropriate for specific offences, especially minor ones (Agbesi 4). In addition, Abena Ampomah Asare, in her study, reiterates the framework of the abolitionist discourse through the creation of a dialogue with prison

documentaries to call for criminal justice reform in Ghana. She argues that the Ghanaian abolitionists need to look beyond the discourses and language of the North American abolitionist movement in pursuit of a better understanding of how different communities reject the imprisonment logic (127). Illustrating this argument in research, she focuses on two issues: 1) how the documentaries “challenges the rationality and morality of existing definitions of ‘crime’” and 2) how dehumanization and violence cause irreversible adverse outcomes in the lives of the incarcerated people (118). Considering the existing debates on criminal justice and NGOs participating in criminal justice reform, there are ample opportunities that exist for the current study to contribute to the discourse of criminal justice and NGOs. The opportunities created by the existing literature opens the door for the current study to focus on the contributions of NGOs in the Ghanaian criminal justice reforms and practices.

### **The Rhetoric of Human Rights and NGOs**

This section presents the discussion of existing literature regarding studies done on human rights issues and NGOs involvement in human rights discourse. Polina Levina, in a study on the use of torture in law enforcement, claims that there are several instances of human rights abuse in the criminal justice procedures, as officers mandated to enforce laws are clothed with impunity by the states (105). Law-enforcement officers exhibit their impunity most pervasively in the context of pretrial detentions and interrogations. Torture, cruel and degrading treatment of detained people are the commonest forms of impunity displayed by law-enforcement officials (Levina 106). Though the UDHR of the UN against torture entreats and obligates states and parties to eradicate any legal provisions or obstacles that hinder the elimination of abusive criminal justice practices, many of the countries fail to meet their obligations. Some scholars point to certain factors as the cause of impunity for abuse of human rights in criminal justice procedures. The

causes of impunity include: (i) the inadequacy of the provisions that prohibit torture in criminal codes (Levina 106), (ii) lack of investigations into the allegations of abuse of human rights against law-enforcement officials (Levina 107). Some scholars assert that the use of criminal justice practices, such as torture, that is an affront to the human rights values and provisions permeates even the fabric and professional culture of the institutions and agencies responsible for justice delivery (Levina 142). Laura Bermudez, a human rights scholar, asserts that the incompatibilities that exists between international criminal law and human rights rhetoric contribute to states being unable to meet their human rights obligations and international NGOs failure to address issues of criminal justice and human rights effectively (20, 21 & Merwe & Brankovic 228). Because of the sovereignty of nation states, human rights implementation and prosecution of human rights violations is not usually effective as international criminal law face a lot of hindrances in promoting the human rights agenda (21). However, some international NGOs wield so much political and economic powers to influence most of the states in relation to human rights conventions and protocols. But research is lacking in the area of examining how these NGOs influence national governance through text regarding human rights issues and criminal and carceral practices.

Ample studies have been completed on the roles that NGOs play in influencing national governance and safeguarding human rights. NGOs present themselves to national governments: 1) as being above national politics and ideologies through the magnification and incessant demands for compliance to international human rights standards and provisions (Steinberg 127) and 2) as the solution to issues in global governance (Zhou 576). In support of the first representation, Steinberg conducts a study on the Arab Upheaval and the role played by international NGOs in ensuring human rights. Local or domestic NGOs reach out to international

NGOs which are more powerful to form alliance with them to put pressure on their states, as the international NGOs are oriented in global/universal values, beliefs, practices and motivations (Keck & Sikkink 13 & Steinberg 126). However, in terms of NGOs resource allocations, Steinberg claims that Arab states or societies do not enjoy enough benefit from the impact of NGOs during demonstrations and revolutions. This revelation, he believes, highlights the failure for NGOs to sustain and legitimize human rights agenda and principles in Arab revolutions (128). In support to the second representation, Min Zhou conducts research to address the factors that account for the uneven distribution of Transnational NGOs globally. He argues that domestic factors such as GDP per capital, level of education, population size, level of democratic governance, democracy with state capacity and regulatory institutions influence the presence of NGOs across the globe (591). In exception of regulatory institutions, the increase in the other factors leads to increase in the number of NGOs. This means that people living in countries that have lower level of education, population and democratic governance have higher tendency to suffer human rights abuse without receiving enough protection from NGOs (Zhou 592). This revelation seeks to question the commitment of NGOs to human rights. Another concern raised by Ximena Soley is that some NGOs engage in selective litigation of human rights cases – cases that appear “sexier” and better funded tend to receive attention over those that actually demands more attention (358).

In an attempt to expand the fight for human rights values, some scholars call for the inclusion of practices of peacebuilding and the removal of all inconsistencies and variations that lead to how both peacebuilding and human rights are studied and discussed (Butcher & Hallward 81; Sharp 195). Butcher and Hallward conduct a study with the aim of examining the factors that amount to the inconsistencies in associating peacebuilding with human rights. The results of the study

reveal that NGOs that have affiliation with the United Nations Human Rights Council (UNHRC) fail to state explicitly the connection between peace and human rights, while the religious NGOs make explicit the connection between peace and human rights (81). This revelation supports enough research that highlight the tension between NGOs that focus on peace and those that focus on human rights in conflict resolution (Hannum 417; Butcher & Hallward 83). This tension creates space for future research to be conducted in analyzing the effectiveness of the two schools of thought or whether resolving conflicts by using both approaches will be more effective.

In the Ghanaian setting, several researchers have conducted studies about the health issues relating to the Ghanaian carceral system even though there was limited research in examining the role played by international NGOs in the carceral and criminal justice practices in relation to issues of human rights. For instance, Akoensi and Tankebe have investigated the health implications of overcrowding on the prisoners and prison officers' stress and wellbeing. The results have shown serious negative effects on the prisoners and the prison staff's wellbeing. The healthcare issues in the prisons and other places of confinement have become the concerns for some researchers. This research points to the dehumanizing conditions in which the incarcerated people are made to live. In another study, Adjorlolo et al. address some issues regarding how mental health issues could influence the committal offences of some incarcerated people. In doing so, they focus on investigating the legislative instrument on mental health and criminal offences with the aim of calling on the government of Ghana to formulate and implement new policies to prevent the incarceration of people suffering from mental disorders (2). The relative silence of research on human rights issues concerning the Ghanaian prison and criminal justice

practices creates valuable space for this current research to explore how the NGOs use their texts to bring attention to these issues.

### **The Rhetoric of Colonialism in NGOs**

This section discusses the existing research conducted on issues of colonialism in NGOs and issues of colonialism regarding Ghana's carceral and criminal justice systems. From the 1980s, international organizations and other non-governmental organizations (NGOs) have grown tremendously in number, power and global influence. Even though many of them have been given credit for their immense influence in changing norms and practices in different areas including human rights and criminal justice, some of them have faced lots of criticisms as they are labeled as tools for neo-colonialism (Lamarche 302). In a study by Meredith Terretta, NGOs have been divided into two groups, where some undertake human rights movement while the other group focuses on liberation politics. NGOs are usually expected to undertake human rights advocacy movement, while civil rights organizations are supposed to pursue liberation politics (391). In many instances, the 'backlash' against NGOs stems from their optimism in "anti-imperialism ... in the rule of international law" with the aim of safeguarding the human rights of people by exerting some form of power or pressure on a country (Terretta 393). When this happens, some countries that feel like their sovereignty is under threat from external forces may resort to bastardization of NGOs which are at the frontline of playing the watchdog, regulation and monitoring role. NGOs that play the role of organizing campaigns against certain unlawful actions of some political leaders have been tagged as working for foreign interests (Terretta 393). To illustrate this allegation further, Karine Lamarche, in a study, posits that NGOs which have waged war against the de-legitimization of certain political decisions of a government are labeled as "planted agents or moles" (302). Some of these allegations against the NGOs are fueled by the

source of funding for the NGOs. In a case of the Israeli officials, some human rights organizations have been seen as “security threat” because of not only the local accomplishment of these NGOs in Israel, but also because of the incessant global criticisms and the deterioration of the reputation of “neoconservative actors” in Israel (Gordon 24 & Lamarche 303). This revelation suggests that actors who brand human rights NGOs as “security threat” or “foreign agents” or “doing the bidding for a foreign power” do this as a defense mechanism against the pressure from the NGOs. Once the NGOs seem not to toe the line of the local officials, they run the risk of being at the “fringe of legitimate public discourse” (Lamarche 302).

NGOs have been playing instrumental role in international governance by influencing national policies and supporting international courts and commissions (Haddad 127 & Smyth 378). But, because of the alliance between NGOs and some international institutions that have credibility issues, it affects the image of NGOs which are allies to these international institutions, such as the international courts. In the views of Heidi Haddad, the frequent politicization of international NGOs and its allies by powerful “states publicly rebuking or threatening [them] . . . , withdrawing support from human rights conventions or treaty, or politically interfering with judicial decisions” (134) raises serious concerns about the reputation of these NGOs. This development paints a picture of NGO donors politically influencing international policies and conventions and it creates the grounds for the critics of NGOs to brand them as colonial social construct. As it is a common knowledge that he who pays the piper calls the tune, some scholars believe that the funding for NGOs becomes the bargaining chip for imperialist states to make NGOs kowtow to their demands and political influence. Some scholars claim that western (financial) donors influence NGOs’ operations and goals, as the NGOs serve the colonizing interests of western donors, governments and corporations (Roelofs 2006 & Guarrieri 577). Even though some



people might argue that these claims against the NGOs and imperialists are based on extreme politicization and bastardization of the NGOs and their donors, the historical evidence regarding the operations of NGOs and the attitude of some western actors serves as the legitimate grounds for this rhetoric of colonialism in NGOs. The most common imperialist western actors are the US, the EU and the British (Guarrieri 159 & Shivji 24). Some scholars who seem to refute the argument advanced against the NGOs, especially the international ones, assert that international NGOs that have “multi-million budgets ... strengthen and maintain their authority” in various ways like participating in business-like practices: “niche marketing, brand and identity management” (Mowles 2007 & Dhanani 2). Even with this argument, these multi-million NGOs are still funded by powerful countries like the US, China, Russia among others. In the wake of the recent case of Coronavirus pandemic, there have being political discourse from some powerful world leaders – specifically the US – about their intention to withdraw funding to WHO of the UN because these world leaders believe that WHO is doing the bidding of another world leader (Klein & Hansler). Other critics of NGOs argue that neoliberalism has led the donor agencies and states to have considered increasingly the economic performance of these NGOs as a priority over their social obligations (Duval, Gendron, & Roux-Dufort 49; Dhanani 2). In other words, the critics believe that this development compromises the aims, activities and successes of the NGOs.

Similarly, Terretta asserts that human rights NGOs can become a tool for political purposes, as in the case of post-colonial African leaders who invoked human rights rhetoric against colonialism as “a political strategy to achieve national sovereignty (399). Contrary to this position, the attack on the NGOs are fueled by leaders who have no power to face the powerful and offensive outside communication and legal impositions on their leadership (Lamarche 317). Thus, they

have lost their comrade relationship with NGOs as political allies. Quite similarly to the relationship between NGOs and political leaders or state officials, the relationship between NGOs and the people can become toxic. Thomas Guarrieri conducts a study with the aim of examining the factors that influence the Bangladeshis to have unfavorable views of NGOs. The results of the study confirm his argument that “the variations in opinions about the western actors affects variation in opinions about NGOs” (575). This is because the “world polity theory and world-systems theory” support the claim that NGOs can act as tools or vehicles of western culture diffusion (Boswell & Chase-Dunn 2000; Guarrieri 576). In further support of this claim, some scholars opine that NGOs are best seen as “extensions of states” (577), where NGOs are used by imperialists based on their “economic logic” to exploit the natural and human resources of unsuspecting less-powerful states (Shivji 25).

Another wave of criticism against NGOs along the rhetoric of colonialism line has to do with the power relationship between the NGOs and their funding agencies. Alpa Dhanani’s study calls for reorientation of the position of NGOs in relation to the power of funders and the people that the NGOs seek to represent (3). This call is made because of the ‘colonial gaze’ that some NGOs engage in, probably unintentionally. Even though many NGOs are committed to fighting against social injustice and human rights abuse, some of them in their attempt to present their identity as agent of change ended up using narratives and discourses that portray the people that they represent in a negative way. Thus, the discourses and narratives become counter-productive to the values and “ideals of emancipation and liberation” (Dhanani 3). Contrary to the NGOs representing the people in negative light, the NGOs represent themselves as agents of change and knowledge makers, and a valuable force in international development and representations of a civilized culture and system (Dhanani 29 & Fernando 56). Research, in support of this position

of critics of NGOs, reveals that some NGOs tend to sustain and strengthen the legitimacy of the ‘imperial practices’ that they seek to fight against. These oppressive practices are embedded in the systemic, institutional and hegemonic structures and constructs of a wider economy and power (Fernando 56). For international NGOs to avoid this criticism of engaging in colonial gaze, it is imperative for them to start reorganizing and reorienting themselves toward the power relations between them and the constituents that they seek to represent. They should also reorient themselves toward the communicative practices and media representations of their constituents.

### **Situating the Current Study**

From the review of existing literature, researchers have shown their interests in addressing the issues of injustice and dehumanizing conditions that over-shadow the carceral and criminal justice systems and the role of NGOs in criminal justice processes. Human rights have become an important concept to which many societies and communities should pay attention. While some studies approach the issues from legal perspectives that include the state of the carceral and criminal justice practices and how they fall short of the international standards, others approach the issues from human rights perspectives that include how human rights are abused in carceral and criminal justice practices. Several studies that approach the issues from legal perspectives argue for transformation interventions, appropriate and effective approach of dealing with crime, and change in legislation and policies. Studies that approach the issues from human rights perspectives argue for the adoption of alternatives-to-incarceration interventions and ensuring practices that promote humanization among the incarcerated population. From the literature review of studies concerning the NGOs, it has been established that the international organizations wield political power that makes them influence national governance. They influence policies and constitutional reviews in areas pertaining to human rights and criminal

justice practices. The literature review of these studies echoes some thematic areas in the debates of the existing research. These thematic areas include power, criminal justice reform, human rights and prison conditions.

There is enough research done on addressing the issue of injustice and human rights abuse from legal and human rights perspectives and the role of NGOs. However, research is lacking when it comes to how international NGOs influence national governance through discourse in the area of carceral and criminal justice practices. It is clear from the review of existing literature that when it comes to the Ghanaian setting, there is limited research that looks at how international NGOs use discourse to play their role of bringing attention to issues of the carceral and criminal justice practices. This current study becomes relevant because it is focused on examining how international organizations employ the discourse of power and other discourses through text to raise and sustain concerns about the issues and problems that bedevil the carceral and criminal justice practices in Ghana. In other words, the purpose of this study is to investigate the role of International NGOs in raising concerns about and creating changes in the carceral and criminal justice practices in Ghana. As part of the focus of this study, I intend to examine the power of language in constructing discourses around the carceral and criminal justice practices in Ghana. For example, the discourses emerging from NGO texts and their discursive influence (on policies and legislations) and how the discourses are represented in themes emerging from the texts. Related to the emerging discourses in the analysis, this study intends to examine how the international organizations make use of representations in the emerging discourses in the texts. That is, whether their choices of language and discourse afford or deny agency to the incarcerated people or cast the incarcerated people in negative light or perpetuate some form of colonialism through colonial gaze.

In this study, I argue that international organizations use discursive practices through discourse in their texts to play the role of bringing attention to injustice in the criminal justice system and to dehumanizing conditions of prisons in Ghana. I am of the view that the issues of dehumanization and injustice should not be considered as only social, but also institutional and situational. In essence, this study aims at working against the status quo in terms of how power is displayed when it comes to carceral and criminal justice practices. This position influences my decision to use CDA as my analytical tool. In this regard, analyzing texts by powerful international organizations presents an opportunity to examine how international NGOs participate in national governance in ensuring effective criminal justice practices and ensuring that countries meet their international human rights obligations.

## **Conclusion**

This chapter presents some existing debates situated in conversations surrounding human rights, criminal justice and NGOs participating in criminal justice reforms, and colonialism in NGOs. Some research shows how NGOs influence national governance by participating directly and indirectly in criminal justice reforms and participating in the drafting of both international and national legislative instruments. Furthermore, some research reveals that the NGOs influence criminal justice through their reports, which serve as a useful tool to promoting change and influencing criminal justice reforms and practices. Concerning the rhetorics of human rights, some scholars assert that NGOs presents themselves to national governments as being non-partisan and non-ideological through the magnification and incessant demands for compliance to international human rights standards and provisions. In addition, it becomes from the literature review that NGOs protect the interest of the vulnerable people in society against any forms of hegemony, oppression and marginalization. While some scholars argue about the important roles

that NGOs play in serving as watchdog to national governments and protecting the interest of the ordinary people, some researchers assert that NGOs serve as ideological tools that the imperialists or the western countries (superpowers) use to perpetrate neo-colonialism. After looking at the existing literature, I demonstrated the relevance of my study to research based on the space created by the limited research in how international organizations contribute to bringing attention to issues of injustice and human rights surrounding the Ghanaian carceral and criminal justice systems.

## CHAPTER TWO: METHODOLOGY

As presented in the first chapter, the thesis of this study is concerned with understanding how international organizations employ discourse to bring attention to issues of carceral and criminal justice practices in Ghana. The literature review highlighted: a) the influence of discourse (policy language, public writing, and organizational language/writing) on criminal justice reform; b) human rights issues and the involvement of NGOs in human rights discourse; c) the discourse of colonialism concerning the participation of the international organizations in the national governance of sovereign nation states. In addition, the literature review highlighted some thematic considerations – such as human rights, effective criminal justice of criminal justice reform, prison conditions, power. This study intends to examine the existence of any of these themes that might be presented in the texts under analysis. In order to address the gaps presented in the literature review, the thesis primarily focuses on the question: *What roles do international organizations, specifically Amnesty International and the United Nations, play in bringing attention to the issues of criminal injustice and dehumanizing conditions in places of incarceration in Ghana, and how do they use texts to play these roles?* To answer this question, the analyses are further guided by the following sub-research questions in relation to prison administration and criminal justice practices:

- (1) How might the texts on carceral and criminal justice systems produced and circulated by Amnesty International and the United Nations afford or deny agency to prisoners?
- (2) How do these organizations construct prisoner identity and relations, and how do they scrutinize the maintenance of human dignity in carceral and criminal justice practices through discourse?

- (3) How might texts like those circulated by Amnesty International and the United Nations effect change in the Ghanaian carceral and criminal justice practices? How do the texts influence public investment and engagement or concerns in these issues?

To address these questions, there is the need to analyze the organizations' language and discourse strategies that they adopted in producing their texts. The concepts of organizations, incarceration and criminal justice are social constructs. Moreover, discourse is understood to constitute subjects, power relations, and politics in a social context. These assumptions informed the use of Fairclough's approach to Critical Discourse Analysis (CDA) for this study. CDA seeks to make more prominent the connection between "social practice and language" (Zavala 1317) and to examine the link between "the nature of social processes and properties of language [and visual] texts" (Fairclough 131) produced by Amnesty International and the United Nations. This chapter presents the ontology and epistemology that underlie the methodology; the analytical framework based on the CDA; the research methods employed; the data collection process; critiques to and limitations of the Fairclough's CDA approach. CDA affords opportunity to the analyses of the texts to shed light on the link between properties of the international organizations' texts, social processes and relations – in terms of ideologies and power relations – of which the texts producers, interpreters and consumers might lose sight (Fairclough 132).

### **The Ontology and Epistemology Informing the Study**

The principles of social constructionism informed the ontology and epistemology of this study. Ontology is defined as "the study of things that exist and the study of what exists" (Al-Saadi 1), whereas epistemology is defined as "the relationship between what we know and what we see" (Al-Saadi 2). As what we see influences what we know, it becomes obvious from the literature review that the carceral system in Ghana fails to meet the goals of reforming, transforming or



rehabilitating the so-called ‘criminal elements’ in the Ghanaian society. This is because of the overreliance of the Ghanaian criminal justice system on the Euro-centric philosophy of punishment and imprisonment (Agbesi 4). This assertion is illustrated by the high recidivism rate of the Ghanaian incarcerated population (Ofori-Dua 130). The failure of the penal system in reformative purposes lends inevitable support to the abolitionists argument against the ideology of imprisonment. The philosophy of imprisonment, rather, opens the penal and criminal justice systems to criticism because the systems are characterized with issues of human rights abuse and dehumanization. Poor prison conditions, unfair criminal justice practices, abuse of human rights, and lack of political will to reform that carceral and criminal justice practices have since been some of the problems that the incarcerated population face in the Ghanaian society, as established by scholars (Agbesi 3-4 & Asare 117). Social constructionism relies on principles such as challenging knowledge that has been taken for granted (Burr 2) and the nexus between knowledge and social practices. Moreover, social constructionists raise a critical objection to the notion that knowledge is not bias, as scholars have come to the understanding that knowledge is socially constructed through social interactions and processes (Burr 4). The point here is that the knowledge constructed by international organizations as the macro society is gradually shifting attention from the Euro-centric punishment-oriented criminal justice to humanity-value-oriented criminal justice practices. These practices focus on promoting transformation interventions and non-custodial sentences, but much is left to be desired. For instance, the recommendations in the organizations’ texts call on the government to reform the criminal justice system in order to curb the injustice and dehumanization meted out to the incarcerated people. Also, the organizations, through the texts, call for reforms and restructuring of the carceral and criminal justice systems. That is, the government needs to provide adequate infrastructure, adopt transformational

interventions, and improve sanitation in the prisons (Follow 21, Locked 26-27 & Prisoners 36-41).

Another important position of social constructionists is about the role of language in constructing social subjects and phenomena. Language is considered a powerful tool used in constructing discourses surrounding issues and previous discourses that make people to understand and experience the world through all kinds of texts (Wodak and Meyer 23). In this regard, this study examines the power of language in constructing discourses around the Ghanaian penal system and criminal justice practices based on the understanding and experience of all kinds of human rights abuse and dehumanization. From the understanding of the ontological and epistemological principles underlying social constructionism, it is valuable to this study to briefly discuss the nexus between these three elements: language/discourse, power and politics; and how they influence the production and circulation of the selected texts. This position is supported by constructivists claim that the world needs to be understood based on how meanings are constructed. In other words, it brings to the attention of scholars the question of how the reality of the world is defined (O'Reilly and Lester 13).

### **The Essence of Language/Discourse, Power and Politics in International NGOs' Texts**

#### *Language/Discourse*

According to Teun Van Dijk, discourse reveals the ways in which “social power ... is (re)produced- and resisted- by texts and talk” (176). This means that texts should not be considered as just words since they have constitute-elements. Discourse is an embodiment of meaning and social relationships based on subjectivity and power relations (Pitsoe & Letseka 24). In other words, discourse is an instrument of effecting power in a society by promoting

certain ideologies (Fairclough 56). Jed Horner argues that discourse contains “acts of power by inclusion and exclusion” and creates “conditions for the articulation of new, and alternative, political projects ...” (3). Wodak and Meyer (3) defines discourse as “anything from a historical moment, a lieu de memoire, a policy, a political strategy, narratives in a restricted or broad sense of the term, text, talk, a speech, topic-related conversations, to language per se” (3). In views of Foucault, discourse should be defined as “practices which form the objects of which they speak” (49). Based on these assumptions, it becomes comprehensible that what we say and write are manifestations of discourses used to construct identities, events, situations and phenomena. For instance, the international organizations use discourse and visualization to construct certain identities of themselves, the incarcerated people, the government of Ghana through representations to show how the incarcerated people are treated inhumanely. The specific discourses and representations are used by the international organizations to construct phenomena, where incarcerated people live dehumanizing conditions. Therefore, the need to examine discourse through the notion of articulation is to explore how social constructs: institutions, organizations and government use discourse of power and of politics in social situations.

Discourse is not only an embodiment of power, but also politics. Jed Horner argues that subject position and identities are affected by the discourses constructed in society. The political nature of discourse is not limited to how discursive processes are used to construct people’s identities as “a given, or fixed,” but it extends to challenging the social situations that make possible the construction of such identities in our everyday lives (Horner 3). According to Teun van Dijk, discourse politicizes ideologies and makes ideologies observable as they are “explicitly expressed and formulated” in relation to who speaks, at what time, at where, with or to whom

(732). In the texts analyzed in this study, the international organizations make clear the ideologies of preserving and safeguarding human dignity in everyday practices and providing justice to all manner of people. These ideologies are made political as the organizations use their power to put pressure on governments to accept and adopt practices that ensure the realization of these ideologies as illustrated in a title like this: “Ghana urged to meet international prison standards.”

### *Power*

Power and politics (of ideologies) are elements of discourse and discourse is socially constructed by “those who have power and means of communication” (Pitsoe & Letseka 24). For instance, people’s identity and the topics of discussion are decided for them by the people who hold power. This notion supports Foucault’s position that discourse concerns itself with not only “what can be said and thought, but also ... who can speak, when, and with what authority.” In this case, the discourses employed by the international organizations in their texts represent their authority about human rights and criminal justice standards. Since the international organizations wield so much power over nation states, analyzing how they use language to construct representations and power relations between themselves and others in their texts is relevant to this study. In addition, Amnesty International and the United Nations use their power through discourse to provide ‘acceptable’ meanings of humanizing carceral practices and effective criminal justice practices that should be obligated to practice. The United Nations and Amnesty International use discourse to establish their power and authority as goal setters, regulators and having oversight responsibilities over nation states in terms of national governance.

## *Politics*

Politics is the acquisition, circulation and (re)production of ideologies and knowledge through different mediums, especially by text and talk (Dijk 175). Just like how discourse is a social construct; ideologies, knowledge are beliefs that are constructed and shared socially and used by individuals (Dijk 177). Since both ideologies and knowledge are political, they are embodiment of beliefs about different perspectives on issues, which gets persuasively defended or attacked by people of different ideological groups. The relationship between politics and power creates a viable environment for certain ideologies and knowledge to be produced and circulated among social groups through discourse. In order to examine this relationship, discourse needs not to be only defined and analyzed “in terms of political discourse structures but also in terms of political context” (Dijk 733) in relation to power. Concerning the political contexts of discourses used in the texts analyzed in this study, Amnesty International and the United Nations hold global power which makes them influence national governance (Snyder 780). They sometimes display this power through sanctions and recommendations in fact-finding mission reports. Ghana being a member state of international organizations such as the United Nations subjects its national governance to the political influence of the United Nation and other international organizations. Discourses of power and politics can be analyzed through explanatory strategy and grounded process to examine “how governments lose power, how people or subjects lose legitimacy, how new demands rise, and how life itself is literally transformed” (Horner 3). In the texts, the government of Ghana seems to have lost its sovereign power as the international organizations direct what the government should do in their recommendations regarding prison conditions and criminal justice. Considering these assumptions, this study sought to examine how international organizations wield power and use international governance politics to produce texts that intend to

empower the under-privileged population. In the same vein, the study looks at how the international organizations intend to influence national governance concerning the carceral and criminal justice practices using their texts.

Thus, the texts produced and circulated by the international organizations are aimed at using language or discourse to establish social order that controls and confines the actions of the government and officials in order to promote stability. In addition, the international organizations serve as the macro society in which people interact to collectively and socially construct conceptual meanings and representations of the carceral and criminal justice practices that are ideal in promoting effective justice and humanization. In this case, the meanings of carceral practices, criminal justice and human rights are not created by the government of Ghana alone, rather, they are created within a social system over time. For this, the global society is the custodian of meanings and the societal beliefs regarding the reality of the world as embedded in the society (O'Reilly and Lester 14).

### **Critical Discourse Analysis**

In this section, I discuss Critical Discourse Analysis (CDA) as a tool that is used to analyze the data in this study. Key concepts of this analytical approach include language, discourse, and discourse analysis. Discourse analysis as a qualitative approach of analyzing data that deals with linguistic features and understanding of discourse in different ways, such as social power, communication, politics, and language as “contextually situated” and socially constructed (Dijk 4). Discourse analysis does not only have a variety of approaches but also a variety of definitions. In the views of Tannen et al., “these definitions have in common a focus on specific instances or spates of language” (1). One thing essential about discourse analysis is that it ranges from macro to micro levels of text and context (Dijk 32). Though CDA can be explained as the

extended of approach of DA, it cannot be said that it is a sub-category of DA. Critical Discourse Analysis (CDA) is designed to address some of the grey areas, such as social practices of discourse that Discourse Analysis as a methodological framework has limitations in analyzing. One important area in which the two approaches are different is how CDA deals with social and political issues, and how the focus of analysis goes beyond description to interpretation and explanation. It also examines the role of discourse in reproducing and challenging injustice or unequal power relations in society (Dijk 176).

To a very large extent, some proponents of CDA assert that CDA is “a social movement” of a politically-committed discourse analysis (Van Dijk 466) instead of it being a variety of DA. Adopting CDA as a methodological approach requires the adoption of a multi-method that focus on the demystification of power and (political) ideologies. CDA gives researchers the opportunity to examine “the emergence of new orders of discourse, struggles over normativity, attempts at control, and resistance against regimes of power” through the analysis of “which discourse is being represented, respoiken or rewritten” (Blommaert & Bulcaen 449). Thus, CDA requires the criticality in not only examining oppressive dynamics in a social setting, but also further challenges the oppressive and hegemonic dynamics in ways that lead to production of critical knowledge that humans should use to free up themselves from any form of oppression and domination (Wodak & Meyer 7). And same is required of a researcher. Van Dijk asserts that CDA is interdisciplinary because of the tenets that underlie it as an analytical framework. What it means is that CDA has relationship with some theoretical frameworks in other disciplines. The eight tenets of CDA includes:

- (i) CDA addresses social problems;
- (ii) power relations are discursive;
- (iii) discourse constitutes society and culture;
- (iv) discourse does ideological work;
- (v) discourse is

historical; (vi) the link between society and text is mediated; (vii) discourse analysis is interpretive and explanatory; (viii) discourse is a form of social action (Amoussou & Allagbe 13).

Based on the CDA tenets, CDA proves to be the best fit as the analytical tool for this study because the research is focused on a social problem; a social problem that needs social action to be taken to address it. Besides, carceral and criminal justice systems promote some specific institutional culture and power relations that exist between the Ghana governments and international organizations such as Amnesty International and United Nations. For researchers to adopt CDA as methodological approach of analysis, they are required to take some necessary steps related to the definition and clarification of fundamental concepts that plays important role in their analysis. For instance, text, discourse, and social practices take different meanings with respect to the particular CDA approach that is employed (Wodak & Meyer 3). For instance, the meanings can be about the power relations, ideologies, and representations expressed or established in the texts. Names like Fairclough, van Dijk and Wodak are prominently notable when it comes to CDA. The proponents of CDA share in social constructionists' principles. To them, language is a social practice (Fairclough 131) and a tool of power which has the ability to sustain and organize social life (Wodak and Meyer 4).

I found CDA as the most appropriate choice for my analysis because it gives me the opportunity to analyze the texts by using approaches that focus on the language and discursive practices, and socio-cultural practices of the texts as claimed by Risdianto, Sumarlan, & Malihah (235). In addition, I chose to use CDA because of its “constitutive problem-oriented, interdisciplinary approach” (Wodak & Meyer 2). What I mean is that CDA enabled me to analyze my dataset beyond their linguistic units. This framework afforded me the opportunity to investigate “the



relationship between [language] and discourse practices, and social context” (Risdianto, Sumarlan, & Malihah 235). The problem at the center of my study is a social problem where a group of human beings have been subjected to inhumane prison conditions and injustice. That is, the problem at the heart of this study concerns the disregard for human rights and effective practices of incarceration and criminal justice in the Ghanaian society. Thus, using discourse analysis as a framework enhanced my ability to analyze the social connections that the dataset makes to the problem. CDA helped me examine the “discursive manifestations of ideologies” (Amiriam et al 3) that are present in the texts produced by the focused groups.

Another point is that because my dataset is multimodal in nature, I found CDA the best fit for my study since it can be used to investigate semiotic data; that is textual, visual and oral data (Wodak & Meyer 3). CDA provided me with the opportunity to investigate the discursive structures that are applied in multimodal texts. Because CDA focusses on social practices of producing and circulating texts, I sought to examine power relations, political and ideological manifestations that are embedded in my selected texts. CDA is multi-purpose or eclectic in nature. In other words, it consists of approaches such as rhetorical/text analysis and discourse analysis that I initially wanted to use for this study. This made it appropriate for my dataset since the dataset is multimodal in nature. In relation to the text analysis, I examined the texts based on three functions: representation, power relation, and identities (Risdianto, Sumarlan, & Malihah 235). Regarding discourse analysis aspect of the CDA, my focus was on the production and circulation of the texts.

### **Critiques and Limitations of a CDA Approach**

Just like any other research method, CDA has some limitations, which makes it open to criticism. CDA’s aim of critiquing society through analysis is said to be “the *raison d’etre* for analysis”

(Billig qtd. in Weiss & Wodak 39). In this sense, social critique always precedes CDA. Some critics of CDA argue that there is a sense of vagueness in the definitions of the analytical concepts, methodologies, and tools; which shadows their distinctions from one another (Amoussou & Allagbe 13). Other critics debunk the notion that CDA approach as being conceptually rich. They are of the view that the concepts of CDA lack specificity which reflects in the problems that arise in their operationalization. According to Michael Billig, though CDA is seen by its proponents as eclectic and interdisciplinary (Weiss & Wodak 39), it is considered by critics as a problematic feature since there is blurriness in how the approach is used to carry out analysis (Breeze 499). The political underpinning of the approach is seen as its weakness because it creates room for researchers to impose their biases and ideological reading a text on their audience.

CDA, regardless of these criticisms, provides powerful insights on how uneven distribution of power in society occurs in ways that approaches of discourse analysis does not do (Fairclough 131). Scholars of CDA are quick to refute the claim by critics that the concepts and terms of CDA are vague and cloudy. They assert that what they have been advocating for with CDA is a common set of meanings. By this, they encourage researchers to redefine concepts and terms to suit the culture, ideology and political terrain or issue that the research is meant to examine. This position supports the idea that concepts and methods of research need to be relative because if methodology and definitions of concepts are fixed, it will narrow the scope of CDA as it will become politically irrelevant. Though CDA is political, it requires researchers to openly acknowledge their prejudices before the analysis. CDA research is carried out only when an issue of uneven power distribution is seen in society. The goal of feminist researchers demanding political stance in their research supports the political nature of CDA, since the political stance is

taken with the aim of pushing back against hegemonic and oppressive social constructs in society. Neutrality is relative and being apolitical is not appropriate in situations where relationships of power imbalance and oppression is obvious – it will, rather, perpetuate injustice and hegemony.

### **The Main Approach to CDA For the Current Study**

Among the main approaches of CDA, Fairclough's approach to CDA best suited the purpose of this study as it best offers the opportunity to analyze the discourse of international organizations in a place of power, how their discourses influence discourses locally around social situations and how their discourses promote change in concerns about identity and human dignity. Also, it offers the opportunity to choose and modify analytical units and elements in ways that align with my interest in examining power relations in the produced discourse in my data. Fairclough's three levels of analytical process creates room for flexibility and openness in a researcher's approach in relation to the research context and research questions. The first level of analysis focuses on investigating how the Amnesty International and the United Nations produce their texts to represent not only themselves, but also their specific audience (which is the Government of Ghana) and the prisoners regarding the issues of carceral and criminal justice practices. Specifically, the analysis narrows in on textual and visual representations in the texts. In brief, the text analysis deals with the descriptive constructions that enable the understanding of how an issue, or a person is being talked about by the use of specific linguistic elements (Risdianto, Sumarlan, & Malihah 235). The aim was to use text analysis to understand which discourses international organizations employ and draw upon when producing texts about carceral and criminal justice practices.

The next level of analysis is discourse practices, which concerns itself with texts production and circulation. This level focuses on investigating the meaning of the relationships that exist between interpretations of texts, the context of the texts and, the texts consumers. The discursive practice level of analysis requires the examination of how the texts producers (international organizations) use discourses emerged from the text analysis to place themselves in certain positions in relation to the text consumers (the Ghanaian government and her people) (Fairclough 132). Thus, in order for me to meet the requirements of this level of analysis, I selected texts from two major international organizations. These texts concern human rights issues; where discourses of identity, human dignity, control/regulation, and effective justice emerged from the text analysis. The goal of this study is to examine how such discourses are used by the international organizations to establish relations through representations of the Ghanaian government, the incarcerated population and the international organizations themselves.

The final level of analysis is the social practice level. This level focuses on zeroing down on the analysis of how discourses emerging from the text analysis and discursive practices contribute to addressing the research questions about identity and power relations construction, affording or denying agency, among others. In this sense, social practice analysis is adopted to investigate how and why discourses and relations that emerge from text analysis and discursive practices are employed by the organizations. Specifically, I looked at the trends in the texts and how they are related to the complexities in the discourse practices and processes that promote social change.

## Data Collection and Selection

Concerning the dataset, I selected texts produced by Amnesty International and the United Nations – the two international organizations that I looked at in my study. I decided to focus on these two international organizations for two reasons:

- 1) These two organizations are clothed with international powers and they breathe out political influence in the world.
- 2) They are the leading international organizations that have done much work to bring attention to the issues of criminal justice and imprisonment globally.

Though other international organizations have some form of influence on national governance in Ghana, Amnesty International and the United Nations have been outstanding and at the forefront of exerting and ensuring compliance to UDHR and other international conventions. Amnesty International has done tremendous work in terms of bringing attention to the issues of criminal justice and penal practices in Ghana. Though there are more publications of Amnesty International, I decided to select only those that are relevant to my topic. That is, those that address the issues of criminal injustice and the dehumanizing prison conditions in which prisoners and detainees live. Below are the texts from Amnesty International that I am analyzing in this research:

- Locked up and Forgotten (Campaign document)
- Prisoners are at the bottom of the pile (Research paper)
- Locked up and forgotten (Research paper)
- Ghana urged to meet international prison standard (News item).
- Amnesty International's annual Report 2017/18.

Similarly, I decided to use the following text produced by United Nations in relation to the issues of criminal justice and imprisonment in Ghana. It is worth noting that United Nations has not produced many texts that are relevant to the focus of my research study. Here is the text produced by the UN that I analyzed in this study:

- “Follow up report of the special Rapporteur on torture and other cruel, inhumane or degrading treatment or punishment on his follow-up visit to the Republic of Ghana.” (report).

### **Analytical Framework of Fairclough’s CDA**

I stated in an earlier section of this chapter that Fairclough’s CDA is the analytical approach that I intended to employ to address my research questions. Fairclough provides three-dimensional analytical framework that comprises textual level of analysis, discourse practice level of analysis and social practice level of analysis. Specifically, I am making reference to the CDA analytical framework that he proposes in his *Language and Power and Discourse and Social Change* (Fairclough 131). In this material, he explicitly discusses how power relations can be examined through discourse. The explanations of the three levels of analysis and how they can be applied are presented below.

### **Levels of Analysis**

#### *Text Analysis of the International Organizations’ Texts*

The first level of analysis of Fairclough’s CDA focuses on the “linguistic description of the language text” (Fairclough 132). Because the texts produced by the organizations contain visual texts that are important to the analysis of this study, I present the visual description of the visual texts to support the linguistic description of language texts to examine how textual and visual

representations are presented in the emerging themes in the international organizations’ texts. The goal of my text analysis is to examine the kind of representations and human values created by the organizations in the texts that they produced about the people in places of confinement in Ghana and the Ghanaian carceral and criminal justice system. In this segment of the analysis, the focus is on the linguistic description of the language and visual texts that form part of the texts produced by the international organizations. The analysis is presented by examining the various representations and themes emerging from the texts based on the coding scheme used to analyze the texts. Specifically, the linguistic description of the language and visual texts become the foreground of the text analysis of the CDA. In this case, I looked at the common themes emerging from the texts by examining how they are presented within the textual and visual representations. As I examine the textual and visual representations in the texts, I present the linguistic elements that highlight the representations in the texts. The table below illustrates the coding process used:

Table 1: *The Orders of Coding (Pre-analysis).*

1 <sup>st</sup> order of coding	2 <sup>nd</sup> order of coding	3 <sup>rd</sup> order of coding
Words/Phrases/Concepts	Common Themes	Discourses
Linguistic/Visual description: Language & visual practices	Representations of the Themes	Interpretation of the Representations
1. Language practices:	Theme 1 & its Representations Theme 2 & its Representations Theme 3 & its Representations Theme 4 & its Representations	Discourse 1  Discourse 2
2. Visualization		Discourse 3

*Adapted from Gioia et al., 20.*

After the analyses of the selected texts produced by Amnesty International and the United Nations, the results concerning the themes and discourses emerged from the texts are illustrated in the table below.

Table 2: *The Orders of Coding (Post-analysis)*. This table shows the themes and their representations emerging from the texts and the discourses established in the texts.

1 <sup>st</sup> order of coding	2 <sup>nd</sup> order of coding	3 <sup>rd</sup> order of coding
Words/Phrases/Concepts	Common Themes	Discourses
Linguistic/Visual description: Language & visual practices	Representations of the Themes	Interpretation of the themes & their Representations
1. Language practices:  2. Visualization	<i>Theme 1: Power</i> <i>Representations of power</i>  <i>Theme 2: Human Rights &amp; Justice</i> <i>Representations of Human Rights &amp; Justice</i>  <i>Theme 3: Prison Conditions</i> <i>Representations of Prison Conditions</i>  <i>Theme 4: Identity</i> <i>Representations of Identity</i>	<i>Discourse 1: Humanization</i>  <i>Discourse 2: Effective Justice</i>  <i>Discourse 3: Transformation</i>

To arrive at the themes and representations in the texts, the data is approached by investigating the linguistic elements and visual elements which are used by the international organizations to construct certain identities and human values and their frequency. I employed deduction, implication and presupposition to understand how the identities and human values are described in relation to the concept of justice, domination/control, and human rights. This is done because linguistic and visual elements reflect the identity of the speaker, who is spoken about, and the human values associated with the persons regarding the conditions that highlighted in the discourses. In this study, a text is defined as comprising writing reports, research papers, news items, and images. The aim is to look for the voice, the agents and their goals in the discourses emerging from the texts. To help realize this aim, key words/phrases used in the texts and their meanings were operationally included in order to provide background for the implicit realization of “who is doing what to whom” (Fairclough 179). For the visual texts, same processes are



applied to them to analyze the visual features that depict the meanings of some of the words or terms used in language texts.

### *Discourse Practice Analysis of the Texts*

I employ discourse practices to engage in interpretive analytical process. According to Fairclough, this level of analysis establishes the link between the text level of analysis and social practice analysis (60). In this analysis, I employed the concept of contextualization of the issues concerning the penal and criminal justice practices in Ghana. What this means, therefore, is that the texts under analysis can be influenced by social events and social actors to generate new discourses or modify existing ones. In the discourse practice analysis, the study looked at how some specific discourses emerging from the texts of the organizations are used to establish power relations. It is essential to understand, in this situation, how organizations use discourses to sustain their roles as watchdogs to governments, regulators of governmental and social policies, and protectors of human rights and human dignity. Regarding the level of discourse practice analysis, Fairclough emphasizes how “power in discourse has to do with powerful participants controlling and constraining the contributions of non-powerful participants” (38). In analyzing the constraints, there were three ways adopted: “what is said or done” (contents), “the social relations people enter into discourse” (relations), and “the subjects positions people can occupy” (Fairclough 39). Fairclough goes on to say that all these three constraints are interconnected and are practiced concurrently (39). The focus of this level of analysis was on how the producers of the texts construct the subject positions of not only the texts consumers, but also those about the texts are produced. In other words, I was interested in examining the power relations constructed between the organizations as the producers of the texts and the Ghanaian government and people as the consumers, and the power relations constructed between the organizations and the

prisoners, as the organizations become the protectors of their human rights. I wanted to understand whether the organizations have given or taken away some form agency (here defined as empowerment) from the prisoners as they serve as the protectors of human rights and ‘voice to the voiceless’ concerning issues of carceral and criminal justice in Ghana. From Fairclough’s position on the level of discourse practice analysis, there are four questions that guide the analysis (123):

- What is going on?
- Who’s involved?
- In what relations?
- What is the role of language?

#### *Social Practice Analysis of the Texts*

As the discourse practice analysis was completed, the results were then linked with the analysis of social practice level. This level of analysis focuses on establishing how power relations emerging from the text analysis and discourse practice are manifested in social dynamics. Since language is socially constructed, it does not live separately from society, instead they co-occur in ways that create social phenomena (Fairclough 131; Chouliaraki & Fairclough 89). Therefore, what we say or write is influenced by the socio-cultural processes and practices concerning the immediate situation of the issue at stake, the institutions or organizations involved, and a societal values and beliefs which aim at promoting social change. In other words, the analyses link the discourse relations emerging from the discourses of the organizations to the larger social context. This process creates the opportunity where agency needs to be given to prisoners, where the government needs to be regulated in areas of justice and human rights, and interventions need to

be formulated and enforced to promote community-building and solidarity in the society. My aim for this level of analysis is to investigate how organizational discourses and relations affect the production and circulation of social structures through texts based on the identities of prisoners while upholding human rights to maintain human dignity in our society.

## **Conclusion**

In this chapter, I presented the social constructivist theory as the ontology and epistemology underlying the study. Imprisonment and criminal justice are social constructs that are established by powerful actors through discourse. It is revealed in this chapter that language/discourse is a powerful social tool that is used to construct representation, power relations, and meanings about carceral and criminal justice practices. Moreover, I presented Fairclough's approach to CDA as best suited for my study because it approaches the texts from linguistic and visual representations and from discourses establishing and sustaining power relations and human dignity. Also, CDA approaches texts from discourses embedded in socio-cultural processes and practices at the immediate situational level, the wider institutional or organizational, and a societal level with the aim of promoting social change. The chapter also specified the organizations' texts that are selected for analysis in this study.

In the next chapter, I present the first analysis chapter of the texts based on Fairclough's first level of CDA – text analysis. That chapter seeks to analyze the selected texts by providing their linguistic descriptions and to conduct the analysis by looking at the emerging themes in the texts through textual and visual representations.

## CHAPTER THREE: TEXTUAL ANALYSIS OF AMNESTY INTERNATIONAL AND THE UNITED NATIONS TEXTS

### **Introduction**

This chapter is concerned with the first analytical step of the CDA; that is, text analysis which focuses on representations in the language and visual texts. Regarding representations, the analysis focuses how the texts producers (Amnesty International and the United Nations) produce these texts to represent not only themselves, but also their specific audiences – which are the Government of Ghana and the prisoners. Specifically, the analysis of the texts is narrowed down to the discussion of the representations emerging from the texts from both language and visual texts points of view. This and the next analysis chapters aim at answering the main research question: *What roles do international organizations, specifically Amnesty International and the United Nations play in bringing attention to the issues of criminal injustice and dehumanizing conditions of the places of incarceration in Ghana, and how do they use texts to play these roles?* In a way to answer this question, I focus the analysis on addressing the following sub-research questions that drive the study:

- (1) How might the texts on carceral and criminal justice systems produced and circulated by Amnesty International and the United Nations afford or deny agency to prisoners?
- (2) How do these organizations construct prisoner identity and relations, and how do they scrutinize the maintenance of human dignity in carceral and criminal justice practices through discourse?

This first analysis chapter is concerned with the analysis of the representations emerging from the texts through language and visual practices based on thematic areas. According to Theresa Catalano and Lauren Gatti, language and visual semiotic choices communicate power relations through representation in texts (64). Social semiotic scholars suggest that social semiotics sees representation as the reflection of reality (Chandler 8). On this basis, this study, specifically, examines the kind of identities and human values constructed by the organizations through some specific representations in the texts about the Ghanaian carceral and criminal justice system. The analysis shows that the organizations employ representations through language and visual texts to construct specific identities of themselves, of the government and of the incarcerated people. Furthermore, the analysis results reveal that the organizations employ the themes of human rights, power, prison conditions, and identity through representation and language practices to construct some specific discourses in the texts. The textual analysis highlights some specific discourse practices that the organizations use to bring attention to the issues of carceral and criminal justice, and to legitimize concerns for criminal justice reform in Ghana. From the results of the analysis, I argue that the international organizations employ their texts to afford agency to the incarcerated population. In other words, the international organizations create space for the incarcerated people to voice out their experiences and grievances, and for their voices to be heard by other people. Another argument advanced in this analysis is that the international organizations use representation to construct an “animal-like” identity of the incarcerated population based on the dehumanizing conditions they are made to live. Closely related to this argument is that the international organizations construct a violator-of-human-rights identity of the government and authority-figure identity of themselves. Before the analysis is done to support these arguments, the researcher presents the analytical process that is used in the text

analysis. Each representation comprises specific language practices: the use of quoted materials, imperatives, word choices, and layout and structural organization of the texts. Concluding the presentation on each representation, there is a brief analysis of how the sub-research questions are addressed.

### **Emerging Representations: Analytical Process of Textual Analysis**

In this section, I, briefly, explain how the coding scheme that I presented in the methodology chapter is employed in the text analysis of the texts produced by the international organizations.

Explaining the analytical process is important because it shows my step-by-step movement from the descriptions of both linguistic and visual elements used to construct identities and human rights values to the thematic issues concerning incarceration and criminal justice in the texts. The table below summarizes the results of the analytical process (as shown in table 1 in chapter 2) of the text analysis.

Table 3: *The Themes, their Subthemes, and Examples of Representation Emerging from the Texts.*

Themes	Subthemes	Examples of Representations
Power	Regulation of carceral and criminal justice practices	The International organizations as authority figures.
	Protection of people’s human rights	The government of Ghana as the duty bearer to promote human rights and humanization.
	Political influences in policy making	
Human Rights and Justice	Inadequate legal framework to aid the poor people	The government of Ghana has the duty to provide effective and just legal framework that support effective justice delivery
	Abuse of human rights	
	The need for stakeholder intervention	The prisoners are at the receiving end of injustice
	Abolishment of death sentencing (penalty)	

Prison condition	Dehumanizing conditions of prisoners  Lack of commitment to improving the conditions of life in the prisons  Provision of accessible and effective healthcare in places of incarceration  The need to promote human dignity	The prisoners are dehumanized by the poor condition of the prisons  Government's lack of commitment to promote human dignity
Identity	Prisoner identity: <ul style="list-style-type: none"> <li>a. A human who needs to be treated humanely (Perspectives of Int. organizations)</li> <li>b. Lost their humanity and deserve no humane treatment</li> </ul>	Prisoners are not human enough

As described in the methodology, the first level of coding focuses on the language practices and visualization related to identity and human rights values in the texts. This level of coding also looks at how the plights of the incarcerated population, the carceral and criminal justice practices, and the position of the international organizations are described and represented in the texts. It is in light of this that I look at the themes, sub-themes and representations in the second level of coding. The second level of coding, further, looks at how the themes and representations construct some specific discourses in relation to the carceral and criminal justice practices in the texts. In order to present a detailed textual analysis of the texts produced by the international organizations, this chapter is organized around the themes emerged from the analysis. Also, I examine how these four themes are present within textual and visual representations. From the analysis of how Amnesty International and the United Nations represent criminal justice and imprisonment in Ghana, the four themes that emerged from the analysis include power, human rights and justice, prison conditions, and identity. Thus, detailed analyses of the texts based on

how the international organizations represent the carceral and criminal justice practices through the themes and representations emerged from the texts are presented.

### **Representation of Power in the Texts**

The organizations present themselves as authority figures, as they create the impression that they have power to monitor and regulate the practices of incarceration and criminal justice. They use certain word choices to express the international standards of carceral and criminal justice practices to which the Ghanaian government is obligated. The examples below illustrate how the organizations achieve their aim of asserting authority:

Examples:

- a. While welcoming the role played by the Commission for Human Rights Administrative Justice (CHRAJ) in seeking ratification of the OPCAT, the Special Rapporteur expresses particular **disappointment** that CHRAJ has **abandoned** its *de facto* prison monitoring mandate ... (Follow 4).
- b. “Amnesty International **urges** the government of Ghana to implement the following recommendations in order to meet its national and international obligations on the human rights of prisoners” (Prisoners 37).
- c. “The UN Human Rights Committee **considered** (in a non-African case) that a delay of some 16 months before the start of the trial of an individual for murder **violated** article 9(3) of the ICCPR” (Prisoners 12).

From the examples above, *Example A* offers space for the international organizations to establish their authority through language. Their authority is established in relation to the parental role that the international organizations seek to play over the Ghanaian commission, CHRAJ. The use of



strong emotive and judgmental words: “disappointment” and “abandoned” reveals the expertise of the organization as a judge who is unhappy about the actions of the government. Moreover, the strong emotive words show the feelings of a parent whose ‘child’ fails to meet their expectations. In *Example B*, the strong verb – “urges” – is used to point out to the necessity of the Government to ensure compliance to the recommendations provided in the texts. However, this word – “urges” – presupposes that they are no binding international laws that regulate and bind governments in relation to carceral and criminal justice practices, just like international laws on money laundering and child trafficking. In this case, the international organizations’ failure in enacting international laws to regulate countries in this area might have been a cause of nation states, including Ghana flouting the UDHR. From *Example C*, the UN is represented as the expert authority whose expertise is expressed by judging what is a violation or not. This is illustrated in the use of words of judgment: “considered” and “violated” as the criminal practices of the Ghanaian government is deemed as contravention.

Furthermore, Amnesty International and the United Nations present themselves as important stakeholders in national governance in the area of criminal justice and prison systems. This position of political influence is expressed by presenting themselves in the light of being assessors of the criminal and carceral practices. They represent their roles of assessors and regulators by the use of word choices that connote assessment and judgement. Below are some examples:

- a. Other **failings** in the criminal justice system including too few public defenders, inability of defendants to pay lawyers' fees, sentencing policies that result in long custodial sentences, lost case files, and lack of implementation of non-custodial sentences have exacerbated the overcrowding problem and therefore are an important contributory factor

in the **failure** of the prison system to meet international and national standards for the treatment of prisoners (Prisoner 36).

- b. The Ghanaian government is **failing** to provide prisoners with the minimum standards for humane conditions of detention because of its **failure** to reduce overcrowding and to provide adequate levels of food, health care, and sanitation to prisoners, in violation of its obligations under the ICCPR, ICESCR and the African Charter (Prisoner 36).
- c. National and international bodies have **called on** Ghana to act. In 2011 the CRC **recommended** that the death penalty in Ghana be abolished (Locked 26).
- d. The UN Committee also **recommended** that Ghana take measures to improve the conditions and treatment of people in custody and addresses the problem of prison overcrowding.
- e. Most recently, in June 2016, the UN Committee **recommended** that Ghana revise its Criminal Code so as to eliminate the imposition of mandatory death sentences, and **pursue** efforts to abolish the death penalty, including by acceding to the ICCPR-OP2 (Locked 26).
- f. The purpose of the visit was to **evaluate** the progress made by the Government with respect to the implementation of recommendations from his 2014 report (A/HRC/25/60/Add.1) on his November 2013 visit to the Republic of Ghana.

From these examples, words such as “recommended”, “evaluate”, “called on”, “failings”, and “failure” invoke a sense of evaluation that the international organizations do, as part of their influence on national governance. For instance, in *Example A*, the use of failings presupposes that the international organizations have done some form of evaluation on the carceral and

criminal justice practices in Ghana and the results of their evaluation suggest that the practices fall short of the international standards, as expressed in the use of the phrase, “failure ... to meet the human rights standard.” The use of “called on”, “recommended”, and “pursue” in *Examples C, D and E* presupposes what the government should do to ensure that the carceral and criminal justice practices meet the international standards. These words connote that some form of evaluation or assessment is done which prompted the government to be called on to take specific actions. The use of the word: “pursue” in *Example E* implies the need for criminal justice reform and reform in the carceral system. It also implies that Amnesty International and the United Nations are the appropriate bodies to call for that reform.

In addition, the organizations do not only use some specific language practices – imperatives, word choices, and layout and structural organization – to represent themselves as authority figures, but also to represent the government as an authority mandated to provide and ensure effective justice and respect for human dignity in relation to criminal justice and imprisonment. The organizations employ these word choices to activate their ‘authority figure’ by calling upon the government to provide fair and accessible legal framework that supports effective justice delivery. The structural organization of the texts – the closing part of the texts is used to offer recommendations – and word choices and imperatives are used to convey the recommendations. Below are some examples of how word choices and imperatives are used to illustrate the theme of power in the recommendations:

- a. The Government **must** also make a **concerted effort** to follow-through on its various commitments with regards to the legal and institutional framework to combat and prevent torture and other ill-treatment by, *inter alia*, ratifying the OPCAT and establishing an NPM, introducing the offence of torture in national criminal legislation; strengthening

legal safeguards against torture and other ill-treatment; implementing measures designed to improve judicial management and case disposition; and undertaking the comprehensive reforms contemplated by the GPS's strategic plan with regards to conditions of detention and the delivery of services in prisons (Follow 21).

- b. **Provide** adequate resources, including through seeking international assistance and co-operation if needed, for the Ghana Prison Service to uphold the rights of death row prisoners as required under international and national law and to ensure that prison personnel are able to work effectively and safely to meet the goals of security and the rehabilitation of prisoners (Locked 27).
- c. **Ensure** all death row prisoners are treated in accordance with the UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and, in particular, that they are provided with adequate food, medical care and access to recreational and educational facilities (Locked 27).
- d. **Expressly abolish** the death penalty in the Constitution for all crimes
- e. **Immediately ensure** that all remand prisoners' rights to due process are respected including by:
  - Ensuring that all detainees have access to a lawyer of their choice including through the implementation of an enhanced legal aid system that reaches all regions of the country and that is adequately funded, if necessary through international cooperation and assistance if sufficient government resources are not available (Prisoners 38).
- f. **Immediately adopt** a plan with concrete and time-bound goals to increasingly improve sanitary and living conditions across all prisons in Ghana. The conditions in Ghana's

prisons should meet international standards, in particular minimum standards for humane conditions of detention including as set out in the UN Standard Minimum Rules for the Treatment of prisoners and the Bangkok Rules (Prisoners 40).

From these examples, the government is reminded of its obligations to international provisions on human rights and carceral practices. For instance, in *Example A*, the government is represented as being the authority figure which is mandated and obligated to liaise with other essential stakeholders, such as the government to perform its duty, as expressed by the use of “concerted effort.” The use of the modal verb, “must,” in the same example highlights the international organizations’ representation as having authority to obligate the government. The use of this modality points to the necessity for the government to institute measures that rectify the issues of human rights abuse and injustice. In *Examples D, E, and F*; the use of adverbs of manner and time, such as “expressly” and “immediately” invokes a sense of urgency that the international organizations require the government to implement their recommendations. Also, the use of these adverbs invokes the exigence of the issues of human rights abuse and injustice in the Ghanaian penal and criminal justice system. Moreover, the use of these imperatives: “provide,” “ensure,” “abolish,” and “adopt” in *Example B, C, D and F* respectively points to the need for criminal justice reform, as indicated and implied in the texts.

From the analysis of the theme of power in the texts, it becomes obvious that the international organizations are calling on the government to reform the carceral and criminal justice systems in line with the international human rights standards. Another thing revealed from this analysis is that even though the international organizations seem to wield so much power, their power is limited because of: 1) the sovereignty of the nation state, Ghana and 2) the lack of international law on carceral and criminal justice practices – just like the international laws on money

laundering, child trafficking, and drug trade. This realization is based on the minimal use of language practice such as obligatory modality, on the seeming continuous disregard of the recommendations of the international organizations by the government.

The analysis of the representation of power shows how Amnesty International and the United Nations use language to bring attention to the issues of injustice and human rights abuse that fraught the Ghanaian carceral and criminal justice systems. The representation of the NGOs themselves as authority figures suggests their use of power to evaluate and make judgement on the ineffectiveness of the Ghanaian carceral and criminal justice practices. Amnesty International and the United Nations highlights the presence of abuse of human rights, injustice and lack of respect for human dignity in their texts through the representation of the government and its agencies as having failed on the obligations to the UDHR. The government is constructed as a duty bearer and being obligated to providing humane prison conditions and effective justice practices in the country, while the incarcerated population is constructed as powerless because of the inhumane conditions and injustice that they are made by the government to go through. These representations of the government and the Incarcerated people seek to expose the unequal power relations constructed between them. In addition, these representations are employed to scrutinize how government's actions and inactions lead to dehumanization of incarcerated people and disregard for human dignity in the Ghanaian carceral and criminal justice systems.

### **Representation of Human Rights and Justice in the Texts**

Just as human rights scholars advocate for recognition of human rights and justice in social and institutional practices, the international organizations understand these concepts as crucial to the peaceful co-existence of humanity. This peaceful co-existence promotes respect for our human values, whether people are restricted or restrained to places of confinement because of their

offenses or people are ‘free.’ The international organizations, in their texts, present the need for promoting not only human rights, but also effective justice in the Ghanaian carceral and criminal justice system. However, these organizations represent the government of Ghana as having failed woefully in its obligation to ensure respect for human dignity and promote effective justice in relation to prisons and criminal justice practices. The use of some attention-grabbing headings of the texts and the description of the treatment that the incarcerated people receive support the claim and representations that I have indicated earlier.

Examples:

- a) **“Ghana urged to meet international prison standards”**
- b) **“LOCKED UP AND FORGOTTEN: THE NEED TO ABOLISH THE DEATH PENALTY IN GHANA”**
- c) **“Locked Up and Forgotten”**
- d) **“Follow up report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on his follow-up visit to the Republic of Ghana”**
- e) **“AMNESTY INTERNATIONAL REPORT 2017/18: THE STATE OF THE WORLD’S HUMAN RIGHTS”**
- f) **“PRISONERS ARE BOTTOM OF THE PILE: THE HUMAN RIGHTS OF INMATES IN GHANA”**

These titles suggest that the criminal justice system in Ghana is fraught with serious challenges that leads to abuse of human rights of the incarcerated population. In the first title, it is indicative from every word, but especially from the verb – “urged” – which presupposes that the conditions of the Ghanaian prisons fall below the international human rights standard. This word choice

presupposes the influence of some powerful group of people or international organizations, including Amnesty International and the United Nations, on Ghana to take a necessary action toward resolving the issues associated with incarceration and criminal justice practices. The third title highlights the abuse of human rights in which incarcerated people live in Ghana, as expressed in words like degrading, cruel, inhumane, and torture. The last title highlights how incarcerated people lose their humanity as their pushed to the bottom of the pile.

The opening of the texts introduces the issue of injustice that is visible in the Ghanaian criminal justice system and the issue of abuse of human rights of incarcerated people in Ghana. Here are some examples:

Examples:

- a. “As we enter the year in which the Universal Declaration of Human Rights turns 70, it is abundantly clear that none of us can take our human rights for granted” (Amnesty 12).
- b. “Ghana's prisons are rundown, overcrowded and in need of urgent reform with prisoners facing conditions which do not meet international standards, Amnesty International said today in a new report "Prisoners are bottom of the pile": Human rights of inmates in Ghana” (Ghana urged 1).

These excerpts draw attention to: 1) the idea of human rights abuse, and 2) the role of Amnesty International in safeguarding the human rights of all manner of people. For instance, in *Example A*, the organizations have presented themselves as entities that have a mandate to pressure governments and institutions to ensure respect for human rights values. The phrase, “turns 70”, is used to invoke ethos and identity via the historical presence of these organizations in their fight the human rights of people. Here is another example:



“... despite the **gravity** of these **assaults** on human rights, an understanding of the global struggle for the values of human dignity and equality demands that we **resist** any simple equation of **repressive** government versus principled people-power” (Amnesty 14).

In this excerpt, the organization emphasizes the exigence of the issue of human rights abuse through the use of word choices: “gravity” and “assaults” are used to express the seriousness of the abuse of human rights. The use of words such as “resist” and “repressive” highlights how the organizations are poised and armed to fighting any form of repression and oppression of the ordinary people in relation to human rights. Furthermore, certain visual textual features are used to invoke the exigency of the issue. Specifically, bolding, highlighting and uppercase are used to shed more light on the necessity of the issues of human rights abuse and injustice to be given much attention. In the *Title B* above, “Locked Up and Forgotten” is bolded while the rest of the title is not bolded. The same style applies to *Title F* above, where “Prisoners are Bottom of the Pile” is bolded unlike the remaining part of the title. The bolding is used to direct the attention of the essential stakeholders to the seriousness and exigence of the issues as expressed in those words. In the first example, “Locked up and forgotten is bolded,” highlighted and it has a larger font size different from the remaining part of the title. Since the full title is in block letters, the highlighting and bolding are used to express visually the exigence of the issue of abuse of human rights and injustice in Ghana. Deductively, the exigence of the issues points to the ‘seemingly absence’ of appropriate and effective legal framework that aims at promoting effective justice. This assertion is, further, supported by the use of word choices – abolish, locked up and forgotten – that have negative connotations in relation to criminal justice.

Moreover, the organizations appeal to the stakeholders of justice and human rights to intensify their roles of defending the human rights of all manner persons and of ensuring the provision of

effective legal framework through the use of imperatives. The imperatives are used at the beginning of the recommendations to establish the necessity and the power relations between the organizations (Amnesty International, the UN) and the government of Ghana. Here are some examples:

- a. “The Prison Service is to “investigate, through a robust and fair process, all complaints by inmates of physical and verbal assault and abuse by or at the behest of officers and bring to justice those found to be responsible” (Prisoners 40).
- b. “The minister of Justice is entreated to “review[ing] all cases of remand prisoners, including through Justice for All programme, to guarantee their rights to a prompt, fair hearing before a competent independent and impartial tribunal” (Prisoners 38).

The organizations use of word choices: investigate, robust and fair presupposes that the prison service not been being using robust and fair processes to investigate allegations of human rights on the prisoners. In the second example, words such as fair hearing, competent, independent, impartial present the government as having failed in meeting their obligations of ensuring justice in the criminal justice processes, and, therefore, needs to be regulated and monitored by them – the international organizations. From the analysis of the use of word choices and imperatives, the organizations highlight the representations of the government as a duty bearer to safeguard the human rights of its citizens and to provide effective legal framework, and the incarcerated people as victims of injustice and people whose human rights are violated.

From this analysis, the government is represented as the duty bearer to safeguard the human rights of its citizens and to provide effective legal framework, while the incarcerated population is represented as being at the receiving end of the consequences and the failures of the government. The analysis reveals the need for criminal justice reform and prison reform that aim

at promoting and safeguarding human rights values and effective justice with the carceral and criminal justice systems. This analysis reveals that the international organizations employ the representation of human rights and justice to bring attention the human rights abuse in the prisons in Ghana, which results from the lack of effective policies or reforms on prison practices. Amnesty International and the United Nations use their texts to expose the dehumanization of oppressed people and continuous abuse of their human rights in the prisons. Furthermore, Amnesty International and the United Nations present the need for government to ensuring and promoting carceral and criminal justice practices that human rights that prioritize respect for human dignity and effective justice. From the international organization texts, the government of Ghana has failed on meeting its obligations to UDHR and other international human rights standards in terms of the inhumane conditions that the incarcerated population is made to live.

### **Representation of Prison Conditions in the Texts**

The prison conditions in which the incarcerated people live has been described as being appalling within all the texts under analysis. These conditions are categorized in terms of sanitation, feeding, accommodation, and healthcare. The sub-themes emerged from the analysis include: the dehumanizing conditions in which prisoners live, lack of commitment of political will from the government to improve the living conditions in all places of confinement, and provision of accessible and effective healthcare in the prisons. In the texts, the organizations represent the government as lacking the political will and commitment to ensure that practices that promote value for human dignity and respect for justice in the carceral and criminal justice systems. As presented in the analysis of the representation of the theme of power above, the government is mandated and obligated to provide sociopolitical constructs that encourage and promote respect for human rights values. However, the organizations present the government as

lacking the needed commitment to providing humane and healthy conditions in places of confinement in ways that meet international standards. This claim is illustrated in the examples below:

- a. “To bring prisons into line with Ghana's treaty obligations will require political commitment and action by the government – it is urgently needed,” said James Welsh” (Ghana 2).
- b. “Conditions for men and women on death row at Nsawam Prison do not meet international standards” (Locked 6).
- c. “The Ghanaian government has made various symbolic moves in recent years that indicate a lack of enthusiasm for the death penalty” (Locked 8).
- d. “It is clear that failures within the criminal justice system are a significant root cause of the overcrowding problem and therefore an important contributory factor in the failure of the prison system to meet international and national obligations and standards for the treatment of prisoners” (Prisoners 12).
- e. “From the most senior to the most junior level in the Ghana Prison Service, staff referred to the low budget allocation for prison food” (Prisoner 19)

From these examples, the government of Ghana is represented as having failed to show political will or commitment to resolving the issues associated with prisons in the country. In *Example A*, the use of “will require” presupposes that government has not shown political will or commitment, coupled with actions to provide the necessary infrastructure and structures that ensure humane conditions in the prisons. In *Example C*, the use of word choices – symbolic moves and lack of enthusiasm – reveals how obvious the actions of the government are regarding their lack of commitment to providing humane living conditions for the incarcerated population.

The organizations, further in *Example D*, construct the government as being disinterested in improving the conditions of the prisoners, expressed in word choices, “such as it is clear and significant root cause.” These word choices imply that the government is fully aware of the fundamental cause of poor conditions in the prisons, yet it is not committed to doing anything about resolving the issue. This assertion implies that prison conditions and criminal justice practices are interrelated and, therefore, points to the need for criminal justice reform in order to resolve the poor conditions in prisons. This implication raises concerns about the need for the government to shy away from the Eurocentric and punishment-oriented philosophy of dealing with offenders. For instance, it is revealed in the larger texts that overreliance on imprisonment is the main cause of overcrowding in the prisons. The international organizations continue by using the word choice – “low budget allocation” – to point to the government for being deliberate and just showing lack of political to put measures in place toward promoting humane prison conditions. This representation of the government tends to support the argument of social constructivists and critics of the prison system that incarceration is a social construct by ‘powerful’ people, such as the elites to marginalize the ordinary people.

Moreover, the international organizations present the incarcerated population being at the receiving end of injustice, inhumane treatment and dehumanizing conditions. Even though all incarcerated people are made to go through various forms of dehumanizing conditions in the prisons, the people from poor background bear the brunt of the inhumane conditions most.

Below are some examples of the conditions in which the incarcerated population live:

- a. “Based on research carried out by Amnesty International in 2011, the report documents the problems of overcrowding, **inadequate** infrastructure and sanitation, **insufficient** food and health problems in prisons in Ghana” (Ghana 1).

- b. “While some prisoners have beds, others are **forced to sleep on the floor**. In some particularly **crowded cells** prisoners showed Amnesty International how they **sleep on their sides, in lines, covering the entire floor space**” (Ghana 2).
- c. “The UN Committee expressed its concerns at the **high rate** of overcrowding and poor conditions in prisons, including **lack of hygiene** and **inadequate** provision of basic services and facilities” (Locked 11).
- d. Overcrowding is severe in many of the country’s prisons; food and medical care are **inadequate**, and many prisoners rely on family members and outside organizations for additional food, medicines and other necessities. Skin diseases are **common**; and tuberculosis, malaria, hepatitis and pneumonia are also **prevalent**, but the prison health system is unable to guarantee **adequate** medical care within the prisons (Prisoners 6).
- e. “The **lack of adequate** sanitation along with the **severely** overcrowded conditions in many prisons also leaves people at higher risk of disease and infection” (Prisoner 22).

The word choices in the above examples illustrate the poor conditions in which the incarcerated people are subjected live to do their time. These conditions are constructed as not befitting for human beings to be confined to, as illustrated in *Examples A, C, and E*. The use of the word choices – such as “inadequate,” “insufficient” and “lack of hygiene and lack of adequate”. In *Examples B and E*, the prisoners are presented as victims of who made to live cruel, inhumane, degrading, and harsh conditions in prisons. The use of the word choice – “forced” – implies that the prisoners have no option than to sleep in postures unlike in which human beings should sleep. The use of a passive voice in “are forced” seeks to remove the agent. This implies the passive treatment of the prisoners in relations to their human dignity. This representation gives grounds and support for the concerns that some critics the prison system have concerning the

effectiveness of the system to promote transformation among the incarcerated population. In essence, the NGOs description of the prisons and the people through these language choices reveal the aim of the NGOs to expose and criticize the oppressive and abusive practices in the Ghanaian carceral and criminal justice system.

Another way in which the theme of prison of condition is portrayed in the texts is through the use of quoted materials. The international organizations use quoted statements from people and the description of their speeches in order to incorporate their observations and constructions of meanings of prison conditions in relation to carceral and criminal justice practices in the country. Most of the quoted statements and description of speeches reflect the utterances of prisoners based on their experiential evidence. Some examples are illustrated below:

- a. “Sometimes the sickness comes, and he shakes. He fights with his cell mates when the sickness comes. He is taken to the hospital but does not get enough medical attention (Locked 3).
- b. “Sometimes I can get medicine from the infirmary, but sometimes there are none ” (Locked 17).
- c. “He gets angry and attacks people. He was in a psychiatric hospital before he was sentenced.”
- d. “A few inmates told Amnesty International that in each cell there is one window which is locked by metal bars and cannot be opened. The only ventilation provided is through small holes in the cell walls (Locked 16)”

From the examples above, the organizations create space for the voices of the incarcerated population and the opportunity for their voices to be heard concerning the prison conditions that the government make them to go through. The use of quoted statements from the prisoners tend

to make the incarcerated people feel and understand that they have people from ‘outside’ listening to their voice of complaints from the ‘inside.’ The use of language practices, such as quoted materials/statements from the incarcerated population creates room to represent “other people or groups of people and the worlds they inhabit” (Johnstone 61). By this language practice, the incarcerated people are afforded agency/empowerment as they are considered authority in experiential prison conditions to let the relevant stakeholders hear the ‘truth’ about the ‘real-world’ of prison life from the experiencers. The international organizations use quoted materials/statements from the incarcerated population in all their texts, covering all the themes emerging from the text analysis. Moreover, the text analysis shows that another essence of the international organizations using quoted materials is to maintain the incarcerated people’s moving and historical experiences of dehumanization. This is aimed at appealing to the emotions of the stakeholders in carceral and criminal justice

### **Representation of Identity in the Texts**

In the texts, the organizations represent the incarcerated people as bodies that have lost their human identity in the eyes of the government, therefore, deserve to be treated animal-like. Even though the international organizations have subjected the prisoners to some form of ‘oppressive gaze,’ they present a reflection on how the carceral and criminal justice in Ghana reconstruct an ‘offender’ whose identity shifts from being a human to an ‘animal’ through language. This representation appears in both language and visual texts. Below are some examples of how this representation is illustrated in language texts.

- a. “Locked up and Forgotten: The Need to Abolish the Death Penalty in Ghana.”
- b. “Prisoners Are Bottom of the Pile: The Human Rights of Inmates in Ghana”.



- c. “While some prisoners have beds, others are forced to sleep on the floor. In some particularly crowded cells prisoners showed Amnesty International how they sleep on their sides, in lines, covering the entire floor space” (Ghana 2).

From *Example A*, the international organizations’ use of the word choice – “locked up” – presents the incarcerated people as people who have become ‘animals’ to be kept in confinement – where their movement and actions are restricted and restrained by the government. This representation compares the conditions in which animals live in places of confinement to the conditions in which the incarcerated population live and how they are treated, as expressed in *Example C* by the use of word choices, “forced”. This implies that they are made to live in conditions that are not befitting for humans. The use of sleep on the floor, sleep on their sides, in lines, covering the entire floor space creates an imagery of how animals are made to live by a farmer. In *Example B*, the use of the word choice – “Prisoners are Bottom of the Pile” – represent the state of being of the incarcerated population because of the omission of the preposition ‘at’ – this means that ‘prisoners become bottom of the pile’ as a result of the carceral practices in Ghana. This representation of prisoner identity is further illustrated by the visual texts used by the international organizations to complement the language texts. Below are some examples:



Figure 2: This visual image is from the *Locked up and Forgotten: The Need to Abolish the Death Penalty in Ghana*.



Figure 3: This image is from *Prisoners are Bottom of the Pile*.

According to Michel Foucault, what “establishes a visibility through which one differentiates and judges” people who offend is the normalizing gaze of visuals (25). In both images above, the incarcerated people are constructed as people who are in extreme and helpless situation as they have not only lost their freedom, but also their human identity because of the inhumane conditions they are made to live in. The image in *Figure 2* shows how the prisoners are

restrained in a fence-like structure – which looks like the structure in which animals are kept. The word choice in the complementary language text underneath the image – “locked up and forgotten” – throws more support to the representation of prisoners’ identity as ‘animals,’ who are kept and restrained in confinement and are forgotten. The image in *Figure 3* shows the prisoners sleeping on the floor like a packed ‘sardine’- as they sleep in lines, packed, covering all the floor. This image showing prisoners in this inhumane situation presents them as losing their human identity. That is, they do not deserve to sleep on beds, but on the floor in animal-like manner.

It might seem to some consumers of the texts that the organizations are perpetuating this representation as animals in their texts, but this representation is corroborated by the way the incarcerated people construct their identity in their own voices in the texts. The United Nations and Amnesty have created space to highlight the voices of the people rather than just writing about them. Below are some examples of the voices of the incarcerated people in the texts:

- a. "The treatment here is not good. Our cell – the place where we sleep -- is where we urinate and go to the toilet. You don't get any privacy. You have to use the bucket" (Ghana 2, Prisoner 18).
- b. “[we get] body pains because we lie on the floor” (Prisoners 18).
- c. “This place is unbearable. When you feel sick at night in the cell and the officer does not come to assist you, you can even die (Locked 17).
- d. “People here are perishing because of the lack of lawyer” (Prisoners 14).
- e. “They can close their eyes and beat us like a dog, but we are not a dog” (Prisoner 24).
- f. “Animals eat us at night. Even if you bathe three times or didn't bathe it will still itch you and suck blood” (Prisoners 22).

From these examples, the incarcerated people in their own voices have constructed an identity of themselves as of less-human because of the way they have been treated. For instance, *Example A* shows how they have to defecate and urinate in a bucket and kept at where they sleep unlike what humans do. *Example B* suggests they are made to sleep on the floor because they are not human enough to sleep in beds. Furthermore, they are not human enough to be catered for properly when they are sick, rather they are left to die. This also implies that their lives are not of any value to the government, so they are allowed to perish and die, as illustrated in *Examples C and D*. In *Example E*, they construct for themselves an identity of an animal based on the treatment that they receive in the prison. This representation is emphasized by their assertion that they have been treated inhumanely because they are allowed to be eaten by “animals” and are not given the opportunity to take care of their bodies, as illustrated in *Examples E and F*. As Amnesty International and the United give up some of their space to the voices of the marginalized people rather than writing about them is significant in affording the incarcerated people agency.

In addition, the government is represented as a domineering figure because of the way it treats the incarcerated population, as shown in the images. For example, in *Image 2* (that is, Figure 3) above, the people sleep in a manner that depicts they are under powerful influence and have no options than to sleep in that manner. As the international organizations point to the “normalizing gaze” of the incarcerated people of being in a desperate and helpless situation, the continuity of how the incarcerated population is treated in animal-like manner raises concerns about the effectiveness of the role that the international organizations play in safeguarding the human rights and human dignity of all manner of people. This implies that the organizations have failed in their duties as regulators of the carceral and criminal justice, and as advocates of people’s

human rights. This representation of the international organizations points to the need for them to step up their effort to be more proactive in performing their oversight responsibility over the government of Ghana in the area of carceral and criminal justice systems.

As the international organizations construct the identity of the incarcerated population as ‘animal’ and the government as ‘domineering figure’ through representation, which is in negative light; they present themselves as authority figure, which is in a more positive light. This implies that they use their power to manage their own identities. However, the continuity of the inhumane conditions in the prisons reveal their identity as failed authority figures. Below is a quote from the mission statement of Amnesty International: “As we enter the year in which the Universal Declaration of Human Rights turns 70, it is abundantly clear that none of us can take our human rights for granted” (Amnesty 12).

The phrase, “turns 70”, is used to invoke ethos and identity via the historical presence of these organizations in their fight the rights of people. Juxtaposing the identity constructed in the extract of the vision statement with the fact that human rights abuse is still high within the carceral and criminal justice practice in Ghana raises serious concerns about how the international organizations represent themselves textually.

From the analysis of representation of identity in the texts, the results show that the international organizations use language through representation to identify and expose the inequality in the power relations established between the government and the incarcerated people as they are treated like animals. In other words, Amnesty International and the United Nation use their texts to construct animal-like identity of the incarcerated people based on the inhumane treatment they receive in the carceral and criminal justice systems. This representation sheds light on the dehumanizing conditions in the Ghanaian prison and the unfair and ineffective criminal justice

practices that result into people being oppressed and marginalized. Furthermore, the use of quoted materials and description of the incarcerated people's speeches on their experiences in the carceral and criminal justice systems contributes to affording the oppressed people agency. In this case, Amnesty International and the United Nations creates space for the voices of the oppressed to be amplified and heard by other people.

## **Conclusion**

In this chapter, I presented discussions on the themes emerging from the texts through representations of the incarcerated population, the government, and the international organizations. I, further, presented how the representations are illustrated in the themes. Specifically, I examined the of identities and human values created by the organizations through the specific representations in the texts about the Ghanaian carceral and criminal justice system. The analysis reveals that international organizations present the need for government to ensuring and promoting carceral and criminal justice practices that prioritize respect for human dignity and effective justice. From the international organizations' texts, the government of Ghana has failed to meet its obligations to UDHR and other international human rights standards in terms of the inhumane conditions that the incarcerated population is made to live. This is illustrated as the international organizations shed light on the dehumanizing conditions in the prisons, lack of political will from the government, and the inadequate provision of good sanitation, and accessible and effective healthcare in the prisons. The government is constructed by the international organizations as not showing commitment to providing the necessary infrastructure and structures that ensure humane conditions in the prisons. This, thus, leads to prison conditions not befitting for humans to dwell in. In other words, the government appears disinterested in

improving the prison conditions, even though the government is fully aware of fundamental challenges and causes of these inhumane prison conditions.

Concerning the penal system, the inhumane conditions that people are made to go through tend to hinder the essence of the rhetoric of rehabilitation and transformation of incarcerated people. Emerging from the analysis, the incarcerated people are given agency in the texts as the international organizations created room for the voices of the incarcerated people about their experiences of the dehumanizing conditions in which they live in the prisons. Creating space to let the voices of the marginalized people come through and be heard by other people highlights the United Nations and Amnesty International's roles of affording agency and bringing attention to the issues of injustice and human rights abuse in the Ghanaian carceral and criminal justice system.

In the next chapter, I focus the analysis on the second and third steps of Fairclough's approach to the CDA. These steps are the discourse practice analysis and socio-cultural practice analysis of the texts. The main focus of the next chapter is to interpret the findings in the text analysis and to explain the discourse practice analysis and the text analysis. The discourse practice analysis aims at examining the discursive constructions and discourses that are employed to construct power relations in the texts. On the other hand, the socio-cultural practice analysis examines how social relations are constructed in addressing a social problem. In this chapter, I aim at addressing the research question with its sub-questions fully in the discussions of the discourses emerged from the text analysis.

## CHAPTER FOUR: ANALYSES OF DISCOURSE PRACTICE AND SOCIAL CONTEXT OF THE TEXTS

### **Introduction**

This chapter focuses mainly on the discourse practice analysis and social practice analysis of Fairclough's approach to CDA. In other words, I present the interpretation of the results of the text analysis, where I looked at the relationship between the text and the discourse practices by viewing the text not only as a production process, but also as a circulation process. This interpretation shows how international organizations employ specific discourses from the text analysis to construct power relations with the stakeholders in carceral and criminal justice. This is a process that tends to allow these organizations to maintain power relation. That is,

- (1) to bring and sustain attention to the issue, and
- (2) to legitimize concerns for the human rights of the incarcerated people, the need for criminal justice reform, and the need for adoption of transformational interventions in the carceral and criminal justice practices in Ghana.

Relations are built in a text to highlight the personalized relationship between the producer of a text and its consumer. In this study, it is revealed that there is also a relationship built between the text producer and the experiencer of the issue addressed in the texts. For instance, some specific relationships are built between the international organizations and the incarcerated population who go through dehumanizing prison conditions and injustice. How this relationship is built is addressed in this study by discussing the discourses based on the representations of these players. In the texts, synthetic personalization is used to build relations (Fairclough 52).



The use of synthetic personalization is demonstrated by the use of imperative sentences and sometimes by the use of pronouns and presuppositions. But, in this analysis, I focus more on the use of imperative sentences and presupposition (where need be). According to Fairclough, building relations reveals ideologies, as ideologies highlight relationships, settings, values and actions between social participants in ways that describe the manner in which we should live or describe our thinking of how we should live (170). Concerning the issue of carceral and criminal justice practices, the discourses emerging from the text analysis are used by the organizations to prescribe specific behavior to themselves in relation to certain needs of the government and the incarcerated people.

### **Circulation of the Texts by Amnesty International and the United Nations**

These texts produced by Amnesty International and the United Nations on the issue of carceral and criminal justice have been made to available to the general public through different media and at different locations. These texts are produced in both print media and digital media.

Amnesty International and the United Nations makes circulation of these texts easy. The easy accessibility of these texts brings about the exigence of the issue to the attention of all well-meaning people. These texts produced by the organizations are made available to everybody internationally and locally by publishing them on the organizations' websites. In other words, the texts are circulated at both international and domestic levels. Organizations putting publications about the failings and the flaws in Ghana's carceral and criminal justice systems on their websites aims at educating and informing their audiences. Specifically, these organizations, through their texts, call on all well-meaning people, Ghanaians, human rights organizations, activists and advocacy groups, and the international community to become actively invested and engaged in eliminating injustice and human rights abuse in the carceral and criminal justice

system. The circulation of the texts improves accessibility of these texts as people from different part of the world easily access the texts, read them and pass them on to other people through different mediums, especially via social media. The circulation of the texts via digital media and the print media emphasizes the level of attention that the organizations have raised about the issue of carceral and criminal justice practices in Ghana. These texts ask from their readers to engage in and invest their interest in supporting the efforts of people and organizations that pride themselves in promoting and ensuring respect for human dignity and effective justice. People are interested in becoming engaged and invested in the fight against human rights abuse and injustice, especially in the prison and criminal justice systems are expected to provide financial and human resource supports to the organizations and advocacy groups at the forefront of the fight. Moreover, in terms of the locations of the texts, the texts produced by Amnesty International and the United Nations are found on their websites, where they are accessible to activist and advocacy groups, the academic community, and people who want to know about and contribute to changing the dehumanizing, oppressive and abusive practices in the prison and criminal justice systems. For instance, the text: “Ghana urged to meet international prison standards” is found on their website as a news item. Social media platforms, such as Facebook and Twitter, have been provided on the websites for readers to circulate the texts among the general audience. The circulation of these texts produced by Amnesty International and the United Nations might not only influence the reputations of government locally, but also globally. The transmission of the discourses emerged from the texts is promoted across different genres. In so doing, the organizations make the texts containing the discourses accessible to their audiences including journalists, civil society groups, human rights organizations and scholars. These categories of the audience also encourage the circulation of the texts by publishing them in

different medias – either in the print media or in the electronic media. Journalists as agents of circulation publish the discourses in different genres, such as news items, broadcast materials and editorials. Broadcasting the discourses surrounding the issues of carceral and criminal justice encourage the expansion of the readership of the texts. In the international front, media houses, such as Aljazeera reproduced and circulated portions of the UN-produced text on the cruel, inhumane and degrading treatment that the incarcerated people receive in Ghana in a news item published on their website, under the caption: “UN official: Ghana jails cruel and inhumane.” This can be found using the hyperlink: <https://www.aljazeera.com/news/africa/2013/11/un-official-ghana-jails-cruel-inhuman-2013111564627505652.html>. Circulation of these texts at the international front challenges the international community to engage actively in penal and criminal justice practices and to provide support to the Ghanaian government to put in place prison practices and legal frameworks rooted in respect for human dignity.

On the local front, media houses, such as Joy News and Ghana News Agency have circulated portions of the texts produced by these international organizations among their readership – which are predominantly the Ghanaian public. For instance, while Joy News reproduced and circulated portions of the texts to reecho the concerns of the international ‘regulators’ of human rights and criminal justice practices in their documentaries dubbed, “Locked up and Forgotten,” Ghana News Agency reproduced and circulated portions of the texts in their news item to expand the readership of the texts and to educate their readership about the deplorable conditions in the prisons across the country (Name and Shame). For instance, a prison reform activist, Mr. Ibrahim Opong Kwarteng made lots of references to the texts produced by Amnesty International on the Ghanaian carceral and criminal justice systems in his speech at the annual General Assembly of Amnesty International in 2019 (Name and Shame). The reproduction of the texts in his speech

enhances the circulation of the discourses of humanization, effective justice and transformation among the attendees of that meeting. Mr. Kwarteng contributes to these discourses when he recommended to the Amnesty International “to add naming and shaming component to its report on prison conditions,” as he believes this action “would awaken agencies and individuals that have shirked their responsibilities of ensuring improved prison conditions” (Name and Shame). The presence of media houses at that meeting contributed to the circulation of these texts by Amnesty International when they broadcast and report the speech of Mr. Kwarteng on his reproduction of these texts in their news bulletins live on air and/or posted online. A typical example is where the Ghana News Agency published their news report on Mr. Kwarteng’s speech on their website (Name and Shame). As the readership becomes well aware and educated about the dehumanizing conditions in the Ghanaian prisons, they are better placed in influencing national governance in different ways. These ways include engaging in activism, participating in public advocacy, and joining pressure groups to petition and make demands for carceral and criminal justice reforms to promote and ensure humanizing treatment of marginalized people.

Scholars also contribute to the circulation of the texts by using the texts for academic work, which is further published in journals for the academic community. Circulating parts of the texts produced by these international organizations on the inhumane conditions that the incarcerated people live in Ghana in the academic community contributes to the exposure of issues of Ghanaian carceral and criminal justice system to a broader society. For instance, Dogbe et al. conducted research on “Assessment of prison life of persons with disability in Ghana” where they have used portions of the UN-produced text to support their argument that the neglect of incarcerated people with disability poses threats to their livelihood and survival (6). Both international and local human rights advocates and activists use these texts raising and creating

awareness about the issue to people in the form of campaigns, petitions and editorial. These are also used the activists and advocates to agitate and call for reforms in policies. In addition, bloggers use the texts in their blogs and/or republish the texts on the media platforms. For instance, the Jurist, a digital media entity in collaboration with University of Pittsburgh reproduced and circulated portions of these international organizations' texts to create awareness among its audience about the prison conditions in Ghana and how they violate human rights <https://www.jurist.org/news/2013/11/ghana-prison-conditions-violate-human-rights-un-expert/>.

Circulation of the texts is enhanced as a result of the influence of technology, especially the use of digital technology. Because of digital technology, circulation of the discourses in the texts produced by the organizations become very common and very accessible to lots of people (Dent 2). The digital media platforms make it easier for the links the texts to be shared among people. These digital media include social media platforms such as twitter, Facebook and Whatsapp. The organizations, realizing the influence that the digital, provides opportunities for people to easily access the texts as they provide links through which the texts can be shared among people. For instance, some of the links to digital platforms that aid the circulation of portions of the texts produced by the international organizations include:

<https://www.amnesty.org/en/latest/campaigns/2017/08/locked-up-and-forgotten/>

<https://www.jurist.org/news/2013/11/ghana-prison-conditions-violate-human-rights-un-expert/>

<https://newsghana.com.gh/deplorable-conditions-of-ghanas-prisons/>

As these happen, this issue has now been placed at the forefront of civil societies, human rights activists, governmental organizations and agencies mandated to address issues of this nature.

Since a tenet of the CDA holds it that discourse does ideological work, circulating texts of the

international organizations – that is, texts containing the discourses of humanization, effective justice and transformation – emphasizes their ideological positions.

### **Discourse and Social Context**

This section focuses on how the themes, representations and discourses emerging from the text analysis engender specific power relations in bringing attention to the issue of injustice and dehumanization in the carceral and criminal justice practices in Ghana. Furthermore, the analysis aims at examining how the organizations use the discourses about carceral and criminal justice practices to position themselves in relation to the issue. As stated in the previous chapter, the themes emerging from the text analysis consist of the following: 1) power, 2) human rights, 3) prison condition, and 4) identity. The goal of this analysis is to name and analyze the larger emerging discourses of humanization, effective justice, and transformation that the United Nations and Amnesty International participate in through textual and visual representations. That is, examining how the representations of the themes of power relations, human rights mandates, prison conditions and identity fit into the three circulating discourses and how the social contexts help to define these discourses. This explanation aspect of Fairclough's approach to is done in connection to the socio-cultural conditions of social change. These conditions include situational, institutional, and social.

### **Discourse of Humanization and Its Social Context**

The discourse of humanization runs through all the themes identified in the text analysis. The organizations' use of word choices that connote negativity in the way the human rights of the incarcerated people are treated demonstrates the discourse that promotes human dignity in relation to the carceral and criminal justice systems in Ghana. The theme of human rights is

developed in this discourse by the use of strong and aversive word choices, such as “inhumane, deplorable, lack of adequate sanitation, detrimental to their health and degrading punishment” (Locked 6) to describe how the human dignity and human rights of the incarcerated people is recognized by the government of Ghana. The use of these word choices connotes the “appalling”, “horrendous”, and “devastating” conditions in which the incarcerated population live. This kind of description presupposes that the incarcerated people are not treated like humans, therefore, have lost their humanity. In other words, the international organizations assert in their representation of the incarcerated people that the government treats the incarcerated people in animal-like manner, because of the inhumane prison conditions in which the government forces the incarcerated people to live.

The organizations have represented the government of Ghana as a perpetrator of this crime against the humanity by abusing the human rights of all manner of people. The government’s flouting of the Universal Declaration of Human Rights and failure to deliver on its mandate and commitment to ensuring the safety and human rights of people according to other international human rights standards flies in the face of the policies of the Ghana Prison Service. This governmental agency is responsible for administering the penal system with the following policies (just three out five) stated on its website:

- execution of sentences in a humane manner to reduce recidivism (reoffending)
- improvement in the welfare of prisoners (i.e. healthcare, clothing, bedding, feeding, recreation, library facilities etc.).
- protection of the rights of prisoners

(Ghana Prison Service)

The reality of the dehumanizing conditions in which the incarcerated people live in the Ghanaian prisons contradict these policies of the Ghana Prison Service. The government is positioned as a violator of its international human rights obligations as illustrated in the examples below:

- a) The Ghanaian government is failing to provide prisoners with the minimum standards for humane conditions of detention because of its failure to reduce overcrowding and to provide adequate levels of food, health care, and sanitation to prisoners, in violation of its obligations under the ICCPR, ICESCR and the African Charter (Prisoner 36).
- b) It is clear that failures within the criminal justice system are a significant root cause of the overcrowding problem and therefore an important contributory factor in the failure of the prison system to meet international and national obligations and standards for the treatment of prisoners (Prisoners 12).
- c) “The UN Committee expressed its concerns at the high rate of overcrowding and poor conditions in prisons, including lack of hygiene and inadequate provision of basic services and facilities” (Locked 11).

These examples reveal that the government is aware of its obligations to the UDHR and other international human rights standards but fails to ensure compliance to them supports the government’s representation as a violator of human rights and a perpetrator of crime against the humanity of incarcerated people. In 2015, the Minister of Interior who is the head of the governmental agency that has oversight responsibility over the prison system acknowledges the presence of human rights abuse of people in detention/remand (Locked 1:17). This representation is supported by the argument of Barbara Johnstone that linguistic choices can be used to “represent people and the states of affairs in discourse” (56). The use of word choices: “significant”, “high”, and “clear” – expresses gradation that reveals the attitude of the



government. By virtue of this use of these word choices, the organizations present negative judgment on the actions of the government. The judgment of the government in this light reveals the ideological positions of the stakeholders – the government is an abuser of human rights and violator of international human rights conventions and protocols. Ideologically, the international organizations represented themselves as protectors, defenders and advocates of human rights – about humanization discourse that are constructed by the organizations in the texts, as illustrated in the examples above. By the support of the representation of themselves (the organizations) as authority figure, they use the discourse of humanization to present their ideological position: advocates of human dignity and empathizers of the inhumane treatments meted out to the incarcerated population. This position is illustrated in the expression, “the UN Committee expressed its concerns ...” in *Example C* above.

Through representation, the incarcerated population is constructed to be the victim or the people at the receiving end of the government’s violation, failure and irresponsibility. This positioning and representation are illustrated by the word choices such as: “signs of severe mental physical trauma and deep distress at their plight” (Locked 5). Further illustration is in these quoted materials: “prison within a prison” and “If I were to be killed, it would be better than being here” (Locked 5). From this illustration, it is clear how the organizations use language to criticize the government for failing to consider the healthcare (mental and physical health) provisions of the incarcerated people paramount. Also, the government is criticized for the dehumanizing treatment and conditions in which they make the incarcerated people live.

As expressed in the purpose of the annual visit of the UN officials to Ghana in 2015, the organization maintains its authority as the entity with the power to evaluate the progress made by the Government of Ghana in relation to the implementation of the recommendations from the

UN in 2014 (Follow 3). Amnesty International also maintains its authority figure in the texts by representing and positioning themselves as the regulators of carceral practices, protectors of people's human rights and partners in national governance with respect to human rights and carceral practices. This position and representation are explicitly illustrated in the vision (being part of the vision statement of Amnesty International) of the organization found at the beginning – specifically on the second pages – of the texts produced by Amnesty International. Below is the vision of Amnesty International:

Amnesty International is a global movement of more than 7 million people who campaign for a world where human rights are enjoyed by all. Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards (Prisoners 2).

The organizations enforce their authority by making recommendations for the government of Ghana to implement after their evaluation and assessment of whether their carceral practices meet the international standards thereby promoting human dignity. The framing of these recommendations speaks volume about the organizations' authority as they use imperative sentences. However, the continuous inhumane state of affairs of the prison conditions in Ghana raises some concerns about the effectiveness of the roles and representations of the international organizations as advocates of human dignity and as authority figures who regulate the carceral and criminal justice practices of the government.

Based on the social context of human rights issues, the incarcerated population of always suffer abuse in the hands of the government agencies responsible for enforcing criminal law and safeguarding the welfare of all Ghanaians including the incarcerated people (Levina 142). When people are arrested or accused of offending the law in the country, the police service is mandated

by law to effect arrest and arraign them before court within two days (2018 report 6 & Follow 6). However, the indiscriminate display of excessive power of the police personnel results in abuse of the human rights of the accused persons, where they are tortured and kept in custody beyond the legally stipulated duration (2018 report 6). In the chart below, there were cases of complaints against the Ghana Police for excessive use of force, human rights abuses and police misconduct.

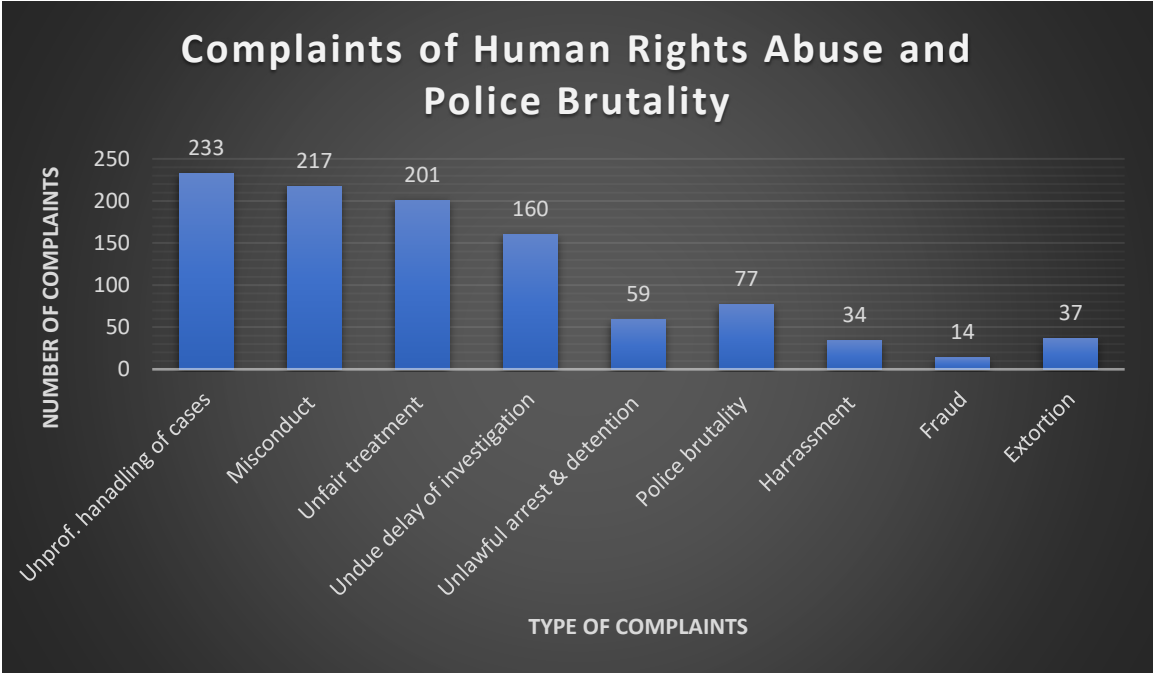


Figure 4: The chart shows the investigated complaints against the Ghana Police Service in 2018.

From the chart above, there were more than one thousand cases investigated by the Office of the Inspector General of Police and the Police Professional Standard Bureau (6). Out of this number of cases, there were more than 50% cases related to arrest procedures and treatment of accused persons and detainees.

The international organizations employ their ‘authority figure’ to construct the representation of the police service by capturing the display of the bravado of the police in abusing the incarcerated people in their texts. Some incarcerated people who find themselves in this situation

end up spending more than a week in confinement without appearing to any court. Because the incarcerated population belongs to a marginalized group within the hegemonic-oriented governance system in the country, their lives and human rights is never prioritized by the few people who belong to the elitist group. The inhumane conditions, as captured in the texts, illustrate the disregard and lack of commitment that the political class and the bourgeoisie in the society have concerning the human rights values of the marginalized people. The prison and the court systems are some of the institutions that are hegemonically used to perpetrate human rights abuse against the vulnerable in the society.

Because of how the few ‘powerful’ individuals employ social structures and institutions, such as the prison to oppress the poor people, some international organizations make it their mission to serve as watchdogs and to put pressure on the government to ensure that the carceral practices do not shortchange the human rights of the incarcerated people. Amnesty International and the United Nations being ‘powerful’ international organizations, construct sociopolitical relations with the government, with the aim of advocating for the human rights values of the incarcerated people. Because the incarcerated person’s voice is oppressed for a long time, the international organizations use some linguistic choices, such as quoted materials and description of others’ speech, to create space for their voices to be heard and amplified. The International organizations’ representations of the government as a perpetrator of human rights abuse and a violator of UDHR seeks to draw not only the government’s, but also global attention to the dehumanizing practices and conditions in the Ghanaian prisons. Because of the social and power relations that exist between the government and the international organizations, the government will – as way to save its face globally – have no option than to commit to improving the conditions in the prisons. Through this opportunity given to the incarcerated people by the

United Nations and Amnesty International, the prisoners are more likely to feel confident in making their grievances and dehumanizing experiences in the prisons be heard by the stakeholders of human rights and criminal justice.

People who are interested in decolonial work would want to see that representations of oppressed people are usually constructed by powerful organizations in relation to the marginalization and oppression of certain groups of people. In certain instances, representations of oppressed people should also be seen from the perspectives of the people themselves. Amnesty International and the United Nations do not just write about the experiences and the inhumane conditions in which the people live in the prisons, but also they have given up some of their space to the incarcerated people to voice out their plights and share their experiences with other people. Even though the use of the images in the texts subject the people to some of “normalizing gaze,” it seems to be used by these international organizations to complement the representations constructed by the incarcerated people themselves. In this way, it can be argued that the use of these images and the creation of space for the oppressed people in the texts allow the people to regain their human identity, as well as to cultivate some form of outrage and disgust in the potential viewers toward the Ghanaian carceral and criminal justice practices.

### **Discourse of Effective Justice and Its Social Context**

The discourse of effective justice in the texts raises serious concerns about Ghana’s criminal justice and the entire justice delivery system. These concerns include the absence of effective justice legal framework (Follow 3), serious breaches of the international fair trial standards (Locked 12), ineffectiveness of the legal representation – legal aid (Locked 13), and failure to ratify the death penalty provision in the country’s criminal code of 1963. Through the discourse of effective justice, the themes from the text analysis have been well and clearly established. For

instance, the theme of human rights and justice is developed in the discourse of effective justice by the use of word choices that connote negativity, such as injustice and unfair treatment of incarcerated people in relation to the criminal justice practices in the country. Examples of these word choices, such as “abolition,” “breaches,” and “loss of prisoners case files” helps to further look at the issue based on subthemes such as inadequate legal framework, abuse of human rights, violation of international protocols, and abolishment of death sentencing. Through representation, the organizations use the discourse of effective justice to construct the government of Ghana as a violator of international human rights and a failure in carrying out its obligations of ensuring that all persons’ human rights are safeguarded and the people who are deprived of their liberties through incarceration receive the provision of adequate food, healthcare, and sanitation. In another vein, the government is represented as a country that lacks the commitment to provide legal frameworks that aim at ensuring effective justice delivery and providing alternative justice systems. The lack of commitment from the government to providing appropriate legal framework that ensures effective justice is asserted by the international organizations as the “significant root cause” (Prisoner 12) of inhumane conditions in which the incarcerated people live. These representations highlight the necessity for the government to embrace its obligations to provide effective and just legal framework that support effective justice delivery. Quoted materials on legal aid and legal representation, highlight the failure of the government to fulfil its obligations to provide equity in the justice system. Here are some examples:

- a. “Several inmates said that their lawyers had not attended all the hearings, and many said that they did not have a chance to talk to their lawyer and prepare their defense during trial” (Locked 12).

- b. “Legal aid experts confirmed that lack of resources is a major barrier to providing defendants with proper representation. Not having an effective defense is devastating for anyone accused of a criminal offence; when the sentence is death, the gravity is magnified” ((Locked 12).
- c. The legal aid system in Ghana is severely underfunded and understaffed: there are only 15 public defenders... In practice, appointed counsels often fail to appear for remand dates or trials as they are not adequately compensated. Despite the fact that the Bar Association of Ghana mandates the provision of pro bono services as a professional duty, only a few lawyers take on such cases on a regular basis when requested (Locked 13).

From the quoted materials above, the discourse of effective justice paints a picture where the criminal justice framework in Ghana disadvantages the poor more and how access to effective justice practices becomes very limited, especially to people from marginalized and poor background (Amnesty 176).

The organizations build a power relation of themselves being regulators of the criminal justice practices and protectors of incarcerated people’s rights. This power relation reveals the ideological position of the international organizations as defenders and advocates of not only human rights values, but also effective criminal justice practices that prioritize the needs of all manner of people over the government’s interest. Through ideological positioning, the organizations derogate and condemn the porosity of the criminal justice system, as expressed in the excerpts below:

- a. “Appeals are not automatic in Ghana for persons sentenced to death and judicial authorities do not automatically pass on cases to higher courts for review” (locked 14).

- b. “The Special Rapporteur regrets that the offense of torture, as defined in the Convention, has not yet been introduced into the Criminal Code (Criminal Offences Act 1960)”  
(Follow 4).
- c. The long periods that remand prisoners in Ghana spent in detention awaiting trial breach Article 9(3) of the ICCPR which guarantees the right to be "brought promptly before a judge or other officer authorized by law to exercise judicial power"; and the right "to trial within a reasonable time or to release" and a failure to guarantee the right to a prompt and fair trial set out in Article 14 of the ICCPR. This failure also breaches similar provisions in Article 7 of the African Charter on Human and Peoples’ Rights (Prisoners 35).

Through subject positioning, the organizations position themselves as co-authority with the government and partners in national governance in relation to criminal justice practices. In other words, the international organizations present themselves as a partner of government. That is, partners who are mandated to co-parent to protect their children who are the people or the citizens. In this case, the conditions in which the child lives are as a result of the actions of both parents – the government and the international organizations. The representation of the government and the international organizations as co-parents is illustrated by the power relations of the international organizations as co-authority in using imperatives to provide recommendations for the governments to follow. Below are some examples:

- a) “Expressly abolish the death penalty in the Constitution for all crimes” (Locked 26).
- b) “Pending constitutional abolition of the death penalty, replace death sentences, as punishment for any crime, with prison terms in the Criminal Code and other relevant legislation” (Locked 26).



- c) Encourage courts to take account of barriers such as distance, travel time and cost, faced by families who wish to visit their incarcerated family member in distant prisons when making decisions about where offenders should serve their sentence. In particular women prisoners should be allocated, to the extent possible, to prisons close to their home or place of social rehabilitation, reflecting Rule 4 of the Bangkok Rules (Prisoner 37).
- d) “Support the recommendation of the Constitution Review Commission to abolish the death penalty and, pending abolition, take the following steps as a matter of urgency: ...” (Prisoner 37).

These examples illustrate how parents assign roles to themselves in providing and meeting the needs of their children. In this case, the international organizations are participating in criminal justice reform through their recommendations that the government is requested to follow.

Through these representations and ideological positioning, the international organizations advance their call for prison and criminal justice reforms. In the texts by these international organizations, they present themselves as stepping into the parental roles of rebuking the government for being wayward in relation to their lack of commitment to discharging their duties of providing legal frameworks and practices that ensure respect for human dignity and ensuring effective justice. Just as parents would advise each other to do the needful, these organizations provide recommendations in their texts for the government to follow. In this way, the United Nations and Amnesty International moved out of their “colonial position” partly to play a decolonial role in fighting for the oppressed people. This position is further emphasized by the creation of space for the voices of the incarcerated people to speak out about their plights about the ineffectiveness of the current criminal justice system in the country, as illustrated in the examples below:

- a) “Three inmates stated they did not have any lawyer during their initial trial. Of the three women on death row at the time of interview, two said they did not have a lawyer at their trial (Locked 13).
- b) “I saw my lawyer during trial sessions but never had a chance to talk to him. I never had a chance to sit together with him and prepare my case, not even for one minute” (Locked 29).
- c) “A man came ... and beat me at the farm where I was working. I used a cutlass to stop him, and I cut him [on his arm]. They fined me 350 cedi [US\$205] but I have no money and no one to pay. I do not know who the baby’s father is and my mother died. My father is just there.” (Prisoners 15)
- d) “One inmate told Amnesty International, “My lawyer said he cannot work if he does not have money.” Another said: “I have no money, this is why I am here. If I had money, I would be outside by now”” (13).

From these examples above, Amnesty International and the United Nations allow the voices of the people to be heard in their own language. In addition, this allows the incarcerated people to speak for themselves to support the call for criminal justice reform that these organizations are calling for in their texts through their recommendations.

Ghana’s criminal justice system is run based on the 1960 criminal code. This criminal code is a remnant of a colonial-and-hegemonic-oriented ideology of using the court system and the prisons to oppress the poor and vulnerable. Because of this, the current ruling class find the essence of holding on to it because of their intentions to use it to marginalize the poor and to protect their ruling class or bourgeoisie status. As there is no successful review done to the criminal code, there is loud silence on alternative justice interventions. That is, the court relies heavily on

imprisonment as the main means of dealing with offenders. Even though political power emanates from the people, the people fall victim to manipulative and deceptive strategies of the political class. Because the voices of the ‘supposedly’ ordinary people have been oppressed by the government, the international organizations pressure the government – through the use of imperatives in the recommendations – to reform not only the criminal justice system, but also the penal system. Even though the government has the power to punish or deal with offenders, its power is under scrutiny by the international organizations. In the area of making laws and policies, the government has that power. But, the government’s lack of political will to review the criminal code underlying criminal justice delivery accounts for the injustice in the criminal justice system and the inhumane conditions in which the incarcerated population live in the prisons. However, the international organizations by virtue of their global political powers, influence national governance in the area of policy making and reforms. They produce texts, like the ones under analysis in this study, on the state affairs of the plights of the incarcerated population. They also form partnership with local organizations in making recommendations to human rights policies and effective legal frameworks.

In addition, the construction of the incarcerated people as ‘animals’ – based on the dehumanizing prison conditions – and the government as a violator of international human rights conventions and protocols to which the government is obligated seeks to empower the marginalized population, including the local advocacy/activist groups. As local media houses, advocacy groups and scholars reproduce and circulate the discourses and representations constructed in these texts, they become more powerful in putting much pressure on the government because the voice of the international organizations resounds in their speeches and scholarly work.

## **The Discourse of Transformation and Its Social Context**

The discourse of transformation has dominated the texts in various ways in relation to the need for changes in the systems and in the lives of the incarcerated people. The incarcerated people, the government of Ghana and the organizations are constructed through various elements including subject positioning, ideological positioning, and representation. In terms of representation, the discourse constructs the incarcerated people as in need of reforms in the carceral and justice systems and in conditions that promote their transformation after being serving their time in incarceration (Ofori-Dua et al. 130 & Kwasitsu 33). The discourse also constructs the government as having failed in its obligations and, therefore, needs external or international influence in regulating the carceral and criminal justice practices. The external influence is to pressure the government to provide improved effective justice framework, improved conditions in places of incarceration, and accessibility to healthcare to the incarcerated population. The organizations are constructed within the discourse of transformation as the bodies clothed with international authority and power to influence national governance, especially in the areas of human rights and justice. These constructions in the discourse of transformation are reinforced by the themes of power, human rights and justice, prison condition, and their subthemes. This discourse employs the use of “word choices” to highlight these themes and their subthemes. Concerning the theme of power, words such as need, urge, necessity, urgent attention, and abolition are used to emphasize the need for power influence in monitoring and regulating the carceral and criminal justice practices in Ghana. The organizations employ the discourse of transformation to raise concerns about government’s lack of commitment to promote human dignity through the provision accessible and effective healthcare and sanitation in places of incarceration and provision of reformatory interventions for the incarcerated

population. Through the representation of the government being a failure and not committed to human rights issues, it becomes obvious that the government does not aim at transformation of the incarcerated people, but rather interested in just punishment.

Within this discourse, the organizations build a power relation between themselves and the government, where they see themselves as having the authority to monitor and regulate the carceral and criminal justice practices of the government. This power relation is discursively constructed by the use of imperatives and word choices as demonstrated in the examples below:

- a) “The Special Rapporteur **urges** the Government to enact the relevant statutory provisions and begin implementing non-custodial sentencing options – such as community service orders” (Follow 7),
- b) **Encourage** alternative forms of dispute resolution and alternatives to imprisonment including bail, conditional release, parole, and non-custodial sentences such as community service, verbal sanctions, and use of fines with payment by instalment if necessary, taking into account the capacity of the offender to pay and ensuring that poor offenders are not negatively affected (Prisoner 39);

From the examples above, the international organizations use their ‘authority figure’ to call on the government to adopt specific measures that aim at promoting transformation interventions to the incarcerated population. Besides, these international organizations use these examples to raise concerns about the ineffectiveness of the Eurocentric and punishment-oriented philosophy of dealing with offenders. Hence, the need for prison and criminal justice reforms. Johnstone argues that choices about representation of knowledge status can be used in discourse to construct power relations through representation of evidentiality (57). In this case, the

international organizations employ “syntactic claims to certainty” (57) using certain word choices, including the verb *to be* in the extract below:

The shift from a punitive penal system to a more modern approach incorporating reform, rehabilitation, and reintegration of prisoners, noted in November 2013, continues to inspire the GPS’s endeavors, and there **is** a renewed impetus to implement a holistic approach of restorative justice and ensure that prisons are no longer regarded and treated as facilities “where criminals are dumped.” Efforts to educate the public about deplorable prison conditions, prisoners’ fundamental rights, and the need to foster their rehabilitation and reintegration into society – premised on the important understanding that “today’s prisoner **is** tomorrow’s neighbor” – are praiseworthy (Follow 10).

From the extract, the organizations use the verb “is” to convey “explicit claim of complete certainty ... and evidential certainty” (Johnstone 57) of the need for prison reforms that aim at transformation. The use of holistic, restorative justice, rehabilitation and reintegration – also supports the call to incorporating alternative-sentence practices to the criminal justice system. There is another power relation built between the organizations and the incarcerated population. The organizations protect the rights of the incarcerated people whose human rights are infringed upon by the government. Building these power relations is aided by the use of ideological and subject positioning by the organizations. The organizations do not only position their ideologies through their derogation or condemnation of the abuse of human rights and unjust criminal practices, but also through their call for interventions from international and local civic societies in regulating the carceral and criminal justice practices in Ghana.

Moreover, within this discourse, the organizations position themselves subjectively as advocates for human rights, while the government and the incarcerated people are positioned as duty bearer

and beneficiary respectively. In other words, the organizations advocate for the human rights of the incarcerated to be respected by the government by taking steps to providing conditions and resources that encourage transformation in the carceral and criminal justice systems, and in the lives of the incarcerated people. The power relations and the subject positioning are illustrated by the use of imperatives in the recommendations of the organizations in the texts. Here are some examples:

- a. Where national resources are inadequate to allow for the implementation of plans and reforms to ensure the rights of prisoners as required in international and national law, **seek** additional cooperation and assistance as needed from the international community (Prisoner 38).
- b. **Encourage** alternative forms of dispute resolution and alternatives to imprisonment including bail, conditional release, parole, and non-custodial sentences such as community service, verbal sanctions, and use of fines with payment by instalment if necessary, taking into account the capacity of the offender to pay and ensuring that poor offenders are not negatively affected (Prisoner 38).
- c. Immediately **adopt** a plan with concrete and time-bound goals to increasingly improve sanitary and living conditions across all prisons in Ghana. The conditions in Ghana's prisons should meet international standards, in particular minimum standards for humane conditions of detention including as set out in the UN Standard Minimum Rules for the Treatment of Prisoners and the Bangkok Rules; (Prisoner 39).

- d. “Expressly **abolish** the death penalty in the Constitution for all crimes” (Locked 26)

The use of imperatives, such as “seek”, “encourage”, “adopt”, and “use” (in the examples above) to dictate to the government what needs to be done highlights the power relation built between the organizations and the government.

The Ghanaian criminal justice system is only focused on punitive measures as a way of ensuring social order in the society. This is as a result of the narrowed scope of the criminal code underlying criminal justice delivery. Because there are no alternative-sentencing programs stipulated in the criminal code, magistrates and judges are left with no option than to sentence people to prison, even for minor offenses such as theft, assault, and unlawful gathering (Agbesi 4, Asare 127 & Kwasitsu 60). Ghana’s over-reliance on imprisonment has been influenced significantly by the adoption of the Euro-centric criminal law inherited from the then British government. As a result of Ghana’s overreliance on incarceration, the criminal justice system does not create any room for transformational interventions and rehabilitation (Decriminalizing). The international organizations use the discourse of transformation to establish the need for penal and criminal justice reforms and to create awareness among the general public about the consequences of failing to review the criminal code to include community-based sentences. Imprisoning people for minor offences exposes the people to the risk of becoming ‘hardened.’ However, all forms of alternative sentences promote transformation of people into becoming ‘useful’ citizens, which leads to low recidivism. Many ordinary people regard the knowledge constructed by these international organizations as more efficient and effective, and in the best interest of all manner of people.



Even though these international organizations present themselves in a more positive light in their texts, the continuity of the dehumanizing treatments, inhumane prison conditions, and the obvious injustice in the carceral and criminal justice system construct a slightly different representation and identity of these organizations. These organizations are represented as having partly failed on their own mission of promoting and ensuring the government's compliance to human rights provisions that are enshrined in the UDHR and other international standards. The goal of these international organizations is not only to increase visibility on the dehumanizing conditions in which oppressed people go through, but also to influence change in policies (Malekzadeh 1237, Varvahi et al 113, Merwe and Brankovic 225). Amnesty International and the United Nations have partly failed on the parental roles and authority-figure roles based on the power and identity representations they have constructed for themselves in their texts. Since the publication of these texts by the international organizations, Ghana has not seen any reform or policy change in the area of incarceration and criminal justice practices (Kwasitsu 60; Within; Tahiru). Even though the subsequent governments recognize the need for criminal justice and penal reforms, there is no commitment demonstrated by the governments to changes in policies and the 1960 legal framework that underlies the criminal justice system. As a result, the incarcerated people continue to suffer violence and abuse – such as, torture, assault and long detention – in the hands of law-enforcement personnel. This happens despite the international organizations' representation of themselves as authority figures who regulate the government and protect the human rights of the marginalized. This revelation raises concerns about the absence of international law, just like the international legal frameworks on money laundering, child trafficking, and drug trade. The sovereignty of the nation state of Ghana could be one of the barriers faced by international organizations in influencing national governance effectively in the

area of prisons and criminal justice. On another hand, the presence of the international law could have contributed to reducing the severity of the abuse of human rights and injustice in the carceral and criminal justice systems.

## **Conclusion**

This chapter has presented the analysis of how the discourses emerged from the text analysis engenders the issues that fraught the carceral and criminal justice practices, through power relations and ideological positioning. A focus on the patterns in discourse and circulation reveals that the international organizations employ discourse to construct specific power relations and ideological positions for themselves, the government and the incarcerated people in their texts. For instance, the international organizations use discourse of humanization to construct the government as a perpetrator of human rights abuse because of the dehumanizing conditions in which they – the government – make the incarcerated populations live. These constructions including power relations emerged because of both linguistic and visual representations in the texts. Furthermore, this analysis chapter has shown how the international organizations use quoted materials and description of others' speech to afford agency to the incarcerated people, as their voices have found space in the international organizations' texts.

The results of this analysis chapter reveal the need for carceral and criminal justice reform, need to respect human rights values, need to adopt alternative-sentence programs, and need for active public engagement in ensuring compliance to the UDHR and other international human rights conventions. In addition, this chapter reveals that the international organizations' texts are circulated via different medias and they might influence the public to be more aware and educated to play active roles through activism and advocacy in putting pressure on the government to minimize injustice and abuse of human rights in the carceral and criminal justice

systems. In sum, this chapter shows how the international organizations bring attention to the issues of human rights abuse and injustice in the Ghanaian carceral and criminal justice systems as these organizations use discourse as a social action to put pressure on the government to effect changes in the carceral and criminal justice systems.

In the next chapter, I discuss the results in relation to the main research question and sub-questions research questions driving this study. Similarly, the next chapter discusses the results of the analyses based on the situatedness of this study in research as outlined in the literature review. In the discussion, I will draw conclusions based on the main argument that the study intends to make. As part of the discussion, I present contributions made by this study to research, the recommendations for future studies in relation to the issue addressed in this study and personal reflections on the study.

## CHAPTER FIVE: CONCLUSION AND RECOMMENDATION

### **Discussion of The Results with The Research Questions and Existing Literature**

This concluding chapter presents the discussion of the results of the analyses with the aim of addressing the main research question: *What roles do international organizations, specifically Amnesty International and the United Nations play in bringing attention to the issues of criminal injustice and dehumanizing conditions of the places of incarceration in Ghana, and how do they use texts to play these roles?* In order to present answers to the main research question inspiring more research into the Ghanaian carceral and criminal justice practices, the discussion of the results of the CDA analyses of the texts by the international organizations is based on the three questions driving this research. The questions are: *1) How might the texts on carceral and criminal justice systems produced and circulated by Amnesty International and the United Nations afford or deny agency to prisoners? 2) How do these organizations construct prisoner identity and relations, and how do they scrutinize the maintenance of human dignity in carceral and criminal justice practices through discourse? and 3) How might texts like those circulated by Amnesty International or the United Nations effect change in the Ghanaian carceral and criminal justice practices? How might the texts influence public investment and engagement or concerns in these issues?* In addition, as part of conducting a more thorough discussion of results of the analyses, I present the discussion considering how this current study establishes relationship with the existing literature.

The goal of international organizations using their texts to bring critical attention to the injustice and human rights abuse in the carceral and criminal justice systems resonates with the argument

of scholars of NGOs that international organizations play a key role in ensuring that the nation states execute their duties in ways that meet international standards (Malekzadeh 1237, Varvahi et al 113, Merwe and Brankovic 225). From the analyses of the texts by Amnesty International and the United Nations, this goal is effectively executed. Moreover, this goal affirms the aim of the Amnesty International and the United Nations to work toward social change. In doing so, these international organizations have produced several documents on Ghana in relation to abuse of human rights and injustice across different sectors, such as education, healthcare, and criminal justice. This current study asserts that Amnesty International and the United Nations use their texts to identify and expose the impunity with which the government and players in the carceral and criminal justice systems abuse people's human rights and dehumanize incarcerated people. This revelation is in line with Bekou's argument that NGOs contribute to ending the impunity enjoyed by government officials and assigns (221). Furthermore, the position of the current study supports Levina's argument in her study that a great number of people accused of offenses are victims of torture, cruelty and degrading treatments in the hands of law-enforcement officers (105-106). In this study, the international organizations use the discourses of humanizations and transformation to call for penal and criminal justice reforms. As they represent themselves as advocates and protectors of human rights in the texts, they call on the government to take steps – in compliance to its obligations to the UDHR and other international standards – to providing the necessary resources and legal frameworks that ensure and promote respect for human rights and dignity in places of confinement. The international organizations, in their texts, create awareness among the local public (the Ghanaian people) and the global public (the people of the world) about the need to adopt community-service sentences and other alternative-sentence programs that are rooted in transformation. This revelation adds support to the argument of scholars of

human rights and criminal justice that NGOs use texts to influence penal practices and reform. That is, their texts serve as useful tools to influence legal frameworks that ensure the safeguarding of human rights (Zyl Smit 98; Bunthoeurn 42). The NGOs use the discourse of humanization to present their role in exposing the actions of the government in adopting unjust and dehumanizing practices of incarceration and criminal justice. It is overtly recognized by the international organizations that people living in inhumane and injustice have dignity, aspirations and ambitions, just like the government officials (people of middle and upper social class). Also, the results of the analyses show that injustice and human rights abuse are as a result of inequitable socioeconomic and sociopolitical structures, which they (the International organizations) endeavor to disrupt and change.

Another way that the international organizations bring attention to carceral and criminal justice practices in Ghana is through the use of discourse of effective justice. The international organizations highlight how the absence of effective legal frameworks that should ensure effective justice delivery and criminal justice practices adversely affects the human identity and human dignity of people incarcerated. The construction of the government as lacking the political will in providing effective criminal justice legal frameworks is aimed at identifying and exposing the failure of government to ratify the necessary constitutional instruments and provisions. The legislative instruments that need to be reviewed and ratified include the death penalty, the euro-centric and oppressive criminal code underlying the criminal justice system, the Ghana Police Act and the Ghana Prison Decree NRC 46. There is the need to incorporate alternative sentences programs in the criminal justice practices and legal framework. This revelation on the international organizations' use of the discourse of effective justice confirms the argument from several researchers that NGOs employ different methods, including using

their reports to influence national criminal justice reforms and practices (Bekou 223 & Varvaih et al 113). The current study reveals that even though Amnesty International and the United Nations do not actively participate in any criminal justice reform in Ghana, they provide critical awareness and raise serious concerns about how the criminal justice practices lead to abuse of human rights and to defective justice delivery. By creating this awareness among the citizenry, people will tend to become more vigilant and actively engaged in local governance processes that promote the enactment and review of legal frameworks and practices that ensure effective justice delivery to all (Bunthoeurn 42, Varvaih 113, & Nardi 251). From the texts analyses, the results reveal that the international organizations have advocated for a paradigm shift from the ineffective punishment-oriented philosophy of dealing with offenders to adopting humane and transformation-oriented approach to criminal justice.

Moreover, the knowledge constructed by international organizations as the macro society is gradually shifting attention from the Euro-centric punishment-oriented criminal justice to humanity-value-oriented criminal justice practices. These should be practices that focus on promoting transformation interventions and non-custodial sentences, but much is left to be desired. Even though the results of the analyses reveal that these international organizations influence the carceral and criminal justice practices by using their texts, it is also revealed that the international organizations have more room to improve their roles of influencing change in the carceral and criminal justice practices more effectively. The continuous existence of human rights abuse in prisons and injustice in criminal justice in Ghana adds quite a different layer to the construction of the international organizations. This slightly adjusted construction of the international organizations suggests that Amnesty International and the United Nations need to step up on their responsibility. That is, they need to use the representation that they have

constructed for themselves in the texts as advocates and protectors of human rights, and co-authority to ensuring that the government adopt policies and practices that promote respect for human dignity and effective justice delivery. By assessing how the international organizations represents themselves, it is revealed that the organizations deploy their texts to manage their identities by not acknowledging that the continuous existence of high level of injustice and human rights abuse in the Ghanaian carceral and criminal justice systems is a challenge to them. That is, these international organizations seem to present themselves in a more positive light by the word choices used to represent their identity (Dhanani 28). I must argue that it is this, probably, unintentional representation of the international organizations by themselves in this way that raises some concerns from scholars like Zyl Smit. It is argued by Zyl Smit that lack of international law on criminal justice practices is a cause of the continuous abuse of people's rights in places of confinement (98). Furthermore, some researchers hold the view that prison conditions were the premier criminal justice issue addressed by the United Nations in setting international human right standards. However, it is still lacking a biting legal framework on carceral and criminal justice practices because of international organizations' selective litigation of human rights cases (Zyl Smit 102, Merwe & Brankovic 228 & Soley 358). As this is the case, the lack of international law and the continuous abuse of incarcerated people lend support to the argument that Amnesty International and the United Nations need to use their global political power to influence penal and criminal justice reforms in ways that inure to the benefits of the oppressed people (Bekou 221 & Zhou 576).

When it comes to the three questions that support the main research question, the results reveal that the international organizations employ some specific language practices that create space for the voice of the incarcerated and, thereby, affords agency to the incarcerated people. More



specifically, the international organizations employ quoted materials and descriptions of incarcerated people's speech in their texts with the aim of creating space for the incarcerated people to voice out their experiences and to make their voices about their plights be heard by not only the Ghanaian society, but also by the global society. Enabling the circulation of these texts in the mass media, academic communities, and digital community enhances the awareness of the general people as they can hear from the 'horses own mouth,' rather from the international organizations. As the incarcerated population becomes aware that space is created for their voices to be heard, they are more likely to become empowered in participating actively in carceral and criminal justice reforms by providing existential evidence about the issues of the carceral and criminal justice systems (Spivak 26 & Dhanani 22). The authenticity associated with incarcerated peoples' own voices may have a bigger influence on how the audiences perceive the plight of the incarcerated population and the effects and essence of the Ghanaian carceral practices

In the case of the sub-research question on how international organizations construct prisoner identity and relations, the results reveal that the organizations use representation to construct an 'animal-like' identity of the incarcerated people based on the inhumane conditions that the government subject them to in the prisons. From the analysis, the incarcerated people are represented as people who are at the receiving end of human rights and injustice. The organizations' constructions of their own identity as protectors and advocates of human rights and the identity of the government as perpetrators of human rights and violators of international human rights conventions derogate and condemn the criminal justice and carceral practices in Ghana. As a result of this prisoner identity construction, the organizations intend to use their texts to promote and maintain respect for human dignity.

Finally, this study has not been able to address adequately this sub-question: *How might reports like those circulated by Amnesty International or the United Nations effect change in the Ghanaian carceral and criminal justice practices? How do the texts influence public investment and engagement or concerns in these issues?* However, it is quite evident from the analyses that the circulation of the international organizations texts via different media might help to effect change in the carceral and criminal justice practices. Because the organizations make their texts easily accessible to a large group of people, it enhances the chances of a significant number of people becoming aware of the injustice and human rights abuse that overshadow the prison and criminal justice systems. It is revealed that these texts are reproduced and circulated via the mass media by journalists in the form of news items, via digital media by media houses and activists/advocacy groups in the form of blogs, campaigns, posts, and via scholarship by researchers in the form of research articles. From the analyses, the circulation of these texts enhances the opportunities for a larger number of people to becoming more aware and educated about the plights of incarcerated people. As the people become more aware and well educated, they are better placed in engaging and investing their energy and time in putting pressure on the government to reform the prison and the criminal justice systems.

### **Contributions to Research**

This research advances knowledge within the fields of criminal justice, prison study, human rights study, and NGOs study. Concerning the field of criminal justice, the study demonstrates the need for effective legal framework in effecting positive change in criminal justice practices. It is also shown in this study that the absence of effective legal frameworks to regulate criminal justice practices is a recipe for human rights abuse. Therefore, the lack of political will from the government to ensure effective criminal justice practices supports the argument of scholars of

mass incarceration that governments intentionally provide defective criminal justice system to oppress marginalized populations.

Moreover, this study advances knowledge in prison study, specifically the human rights issues of the prison system. Because of exposure of the dehumanizing conditions of the prisons, this study contributes to the call for penal reform and shows that prisons are the hub of human rights abuse and dehumanization. Furthermore, language is often overlooked in issues of human rights, but this study shows how language or discourse through texts can be used to empower victims of human rights, especially the incarcerated people by enabling them to share their lived experiences and existential evidence of human rights abuse and criminal injustice.

In addition, the study contributes to the field of NGOs study. The current study shows how NGOs use language or discourse to identify and expose the power dynamics within NGO discourses. Also, this study shows how the application of CDA sheds light on the imbalanced power relations between NGOs, governments and incarcerated people, who are respectively the producers of texts, target of the texts, and about the texts are produced. One thing valuable about this study is its focus on both language and visual representations to identify discourses that foster and sometimes hinder power dynamics in texts. It becomes clear from this study how language employed in language and visual texts can construct social powers among parties. Ultimately, this study contributes to research by examining how NGOs influence national governance through discourse established in texts. The study shows how Amnesty International and the United Nations use discourses to influence governance in Ghana in relations to carceral and criminal justice practices and to ensure that the government complies with its obligation to UDHR and other international human rights standards.

## **Limitations of The Study**

The study presents few limitations. First, the current study has not presented an extensive and detailed analysis of how the circulation of the texts is done and its influence on the issues in relation to public engagement and investment. This is largely because of the difficulty in accessing and getting some important documents on the Ghanaian national policies in relation to criminal justice and prison systems. Also, it was very difficult to have access to reliable data on public engagement in criminal justice issues. In order to present an extensive analysis of the impacts of the circulation of these texts, there is the need for the study to consider how the circulation is done practically and the form in which the texts are circulated. That is, whether they are reproduced before circulating or they are circulated in their 'raw' form. This would in turn enhance the audiences' understanding of the level of influence that the circulation of the texts has on public engagement. Based on the above limitation, there is the need for future research to aim at the bigger picture of the impact that the circulation of texts by these international organizations might have on public investment and engagement in issues concerning incarceration and criminal justice in Ghana.

Second, the research intends to present a comparative analysis of texts produced by a local organization to either serve as a counternarrative or complementary narrative to the analysis of texts produced by international organizations. A way of trying to understand the kind of influence that NGOs have on the carceral and criminal justice practices in Ghana is to compare the way the local NGOs and the international NGOs employ language or discourse in constructing identity, social power relations and representations in a study. Adopting this strategy will enhance a better analysis of the potential colonial ideologies that the international organizations might employ in their texts or otherwise. In other words, this strategy will enable a

more extensive analysis of how international organizations activate or deactivate colonial and hegemonic constructs in the representations of themselves, the government and the incarcerated people.

Finally, available texts on the Ghanaian criminal justice by NGOs are limited. Out of the six texts analyzed, only one is produced by the United Nations. This results from the lack of enough texts produced by the UN about the carceral and criminal justice systems in Ghana. Though there have been lots of texts produced by both organizations, only the ones selected are pertaining to carceral and criminal justice practices in Ghana. Selecting and analyzing enough and equal number of texts from the two organizations would have presented a better reflection of how these organizations use discourse to bring attention to issues of injustice and human rights abuse.

### **Recommendation for Future Research**

From the current study, it is revealed that Amnesty International and the United Nations use their texts to bring attention to the issues of injustice and human rights abuse in the Ghanaian carceral and criminal justice systems. Also, the texts of these international organizations contribute to scrutinizing the maintenance of human rights concerns and legitimizing concerns about the dehumanizing conditions that oppressed people go through in our societies. The fact that the abuse of human rights of and the injustice meted out to incarcerated people is still high, there is the need for future research which should aim at unraveling the effective ways of influencing national governance to ensure respect for human dignity and effective justice delivery. Future research related to this study and the field of NGOs and carceral and criminal justice practices can be focused on addressing the limitations discussed about this research above.

First, this study does not delve much into how the circulation of the texts produced by these international organizations affect change or otherwise in the carceral and criminal justice practices and how the circulation of the texts might influence public engage in the issues of injustice and human rights abuse. To enhance our understanding of the level of influence that the texts of these international organizations has on people, there is the need for a future study to be conducted in this area.

Furthermore, there are other areas that future studies can consider. Some future research could be focused on the need for an international law that is binding on how various countries engage themselves in the carceral and criminal justice practices globally. It is revealed that the absence of international legal framework that is biting and binding on countries is a cause of the continuous abuse of human rights in places of confinement and the injustice in the criminal justice system. The absence of international law on carceral and criminal justice practices raises concerns about the NGOs rhetoric that they are non-political and non-ideological (Steinberg 127 & Zhou 576). In this case, a future research seeking to enhance understanding in effective ways of ensuring and promoting respect for human rights abuse and effective justice can focus on investigating how the absence of international law on criminal justice and carceral affects practices and the human rights of people.

In addition, future research could be focused on the influence that super-power countries have on the international organizations in their goal setting based on the power relations that exist between the NGOs and other countries, especially the 'less-powerful' ones. Some scholars argue that prison conditions were the first issue to be addressed by the international human organizations, but the international organizations are yet to have an international law that regulate carceral and criminal justice practices (Zyl Smit 102 & Soley 358). A future research

could seek to examine whether the lack of international law is as a result of the political influence of the ‘super-power’ countries, who also face serious criticism of human right abuse and injustice in their carceral and criminal justice systems. In other words, could be that the influence of these powerful countries on the international NGOs is why the international NGOs continue to exhibit lack of interest in enacting international law to regulate carceral and criminal justice practices? This future study could gain support from a current incident, where the United State president has accused the World Health Organization (WHO) for allowing itself to be politically influenced by China in the wake of the corona virus pandemic (Klein and Hansler).

### **Conclusion and Personal Reflection**

This study presented how Critical Discourse Analysis is employed to conduct research on some selected texts produced by international organizations – Amnesty International and the United Nations. The ultimate goal of this study is to discover how these international organizations employ the relationship between language and power to bring attention to the issues of injustice and human rights abuse in the Ghanaian carceral and criminal justice systems. As social semiotic scholars suggest that social semiotics sees representation as the reflection of reality (Chandler 8), the discourses and themes emerged from the analyses of the texts were as a result of the discovery of the various representations constructed by the international organizations in their texts. Social constructionism being the underlying ontology and epistemology of this study creates the space for Critical Discourse Analysis to identify, expose and explain the power dynamics articulated in the discourses emerged from the analyses by focusing on the construction of social identities, social relations and system of knowledge (Dijk 352 & Dhanani 6)

This is revealed in this study that the discourses of transformation, effective justice and humanization is employed to reveal and raise some concerns about the Ghanaian carceral and criminal justice systems in texts by Amnesty International and the United Nations. First, the discourse of penal and criminal justice reforms becomes reproduced and amplified. The continuous deployment of the Eurocentric and punishment-oriented philosophy of dealing with offenders and as a means of providing safety and security for the society is flawed and, therefore, needs to be reformed. The results of this study support the argument of the prison abolitionists that the society cannot be safe and secure if transformational interventions are not incorporated into the penal and criminal justice systems (Asare 118 & Saleh-Hanna 417). The reforms are recommended to include transformational interventions and alternative-sentencing programs, such as community service sentences and restorative justice. Furthermore, lack of political will on the part of the government is revealed as one of the potential causes of the abuse of human rights and injustice in the carceral and criminal justice system. The other potential causes emerged from the study include the absence of international law on carceral and criminal justice practices. For this, my personal recommendation to Amnesty International and the United Nations is to go beyond using their texts to bring attention to issues of injustice and human rights abuse. There is the need for them to influence the enactment of international law that requires all nation states to apply specific practices stipulated in the law in their carceral and criminal justice systems (Soley 358). Moreover, I encourage Amnesty International and the United Nations to be mindful of their use of language in constructing representations so that it would not appear that they seem to manage their identity in their texts as they seek to construct social identities and power relations (Dhanani 29, Dhanani & Connolly 615).



In sum, Amnesty International and the United Nations use their power to construct an ‘animal-like’ identity of the incarcerated people with the aim of exposing how the government dehumanizes the oppressed people. In addition, Amnesty International and the United Nations employ discourse and power through representation to identify, expose and explain the inequality, injustice, disregard for human dignity and lack of commitment that fraught the Ghanaian society in the areas of incarceration and criminal justice. One thing that I find fascinating about the texts by the international organizations is their ability to create space for the voices of the marginalized people, specifically the incarcerated population, to participate in the discourses emerged from the study. As Foucault asserts, “discourse is not only about what can be said and thought – but also who can speak and with what authority” (49), the creation of space for the voices of the incarcerated people them affords agency and power to speak and engage in discourses related to incarceration and criminal justice (Spivak 26). They gain agency and empowerment because their voices are amplified, can be heard, get to influence national governance, break down the systemic and hegemonic sociopolitical constructs that oppress and marginalize the people. This decolonial move displayed by Amnesty International and the United Nations make a great contribution to our understanding that representations of oppressed people are not only created by powerful organizations but can also be created by the people themselves if their voices are given space. As scholars, teachers and global citizens, we have the responsibility to engage in these discourses and employ them together with our knowledge about human dignity to influence changes in both our macro and micro societies. It is rising up to our social and civic responsibilities, and how we engage and invest our interest in ensuring respect for human dignity that can make us agents of social change nationally and globally.

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