

Ethiopian Criminal Justice

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Ethiopian Criminal Justice Policy Analysis: focus on Juvenile Offenders

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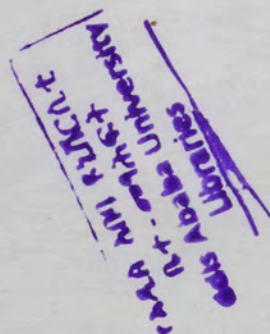
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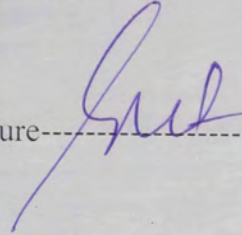
**Approval Sheet**

The undersigned certify that they have read and hereby recommend to the Addis Ababa university School of Social Work to accept the thesis submitted by Yodit Girma and entitled "Ethiopian Criminal Justice Policy Analysis: Focus on Juvenile Offenders" in partial fulfillment of the requirements for the award of Masters Degree in Social work.

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**Declaration**

I Yodit Girma declare that the paper on “Ethiopian Criminal Justice Policy Analysis: Focus on Juvenile Offenders” is an original work and as far as my knowledge is concerned it has not been submitted as a degree or masters paper at any time in Addis Ababa University, school of social work. All the works of other authors or researchers used in the working of the paper are properly cited.

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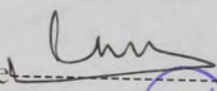
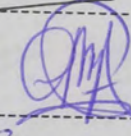
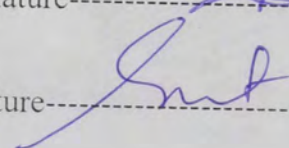
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Addis Ababa University

School of Graduate Studies

This is to certify that the thesis prepared by Yodit Girma, entitled: Ethiopian Criminal Policy Analysis; Focus on Juvenile Offenders and submitted in partial fulfillment of the requirement of the degree of Masters of Social Work is complete with the regulation of the University and meets the accepted standards with respect to originality and quality.

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**Acronym**

Art	Article
BPR	Business process reengineering
COM	Council of Ministers
CRC	Conventions on the right of child
E.C.	Ethiopian calendar
ECOSOC	United nation Economic and social council
FDRE	Federal democratic republic of Ethiopia
HPR	House of people's representatives
ICCPR	International covenant on civil and political rights
OJJDP	Office of Juvenile justice and delinquency prevention
Proc. No.	Proclamation Number
U.N	United Nation
U.S.A /U.S	United States of America
UNICRI	United Nation interregional crime and justice research institute
YOT	Youth offending team

### Abstract

This paper analyzed the criminal justice policy using the cycle of social policy analysis model as a conceptual framework. The analysis fundamentally looked at whether or not principles of social justice have been taken into consideration. The paper also tried to find out which social problems have been dealt with following the adaptation of the policy. Moreover, the paper analyzed the content of the policy focusing on juvenile justice, in respect of the pertinent laws of our country, especially the constitution. Any observed inconsistency and discrepancies were forwarded, with the duty to bring to attention. Furthermore, the paper analyzed whether or not the policy is based on the international standards set on Juvenile justice and how Ethiopia has incorporated these standards in to its domestic legislations and practice. While the focus of this paper is on juvenile justice; the paper analyzes the overall principle of policy making process by using qualitative data analysis methods starting from the initiation to the evaluation of the policy. A case study approach within qualitative design was used. In the study two individuals who participated in the process of the policy making had been interviewed. Data from key informants as well as key literature review were analyzed rigorously through consistently comparing the major findings. The finding suggests that the policy has not been properly implemented and evaluated and there are no preventive mechanisms for juvenile offenders. Finally, the need for a policy making guideline in a national perspective as well as a need for citizen awareness and dissemination of the policy for proper implementation were forwarded as major recommendations.

Key Words: Social Policy, Juvenile Offenders, Criminal Justice, International Law

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## Chapter One: Introduction

### 1.1. Background

Public policy has been defined by academicians as whatever governments choose to do or not to do, or as the actions, objectives, and pronouncements of governments on particular matters; the steps they take or fail to take to implement them, and the explanations they give for what happens or does not happen (Wilson 2006, as cited by Smith & Larimer, 2009). But these definitions are general and there are no precise and universal definitions of public policy. According to Smith and Larimer (2009) there is a general agreement that the public policy includes the process of making choices and the outcomes of actions of particular decisions; that what makes public policy 'public' is that these choices or actions are backed by the coercive powers of state (Smith & Larimer, 2009).

The process of formulating a public policy by governments has never been an easy task. The development of public policy requires a great caution as it will affect the interest of the society. Policy development process is the way a government translate the goals and plans it has in to reality. During the implementation of the adopted policy, the policy will be further explained through different laws, strategies and directives that will be enacted succeeding the policy.

The criminal policy of the Federal Democratic Republic of Ethiopia has been drafted and been adopted as one of Ethiopia's social policies on Feb.25 2003 E.C. (The Ministry of Justice, 2003). This policy is issued in accordance with the values of justice and principles stated in the constitution which are included in part one chapter 2 and 3 of the constitution as well as Art.37 in part 2. Some of these principles are Art. 10. Human and democratic rights, Art 14. Rights to

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life security of a person and liberty; Art 17 the right to liberty, Art 18. Prohibition against inhuman treatment; Art 19 and 20. Right of person arrested and accused; Art 21. Right of person held in custody and convicted prisoners, Art 37. Right to access of justice and the like. This policy guides the entire justice system of Ethiopia and is to be applied in federal as well as regional states.

Two of the main objectives of the policy are to ensure the safety and peace of the nation, nationalities, the people, individuals and the state against crime and establish a Criminal Justice System which protects the rights and freedoms of all individuals therefore affecting all people.

The principles of social justice help to understand how policies and services should benefit the most vulnerable populations; one of these populations with regard to the criminal justice policy are juvenile delinquents. A juvenile delinquent is defined by the legal dictionary as a person who is under age (usually below 18), who is found to have committed a crime in states which have declared by law that a minor lacks responsibility and thus may not be sentenced as an adult. However, the legislatures of several states have reduced the age of criminal responsibility for serious crimes or for repeat offenders to as low as 14 years. With regard to Ethiopia, juvenile delinquents are young offenders between the ages of 9 to 15 years of age (Criminal Code of FDRE, Art. 53).

An effective, fair, accessible, predictable and efficient Justice System, guided by the rule of law, is a cornerstone of good governance and is a necessary part to strengthen the democratization process, accelerate economic growth and ensure peace and public safety. Within this background this study tries to analyze whether this policy has incorporated all the required structures of a public policy or not.

The purpose of this paper is therefore, to assess the overall policy making process on the criminal justice policy beginning from its initiation, what it contains with regard to the juvenile justice system and its implementation in relation to the guiding principles of policy with the existing national and international laws.

### *1.2. Statement of the Problem*

The criminal justice policy is drafted and enacted for the purpose of guiding the criminal law and administration of criminal justice within Ethiopia. The policy established a criminal justice system which protects the rights and freedoms of all individuals. As a social worker; analyzing whether this policy have indeed protected the rights and freedoms of individuals and are in alliance with the best interest of people and whether or not it is in accordance with international conventions need to be analyzed.

Most of the rights included in the policy are inalienable rights which a person is granted just because of being a human; with regard to this I attempted to evaluate how our criminal justice policy has tried to include /apply/ effectively the provisions enshrined in the constitution and other international documents. These rights have been included in the constitution as an inalienable right of a person and the exceptions are to be interpreted narrowly. For instance in Art 36 (2) of the constitution it's provided that juvenile offenders admitted to a corrective or rehabilitative institutions and juveniles who become wards of the state or who are placed in public or private orphanage shall be kept separately from adults. The constitution being the supreme law of the country, any law or customary practice or decision of an organ of state or public officials which contravenes with it shall be of no effect. Therefore, within this policy

analysis I will see how the rights and freedoms of children have been rightfully incorporated in the policy.

The other factor that I am going to try to analyze is what preventive methods have been included in the policy with regard to juvenile crime. So far in my research I have not seen any of these preventive conditions.. The U.N in the world youth report 2003 has confirmed that there is an evidence of a universal crime taking place concurrently with economic decline, especially in poor districts of large cities. In many case street children later become young offenders, having already encountered violence in their immediate social environment (World Youth Report, 2003). Therefore, in order to prevent juvenile crimes we have to start from the root and with regard to this the policy have a gap in incorporating a prevention method.

A lot of U.N instrument reflect on a preference for social rather than judicial approach to controlling juvenile delinquency. Prevention requires individual, group and organizational efforts aimed at keeping adolescents from breaking the law. Some of the approaches countries implement are economic opportunities, educational programs, recreation and youth development activities, developmental change in the urban environment and the like (World Youth Report , 2003). Nothing has been included within the policy about preventions methods for young offenders and I consider this as a problem because for a sustainable change, the policy should have given some indications as to how they plan to prevent such problems.

In order to make a Public/social policy analysis it involves examining the process through which a policy is made (process analysis), what it contains (content/product analysis), and how well the policy is carried out (implementation analysis), whether or not the policy achieved its objective (Policy evaluation) (Municipal Research and Service Center, 1999). Therefore in order

to analyze whether or not the policy has given much considerations to the rights of juvenile delinquents by considering the standards set on international law, we first have to go through the process stated above.

### *1.3. Objective of the Study*

The criminal policy was initiated by taking into account the actual problems of the criminal justice system of the country. Those pressing problems had been identified prior to policy initiation, which necessitated policy backed solution. Owing to the power vested in it by Art.10 (1) (a) of Proc. No.4/1995, the Ministry of Justice initiated and processed the criminal policy.

Therefore, the general objective of this paper is to analyze and assesse each policy development stages in light of the policy development principles.

The specific objectives of this research include:

1. To identify which social problems have been dealt with following the adoption of the policy.
2. To analyze the policy's contents on Juvenile Justice in respect of international laws and pertinent laws of our country, especially the constitution.
3. Furthermore the paper tries to analyze the policy through the principles of fairness and principles of social justice, taking in to consideration individual, family, group and community rights as well as distributing resources equitably; that is according to need.

#### *1.4. Research questions*

2. How did the criminal justice policy in general and particularly the issue of juvenile delinquency receive a policy-making agenda?
3. What are the contents of the policy in relation to juvenile delinquency?
4. To what extent were the implementing agencies communicated about the policy and which social problems have been dealt with the coming in to force of the policy?
5. Has the policy achieved its objectives?
6. What contributions have the policy made towards the assurance of juvenile delinquents rights insured in international laws?
7. What are the challenges in implementing the policy?

#### *1.5. Significance of the study*

Social Work upholds the principles of social justice that reflects distributive justice and the way service user's decision making ability is enhanced. The social, economic, and political value of a society determines the vision towards social justice that a given social policy intends to achieve. With this regard this study analyzed whether or not the principles of social justice have been taken in to consideration with this policy such as; Challenging negative discrimination, Recognizing diversity and Distributing resources equitably (according to need) and based on the findings we will be able to Challenge the unjust policy and practices (Cohran & Malone, 2005). Social Workers have the duty to bring to the attention when policies and programs/ practices are unfair or harmful.

Blumer (1971) in his book social problems as a collective behavior; defines social problems based on the process of a collective definition as a process which determines whether social problems are recognized to exist, whether they qualify for consideration, how they are to be considered, what is to be done about them, and how they are reconstituted in an efforts undertaken to control them.

Social problems are intertwined with social change. But social problems have multiple causes. According to Rowmire (2001) almost every social problem is somewhat connected with one or more causes (and consequences) that may be social, physiological, economic, legal or political. And therefore, says that social problems are complex, multidimensional, and controversial as well. He further explains that in order to qualify as social problems it should meet conditions of being social in nature, must be perceived as such by large group of people or influential people, and it must be amenable to solution.

Having this in mind we have to first analyze which social problems were a cause to the initiation of the criminal justice policy, the overall aim of the policy is to establish a criminal justice system which protects the rights and freedoms of all individuals. As a social worker; analyzing whether this policy have indeed protected the rights and freedoms of individuals and are in alliance with the best interest of people and whether or not it is in accordance with international conventions need to be analyzed.

*1.6. Scope and Limitations of the study*

The main purpose of the study was to analyze the criminal policy in terms of the social policy analysis models. Which are mostly divided in to five stages; initiation, policy making process, content analysis, implementation and evaluation process. But with regard to the content analysis of the policy because of the fact that the criminal policy is very broad and is made to guide the general system of the country there is a limitation as to my research to focus only on the contents of juvenile offenders. Comparisons with international laws are made only with regard to the policies juvenile offenders provisions as well. Evaluations made as to what prevention methods have been included within the policy are limited to the juvenile offenders section of the policy.

## Chapter Two: Conceptual framework

This study draws on the “cycle of social policy analysis” model developed by David and Neville (1990). The cycle of social policy analysis model emphasizes on the stages of problem identification, policy formulation and adoption, implementation, evaluation, and dissemination as an important elements. The policy cycle framework or perspective serves as a basic template that allows to systematically analyze social policies.

Policy sciences were consciously framed as being problem oriented, ‘‘made for the purpose of the policy sciences’ approach is deliberately *normative* or *value oriented*; in many cases, the recurring theme of the policy sciences deals with the democratic ethos and human dignity ‘‘ (David and Neville, 1990 p. 5).

Policy-making presupposes the recognition of a policy problem. Problem recognition itself requires that a social problem has been defined as such and that the necessity of state intervention has been expressed. Problem recognition and agenda setting are inherently political processes in which political attention is attached to a subset of all possibly relevant policy problems (Fischer, Miler &.Sidney, 2007).

According to Frank (2007), following the problem recognition stage comes the policy formulation and decision making stage of the policy cycle. Here expressed problems, proposals, and demands are transformed into government programs. Policy formulation and adoption includes the definition of objective, what should be achieved with the policy, and the consideration of different action alternatives. Implementation stage is critical as political and administrative action at the frontline are hardly ever perfectly controllable by objectives, programs, laws, and the like. Therefore, policies and their intentions will very often be changed

or even distorted; its execution delayed or even blocked altogether. An ideal process of policy implementation would include the following core elements: (1) Specification of program details (i.e., how and by which agencies/organizations should the program be executed? How should the law/program be interpreted?); (2) Allocation of resources (i.e., how are budgets distributed? Which personnel will execute the program? Which units of an organization will be in charge for the execution?); (3) Decisions (i.e., how will decisions of single cases be carried out?) (Fischer, Miler & Sidney, 2007).

Policy-making is supposed to contribute to problem solving or at least to the reduction of the problem load. During the evaluation stage of the policy cycle, these intended outcomes of policies move into the center of attention. The plausible normative rationale that, finally, policy-making should be appraised against intended objectives and impacts forms the starting point of policy evaluation.

Guided by the above mentioned stages of policy making framework; this research paper is concerned with the analysis of the criminal justice policy whose aim is to generate insights in to the policy process through description of various stages in the process. With regard to this the policy analysis recognizes public policy as a decision or a course of action or in action of the government.

The criminal justice policy came in to effect on 2003 E.c. Prior to this date, there had been no policies or legislation to guide the overall principle and administration in the criminal justice of the country. Criminal laws and procedures were found in different legislations and proclamation. Making the process incoherent and inconsistent. The new criminal justice policy is comprehensive in its description of the criminal justice process including the administration of

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Juvenile justice. It also guarantees that it is developed based on the principles enshrined in our country's Constitution and the fact that it also complies with international human rights and relevant criminal justice standards. The policy is comprehensive in that it covers all aspects of the Criminal Justice System, from the prevention of crime to the proper investigation and effective prosecution of offences, to the timely and effective criminal justice process addressing the independent role of the judiciary, and the carrying out of the sentences imposed by the courts.

This research paper tries to find out whether the above alleged claims are true or not. A policy in general and specially a policy made to administer the criminal justice affects people in their day to day life. Therefore it is the duty of a social worker to analyze whether the principles of social justice have been met so as to reflect distributive justice in a way that shows the service users decision making ability is enhanced. Taking in to account the social, economic and political value of a society which determines the vision towards social justice that a given social policy intends to achieve.

Therefore, drawing on the cycle of social policy analysis model developed by David and Neville (1990) this study will describe the process in which the component of the criminal justice policy on juvenile delinquents policy came into being; explain whether or not the policy has given due considerations to incorporate international law through the inclusion of the principles of justice as fairness and principles of social justice that take in to account challenging negative discrimination, recognizing diversity; which takes in to consideration individual, family, group and community differences as well as distributing resources equitably (according to need) and based on the findings we will be able to challenge the unjust policy and practices incorporated within the policy. In addition, the analysis looks at how the policy has treated Inalienable rights through exploring the contents of the policy with particular emphasis on how the policy

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addresses prevention of juvenile crimes and its fundamental approaches. In order to undertake the analysis, the study uses case study approach to analysis the policy using description and explanation.

## Chapter Three: Literature Review

### 3. 1. Introduction

This section reviews literatures which are related to the research topic. But due to the lack of adequate materials published or research works and reports that are directly related to my research topic; I have used published and unpublished materials relevant in defining; the concept of criminal justice, social policy analysis theories, causes of young offenders behaviors, treatment and prevention methods for juvenile delinquents as well as international laws related to juvenile delinquents.

Within this chapter, I have tried to collect different views and principles on what is meant by criminal justice itself; if we want to talk about the criminal justice policy of the FDRE understanding what a criminal justice is all about and why we need to make a policy about it is a must. In order to analyze this policy we therefore need to view different literatures' and understand the theories with regard to social policy analysis.

The aim of this research paper is to analyze how the criminal justice policy have incorporated the rights of juvenile delinquents, therefore, first there is a need to see the meaning of juvenile delinquency and how it has been conceptualized so far. After understanding what is meant by delinquent behavior we then need to understand the causes of young offenders behaviors. After knowing why such delinquent behavior occurs we then have to review and reflect on different views and opinions as to how we can treat and prevent such behaviors.

Finally, we need to compare the Ethiopian criminal Justice policy to different international standards and norms set by the international communities with regard to the

treatment of juvenile delinquents. This in turn will help us understand what a policy in juvenile policy should contain.

### *3.2. Concept of Criminal Justice*

The concept of criminal justice is central to this research and it is therefore important to begin with an understanding to the meanings the concept carries in the research and policy literature concerned with crime and criminal justice.

John Rawls's theory of justice defines justice as fairness, "the role of justice is to deny the loss of freedom for some as made right by the greater good shared by others. It does not allow the sacrifice imposed on a few is outweighed by the larger sum of advantages enjoyed by many" (Rawls, 1971, P.3).

Fairness or what is just and unjust is usually in dispute but Rawls says that "men have an understanding of the conception of justice. That is, they understand the need for, and they are prepared to affirm, a characteristics set of principles for assigning basic rights and duties and for determining what they take to be the proper distribution of benefits and burdens and social cooperation" (1971, P.5)

There could be different approaches to what motivates people towards justice but the sense of justice may originate in humans and other primates in self- protective desire to insure that they receive what they deserve. When members of disadvantaged group band together to push for civil rights or other improvements in their quality of life, they are fighting on behalf of social justice as well as collective self- interests (Kay & Jost, n.d).

The earliest theory driven research in sociology and psychology on the topic of social justice tackled questions of distributive fairness, especially considerations of "equity" and relative deprivation in the allocation of resources. Next came the work on procedural justice, which addressed not only outcomes but the decision making rules used to determine those outcomes. Soon thereafter, a third type of justice was investigated namely, interpersonal (or interactional) justice to incorporate concerns about informal as well as formal treatment by others in everyday life. Finally, although Aristotle anticipated not only distributive but also retributive and restorative justice concerns nearly 24 centuries ago, empirical studies addressing these latter concerns have only recently become a cottage industry in social psychology and neighboring disciplines. (Kay & Jost, n.d. P. 1126)

### *3.3. Causes of Young Offenders Behavior*

A challenge in identifying youth, persons under the age of 18, who engage in antisocial and violent behavior, is defining what constitutes such behavior. Antisocial behavior is defined by Merriam Webster's dictionary as "hostile or harmful acts to organized society" or "behavior that deviates sharply from the social norm" (2001).

If these youth commit law violations and are apprehended, they typically become involved with the juvenile justice system. Adjudication by the juvenile courts generally results in the youth being labeled as a juvenile delinquent. This is a legal term applied to an individual under the ages of 18 who has committed an illegal act (Jolivette, Christle, & Nelson, n.d.).

According to the study conducted in university of Kentucky, there are two broad dimensions of behavior disorders, internalizing and externalizing. Internalizing disorders are directed inward and involve behavioral deficits, such as withdrawal, isolation, and depression.

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Externalizing disorders are directed outward and involve behavioral excesses, such as disturbing others, verbal and physical aggression, and acts of violence (Rutherford, & Wolford, 1996).

Youth who exhibit internalizing behavior disorders may be extremely troubled but often are overlooked by school personnel and mental health professionals because they rarely act out. However, at some point such youth may exhibit externalizing behaviors in the form of suicide or targeted violence (Jolivette, Christle, & Nelson, n.d.).

Although there are exceptions, comparatively little research has focused specifically on the maturity of young adults. On a study conducted by University of Birmingham Institute of applied social studies school of social policy on Maturity of young adults and criminal justice; With regard to maturity and offending behavior; the research referred to the general theory of crime developed by Gottferdson & Hischi (1990) which proposes that 'self- control' is the key explanatory concept in accounting for criminal behavior and the risk factors approach of developmental criminology, in which individual or 'personality factors such as 'impulsivity, 'empathy' or moral judgment' are deployed alongside social and cultural factors such as socialization process, peer relations and neighborhood influences (Prior, Farrow, Kelly, Manders, White, & Wikinson, 2011).

The study focused on defining the behaviors of young offenders from the perspective of their maturity level and has divided this in to three major bodies of literature; neurological, physiological and criminological perspectives. Maturity can be understood as a development concept, including the categories of physical intellectual, emotional and social development.

*A. Neurological perspective*

Within the perspective of the neuroscientific research of understanding young people's behaviors the study shows that understanding the brain development in adolescent and young adulthood is important and the policy implications of that knowledge, particularly in relation to criminal justice policy is a must.

The study shows that the prefrontal cortex, which coordinates higher- order cognitive process and executive functions, myelination does not occur until the stage of young adulthood. Emotional maturity (the ability to regulate and interpret emotions) is associated with the establishment of robust connections between the cognitive processes of the prefrontal cortex and the emotional processing performed by another part of the brain known as the amygdale. Other findings included in the study are; the production of 'grey matter' (brain cells, in lay terms), which reaches a peak at average age 11 for girls and 12 for boys; selective pruning of rarely used connections affected by environmental factors, resulting in loss of grey matter and increasing brain specialization which progresses from the back to the front of the brain and may not be complete until early adulthood; The sheathing of surviving connections with myelin, a substance that insulates neural pathways and facilitates more efficient transmission of information and integration of brain activity (Prior et al., 2011)

*B. Psychological perspective*

Within the perspective of maturity in psychological research the study dived two major line of inquiries: the role of psychosocial factors in decision making, and the role of moral reasoning with regard to offending behavior. Three psychosocial factors are identified as central to the **maturity of judgment** exercised by individuals: responsibility (independence, self-reliance),

temperance (evaluating consequences of actions, limiting impulsivity and risk taking) and perspective (considering views of others and understanding wider context).

Individuals vary in the development of their **moral reasoning** capacity, with significant variations between individuals during adolescence and early adulthood. Immaturity in moral reasoning results from cognitive distortions, which, for some individuals, can become habituated and persist into adulthood. Therefore the study claims that Offenders can be distinguished by their moral reasoning (Prior et al., 2011).

### *C. Criminological perspective*

With regard to maturity in the criminological theory 'self-control' is the single explanatory factor distinguishing offenders from non-offenders which is similar to the psychosocial approach discussed above, but is different in tracing the capacity for self-control to socialization processes in childhood, not to a process of individual maturation.

Though different in their approach the two studies referred above gives an insight as to what causes young people to commit an act of crime.

### *3.4. Social policy analysis theories*

Even though the definitions of public policy forwarded by various scholars are said to be both complex and simple, they all agree that public policies result from decisions made by government.

Despite this fact it is possible to roughly speak that the analysis of public policy dates back to the beginning of civilization. "the discipline of Public Policy emerged as a major subfield within the discipline of political science in the mid-1960s" (Cochran & Malon, 1999, p.1). There exist many competing definitions that point up to the term "public policy" from

various points of view. Possibly the best known and shortest definition of public policy is "anything a government chooses to do and not do" (Howlett & Ramesh, 2003, p. 5)

Public policy is essential as it is a guideline for governments by providing direction on making decision and actions in a particular area. On the other hand the term manifests the common sense and common conscience of the citizens as a whole that extends throughout the state and is applied to matters of public health, safety, and welfare, thus, from this point of view public policy is the study of government decisions and actions anticipated to deal with a matter of public concern.

There are a number of factors and considerations which should be taken into account during policy development. These factors can be used to judge whether the policy, and the process of developing the policy, is or has been sound. The first factor is related to public interest. Here the policy should answer the question like what is in the best interest of society as whole. The second factor which should be considered is that effectiveness and efficiency of the developed policy. Under this issue, the question which should be answered is like how well a policy achieves its stated goals and how well resources are utilized in achieving goals and implementing policy. The third factor is related to consistency. Under this, the consideration is the degree of alignment with broader goals and strategies of government with the constitution, legislative and regulatory regime. The fourth factor which should be considered is fairness and equity. This implies the degree to which a given policy increases equity of all members of the society. The last factor which should be taken in to account is reflective. The question to be considered here is how the policy should reflect other values of the society such as freedom, security, diversity, communality, choice and privacy. (Bruce, n.d)

There are criteria which a good policy should fulfill. Scholars identified, among other things, three basic criteria for good public policy. Accordingly, a good public policy must be socially acceptable, politically viable and technically correct. Social acceptability of public policy is to mean that citizens and interest groups feel that the policy reflects their important values like fairness, equity, and justice. Political viability implies that the policy has sufficient scope, depth, and consensus support that elected officials are comfortable with the decision. Finally, the technical correctness indicates that the policy meets all technical criteria that have been established to guide or support the decision (Municipal Research and Service Center, 1999).

Although Policy making process is a difficult and complex task, political scientists have reduced it into sequential steps that have theoretically identifiable beginning and end. Therefore, the general policy making function is divided in to five essential activities which are discrete but also interrelated units of analysis. "The process briefly is: (1) Identification of policy issue (2) Formulating policy proposal (3) Adoption/decision making (4) Implementation and operation (5) Policy evaluation" (Korkery, Land & Bossuyt, 1995 P. 6).

### *4.5. International laws related to juvenile delinquency*

There are a lot of international laws and customary rules with regard to the administration, treatment or prevention methods related to juvenile offenders. In this part of the research I am going to discuss about some of this international documents. These documents will show us how the world has agreed to treat prisoners, safeguard inalienable rights and treat juvenile delinquents internationally. Each country including Ethiopia, pursuant to acceptance or

ratification of this rules and guidelines is expected to meet these requirements and uphold its laws to the standards set with in these international documents.

For the purpose of convenience I have tried to arrange this international documents and some of the standards and norms set by the international community related to the rights and treatments of juvenile delinquents in to 5 parts based on their effects and legally binding natures. Which are presented as follows:

***A. Legally binding instruments***

*International Covenant on Civil and Political Rights (1966)*: The International Covenant on Civil and Political Rights was the first binding international instrument to establish standards relevant to children's rights in the administration of justice. That instrument prohibits the imposition of the death penalty on children. It also provides for children accused of offences to be separated from adults and brought speedily before a judge, ensures that child offenders are accorded the same rights as other accused individuals in criminal proceedings and requires the provision of criminal procedures that take into account the age and desirability of promoting the rehabilitation of children in conflict with the law.

*Convention on the Rights of the Child (1989) & its 3 Optional Protocols (2000, 2000,2011)*: The Convention on the Rights of the Child is the most important legal instrument in relation to juvenile justice because it is legally binding on all members of the United Nations, except Somalia and the USA (as they have not yet ratified the Convention). Articles with specific reference to juvenile justice include: article 37 and article 40. The Convention has three Optional Protocols: on the involvement of children in armed conflict (OPAC - 2000); on the sale of

children, child prostitution and child pornography (OPSC - 2000); and on a communications procedure (OPIC - 2011).

***B. International documents and Treaty bodies' General comments***

*UN Committee on the Rights of the Child General Comment No. 10 on children's rights in juvenile justice (2007)*; The UN Committee on the Rights of the Child General Comment No. 10 (2007) on "Children's rights in juvenile justice" aims to encourage States to develop and implement a comprehensive juvenile justice policy to prevent and address juvenile delinquency based on, and in compliance with, the CRC, providing guidance and recommendations for the framework of this comprehensive juvenile justice policy.

*UN Committee on the Rights of the Child General Comment No 13 on the right of the child to freedom from all forms of violence (2011)*: This General Comment seeks to guide States Parties in understanding their obligations under Article 19 of the Convention to prohibit, prevent and respond to all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation of children, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child, including State actors. It outlines the legislative, judicial, administrative, social and educational measures that States Parties must take.

*UN Committee on the Rights of the Child General Comment No 14 on the right of the child to have his or her best interests taken as a primary consideration (2013)*; This General Comment provides an authoritative interpretation of the relevant articles of the Convention relating to the best interests of the child, as well as guidance to States on how to comply with their obligations under the Convention. It suggests that when assessing and determining the best interests of the

child in order to make a decision on a specific measure, the following steps should be followed:

(a) First, within the specific factual context of the case, find out what are the relevant elements in a best-interests assessment, give them concrete content, and assign a weight to each in relation to one another; (b) Secondly, to do so, follow a procedure that ensures legal guarantees and proper application of the right.

*UN Minimum Rules for the Administration of Juvenile Justice: the 'Beijing Rules' (1985):* The Beijing Rules provide guidance to states on protecting children's rights and respecting their needs when developing separate and specialized systems of juvenile justice. These rules formed the first international legal instrument which comprehensively regulated the administration of juvenile justice within a child rights and child development approach.

*UN Guidelines for the Prevention of Juvenile Delinquency: the 'Riyadh Guidelines' (1990):* The Riyadh Guidelines represent a comprehensive and proactive approach to prevention and social reintegration, detailing social and economic strategies that involve society at large. Prevention is seen not merely as tackling negative situations, but rather as a means to positively promote general social welfare.

*UN Rules for the Protection of Juveniles Deprived of their Liberty: the 'Havana Rules' (1990):* The Havana Rules (or "JDLs") set out standards applicable when a child is confined to any institution or facility, whether this be penal, correctional, educational or protective and whether the detention be on the grounds of conviction, or suspicion, having committed an offence, or simply because the child is deemed 'at risk'.

*C. Treatment of prisoners*

*Standard Minimum Rules for the Treatment of Prisoners (1955) & Procedures for the effective implementation (1984)*: The Standard Minimum Rules seek to set out what is generally accepted as being good principle and practice in the treatment of prisoners and the management of institutions. Specific dispositions relate to young prisoners. In 1984, the ECOSOC adopted the Procedures for the effective implementation of the Standard Minimum Rules for the Treatment of Prisoners to the attention of all States whose standards for the protection of all persons subjected to any form of detention or imprisonment fall short of the Standard Minimum Rules.

*Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (1988)*: These Principles were adopted in view of contributing to the protection of the human rights of persons deprived of liberty. They consist of 39 principles encompassing issues such as torture in detention, communication with the outside world, assistance of a legal counsel, medical and scientific experimentation, disciplinary offences, and confidentiality concerning complaints, death or disappearance in detention.

*Basic Principles for the Treatment of Prisoners (1990)*: By adopting these Principles, the UN General Assembly recognized the usefulness of drafting a declaration on the human rights of prisoners. They consist of 11 principles encompassing issues such as the respect of the prisoners' religious beliefs, the right to take part in cultural activities and education, the abolition of solitary confinement, access to health services, the principle of no discrimination, and the reintegration of the ex-prisoners.

*Basic principles on the use of restorative justice programs in criminal matters (2002)*: This resolution contains the preliminary draft elements of a declaration of basic principles applicable

when utilizing restorative justice programs in criminal matters. It stipulates that restorative justice programs should be generally available at all stages of the criminal justice process and gives details on the operation of restorative justice programs.

*D. Guidelines on Child-Friendly Justice (2010)*

The guidelines deal with the issue of the place and role, as well as the views, rights and needs of the child in judicial proceedings as well as in alternatives to such proceedings. They are new rules that help Governments make sure that children are treated properly by and in the justice system. They are based on a number of important rules, such as participation; best interests of the child; care and respect; equal treatment; and rule of law.

According to the office of juvenile justice and delinquency prevention; today, children and young people are exposed to exploitation, abuse and delinquency at an increasing rate. The reasons behind victimization and juvenile delinquency are many and complex. Growing levels of poverty and the consequences of wars, including social disruption, dysfunctional families and exposure to crime, are risk factors for delinquency. Insecurity due to unstable social environments increases vulnerability, and young people with poorly developed social skills are less able to protect themselves against the negative influences of a peer group. It is estimated that the overwhelming majority of those who participate in violence against young people in developed countries are about the same age and sex as their victims. (Office of Juvenile Justice and Delinquency Prevention [OJJDP], 2000)

Millions of children and young people around the world do not benefit from the protection afforded by juvenile justice standards or preventive measures. Consequences of this lack of protection include illegal detention, minors incarcerated with adult detainees and a lack

of capacity within the judicial and social systems to provide rapid intervention or trial for juvenile offenders. The best interest of the child is not established expressly in the Constitution of many countries nor is it directly expressed in ordinary legislation. Many countries do not have an organized system for gathering data on children and youth at risk or in conflict with the law. Programs are needed to strengthen young people and minors' protection and development to help prevent and protect vulnerable juveniles (OJJDP, 2003)

Since its establishment more than 40 years ago, UNICRI (United Nations interregional crime and justice research institute) has contributed to the establishment of a reliable base of knowledge and information on social problems involving juvenile delinquency and adult criminality. As for its mandate, the Institute identifies appropriate strategies, policies and instruments for the prevention and control of this growing problem as well as to contribute to socioeconomic development and to promote the protection of all human rights. Its aim for the programs in the field of youth and minors' protection is to promote the rights of minors at risk or in conflict with the law, enhance the capacities of relevant institutions and grass-root organizations, and strengthen the juvenile justice systems. The Institute's strategy is founded on the belief that the protection of the rights of juveniles, especially of those who are in conflict with the law, is a key element for development, reconciliation and reconstruction processes.

#### *E. Treatment and Prevention methods of juvenile delinquency*

The Criminal Law of the Federal Democratic Republic of Ethiopia embraces details of law concerning the legal administration of juvenile delinquents. In accordance with the law, those between the ages of 9-15, who have committed crimes are considered juvenile delinquents and are sent to correctional and educational institutions, especially established for them. There

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are therefore no detainees below the age of 15, held in detention centers. Criminal Law of F.D.R.E Article 157-165. The Juvenile delinquents' Rehabilitation Institution in Addis Ababa admits juvenile delinquents aged 9-15 years. The Ethiopian Human Rights Commission has monitored the conditions at the Institution in 2010/11 and a separate report 163 According to Article 176 of the law, unless dictated by special conditions, the cases of juvenile delinquents aged 15-18 are decided by regular law and sent to prison. According to provisions stipulated in international and national laws however, such juvenile delinquents must be treated separately from adults, with the view to protect them from learning criminal acts while in detention centers and to ensure that they are reformed successfully (Human right protection report, 2012)

Article 36 (3) of the Constitution of the Federal Democratic Republic of Ethiopia, Article 25 (2) of the Federal Prisons Establishment Proclamation No. 365/2003 and regional prisons establishment regulations and directives as well as Article 8 (a) of the United Nations Standard of Minimum Rules for the treatment of Detainees and Article 10 (2) of the is now being prepared. International Covenant on Civil and Political Rights, provide for the accommodation of juvenile delinquents under 18 years of age separately from adults. In most detention centers monitored however, this has not been the case. . With respect to the stated principle, there have been cases where in some detention centers, juvenile delinquents are kept in separate areas in terms of bedding and quarters where they would spend the day, while in some others they are kept, at least in separate rooms. That being the case, it is understood that juvenile delinquents and adults are kept together in 72 (63%) detention centers. Detention centers administrations point to lack of space and the non-partitioned nature of the detention centers' shelters as being the main reason for providing separate accommodation difficult. (Human Right Protection Report, 2012)

*Issue Requiring Attention Regarding Juvenile Delinquents*

Keeping juvenile delinquents together with adults that will have negative impact on the correctional and educational process in detention centers which are expected essentially to serve as rehabilitation centers.

According to Britain Ministry of Justice Community sentences available in their country are:

- Action Plan Order is a three month program available for 10–17 year olds and comprises a short intensive community based program which may include reparation and attendance center sessions.
- Attendance Centre Orders are available for 10–17 year olds and are run by police with offenders attending on Saturdays for between four and 24 hours. The sessions; usually two hours long, involve physical exercise and group work.
- Curfew Orders with electronic monitoring: Available for 10–17 year olds and for up to three months. The court can order an offender to comply with a curfew backed up with electronic monitoring. The tagged curfews can help to break patterns of offending by keeping offenders off the street and out of trouble at times they are most likely to offend.
- Supervision Order: Available for 10–17 year olds and can last from six months up to three years. The offender is supervised by a member of the youth offending team (YOT). A range of conditions can be attached for more serious offences; these can include drug treatment, residence requirements, curfews, and additional activities specified.
- Community Punishment and Rehabilitation Order: Available for offenders aged 16+ and the order can last from 12 months up to three years. The order requires an offender to be under supervision and to perform unpaid work for not less than 40 and no more than 100 hours.

- Community Punishment Order: Available for offenders aged 16+ and for between 40 and 240 hours. Involves undertaking unpaid work in the community, typically work such as carpentry workshops, conservation, decorating or caring tasks.
- Community Rehabilitation Order: Available for offenders aged 16+ and lasts between six months and three years. It is the juvenile equivalent of supervision by the probation service and is only available for 'mature' 16 and 17 year olds. It can also come with conditions attached such as residence requirements.
- Referral Order: Is given to 10–17 year olds pleading guilty for a first offence only where the court deems a custodial sentence is not warranted. They are required to attend a youth offender panel, which is made up of two volunteers from the local community and panel adviser from a youth offending team (YOT). The panel, with the young person, their parents/careers and the victim (where appropriate), agree a contract lasting between three and 12 months. The aim of the contract is to repair the harm caused by the offence and address the causes of the offending behavior. The conviction is 'spent' once the contract has been successfully completed. This means that in most circumstances the offence will not have to be disclosed by the young person when applying for work.
- Reparation Order: Available for 10–17 year olds convicted of an offence it must comprise a maximum of 24 hours and must be completed within three months of the date the order is passed. The views of the victim must be sought before a reparation order can be made.

So far we have seen other countries experiences on how they deal with juvenile delinquency and what the international community deems necessary as to which factors need to

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be considered and included in a policy concerned with criminal justice and in particular how juvenile offenders need to be treated.

## Chapter four: Methodology

This chapter discusses about which research design I have followed for conducting the research. The place where the study was conducted, the sources of data collected and the major data collecting tools will be described. Furthermore, the selection criteria used for the purpose of this study as well as the data collection methods used are presented as well. The chapter further describes how data collected was analyzed.

### *4.1. Research design*

This policy analysis applies a qualitative methodological approach. As indicated by Shaw (2008) qualitative research makes important and distinctive contributions to policy and practice as well as to strategic research. The major focus of this research is to analyze the justice policy of Ethiopia, giving due focus on what is incorporated within the policy regarding juvenile justice system following case study methods. In order to have an accurate analysis; understanding what the international standard related with juvenile justice is a must. Therefore in doing so I need to refer to international documents such as treaties, rules, standards and norms of reference, conventions, general comments and the like which may be binding or not and compare them with those of the national laws and policies we have.

In the book by Shaw (2008) on the Ethics and practice of qualitative research in order to do a social justice and evaluation design, the principle /theory/ a researcher needs to be based on Rawles principle of Justice as Fairness should rest on the principles of moral equality, moral autonomy, impartiality and reciprocity, while remaining equivocal as to how they are to be balanced against each other in a given situation.

In order to have a clear understanding of the contents of the policy it is a need to understand how the policy was initiated and who the active participants were; to know this I need to interview some of the participants that were involved in the making of the policy.

Qualitative research is interpretive. "The main task is to explicate the way people in particular setting come to understand, account for, take actions, and otherwise manage, their day-to-day situations" (Miles & Huberman, 1994 P.7) and therefore "qualitative data are not so much about behavior as they are about actions which carry with them intentions and meanings and lead to consequences" (Gould & Shaw, 2001 p. 10).

#### *4.2. Study setting*

The policy was prepared by Ministry of Justice, therefore in order to fully understand the how and why the policy was initiated as well as who initiated it and who were the participants this study was conducted in Ministry of Justice, which is a governmental office established by proclamation no 691/2010 Art.9 with the aim of undertaking legal reform studies and carry out the codification and consolidation of federal laws (Proclamation No 691. Art.9). This institution was the main stakeholder / competent organ for the making of the criminal justice policy in discussion. Hence, individuals who participated in the development of policy are identified and participated in this study as key informants.

#### *4.3. Source of data*

The major data collecting tools used include semi structured interviews that were conducted with individuals who have participated in the process of the policy formulation. The interview was intended to help refer to tangible materials. In addition to the key informant interview, I reviewed relevant litterateur based on their relation to the issue of the policy making

process i.e. books, national laws related to juvenile delinquency, international instruments, manuals and package and reports made in the due process of the making of the policy. In addition I reviewed archival records in order to understand the policy making process. Constant comparison to that of the international instruments is the heart of the research.

According to Nick Gould and Ian Shaw, in the qualitative research the researcher attempted to capture data on the perception of local actors from the inside and the researcher's role to gain an overview of the whole of the culture and context under study (Gould and Shaw, 2001).

The key informant interview helped understand how the process of the policy formulation was and which countries experiences did our country take in the development of the policy how long it took and what were the difficulties or problems seen in the process of formulation. Here interviewing the participant as a key informant gave me a wide opportunity to express their thoughts beliefs and knowledge about the policy under discussion. Therefore the experiences of the policy makers will be analyzed.

#### *4.4 . Selection criteria*

The key informant selection procedure is concluded based on the fact that the interviewees actual participation on the initiating, planning and making of the policy in discussion. Their input as to what made them draw the policy and to what extent the implantation is effective is very vital to this research. In depth interview was used which helped explain a wide range of topics. The structure is to develop some questions as an interview guide and probe as the interview progress.

#### *4.5. Data collection methods*

For the purpose of this research interview was used as a major data collection method.

Interview guide questions were developed in accordance with the research questions that need to be explored and analyzed. The questions that were to be asked are open ended; giving the person to be interviewed much chance to express his opinions on the facts addressed. Which in turn helped me raise appropriate follow up questions that gave further understandings. Different government documents such as transcripts of meetings, previous drafts or first drafts of the policy that shows the steps involved in the policy making process were reviewed. Furthermore, relevant literature in relation to the criminal justice policy was reviewed.

#### *4.6. Data analysis methods*

Interpretive approach to policy analysis was used as major data analysis tool. Interpretive approach helps to discover themes within the data. "An interpretive approach to policy analysis is one that focuses on the meanings of policy, on the values, feelings, or beliefs they express, and on the processes by which those meanings are communicated to and 'read' by various audiences" (Yanow 2002, as cited by Fischer, Miler & Sidney, 2007 P. 410). Although there are various approaches to interpretation they, all focus on the meanings that shape actions. They differ in important ways in how they understand and explain meaning, how they view the position of the subject in analysis, in their philosophical assumptions, and in how they articulate the role of the policy analyst (Fischer, Miler & Sidney, 2007).

The interviews collected were all in Amharic therefore, they were first translated from Amharic to English. After translation they were fully transcribed in English and then coded. After they have been fully transcribed they were classified and arranged into 5 parts and

interpreted starting from the initiation and identification of policy issues then going to the process analysis followed by content analysis or adoption and decision making then going to the implementation analysis process and finally policy evaluation. In order to describe some points as per the intention of the interviewee direct quotations from the transcribed data was presented. These are presented in the finding section of the paper. Finally the discussion and analysis of these findings are applied by going through the chapters of this paper, reflecting on the conceptual frame work and making associations with what has been presented in the literature review section.

#### *4.7. Trustworthiness and Ethical consideration*

When analyzing and interpreting the collected data; in order to keep the trustworthiness of the data, I have tried to set aside my prior knowledge and information about the policy so that the data would be free from personal bias. Furthermore, verifications and reliability of sources were insured by posing various different questions as possible. Even though the questions and the whole interview were conducted in Amharic, great caution and care were taken in the process of transcription and reporting process.

In a social work research Ethical considerations that include sensitivity to ethical concerns are necessary. Therefore, I have tried to establish confidentiality by keeping the names of the key informants from being disclosed and each informant has been informed as to the nature of the interview through informed consent.

## Chapter Five: Findings

This chapter presents the findings of the study. Using semi structured interview guide, data was collected. The major findings are organized into five major parts. The first part deals with the initiation of the policy or the identification of policy issues. In this part, questions related to when the policy was initiated, why it was initiated, who the participants were, and which problems were identified prior to the policy initiation is presented.

The second part of the finding includes the process analysis, within this section some of the questions that were asked are; how long did the making of the policy take, how was the policy making process like, which international documents and practices had it consulted, which African countries experiences were taken into account and the consistency of the policy in terms of its alignment with the laws of the country and the like.

The third part of the finding tries to describe the policy's adoption, decision making and content analysis. for this purpose I have included answers to the questions such as how the policy was adopted, process of adoption, and what contributions have the policy made towards assurance of rights included in international law and how inalienable rights have been treated within the policy.

The fourth part of the finding reviews the implementation of the policy. This section describes how the policy is being implemented, whether or not any changes have been made to laws of the country following the adoption of the policy, and what were/are the expectations following its adaptation, which social problems had been dealt with and what were the challenges faced in the implementation of the policy will be discussed.

A good policy must be socially acceptable politically viable and technically correct with regard to this the last section tries to find out about the policies evaluation.

### *5.1. Initiation*

The first step in public policy making is identification of the problem. The problem identified should win the agenda of the policy initiating organ to be considered. This is to mean bringing the identified problems to the attention of the government. According to the key note interview I had with the policy makers; the criminal justice policy was initiated in 1992 Ethiopian calendar. At that time the Ministry of Justice was making an amendment of the Ethiopian criminal procedure code. During this amendment process many questions with regard to the procured that needed government's decision arose. Such decisions include how to treat delayed justice system, crime prevention strategies, introducing new concepts such as plea-bargaining, diversion, suspension, incorporating cultural remedies and producers to deal with criminals instead of formal court procedure and these and other matters were the reason for the initiation of the policy. Therefore in order to put directions as to the criminal justice of Ethiopia a policy was needed.

One of my interviewee gave an example to my question as to why a policy was needed that incorporated new concepts such as giving recognition to traditional methods of dealing with crimes saying;

In Afar for example they have their own system to deal with crimes and criminals, if for instance a person kills someone, the fact that he has been tried by the government or not does not matter. Even if he did 10-20 years in prison the moment he gets out the relative of the person who died will avenge the blood of

his relative unless he pays some amount of money and follows the elders decision in what should be done. Therefore, unless the government gives recognition to their system of dealing with crime we cannot say that justice has been served with in these regions.

Another factor that showed the need for a criminal policy; according to the key note interview, was the BPR (business process reengineering that were conducted in the general justice sector, the study showed that there was a delay in justice system, there were no prevention systems included within the existing laws only the reprimanding effects were available, and the existence of a poor quality justice system was obvious. One of the informants noted:

In order to alleviate all these problems within the justice system the question of how we can bring about an effective and speedy justice system needed to be answered through a policy first and then related laws.

Naturally a policy comes before the making of laws but with regard to the criminal justice policy the case is quite different and therefore I was forced to ask why, according to the replies given by the policy makers to this question; most of the laws related to the criminal justice were made in the previous regime without any policy and therefore when a need arose to amend the criminal procedure code this gaps were clearly visible and governments decision and direction were required. In order for there to be a new concept with regard to the criminal justice procedure the government has to accept this new system through policy. Regarding this issue one interviewee said;

The first penal code was made in 1952 which was the time of Emperor Hailesilase, then it was amended in the current regime in 1999 throughout this

time there had been no policy, what we can only hope for is that they are in line with the policy . But there are some laws that were made following the adoption of the policy like federal anti-corruption law, money laundering and anti-terrorism laws and the countries criminal procedure code is being amended and it is said to include the concepts as per the intentions of the policy.

According to their replies as to how the process took place, they said a meeting concerning this issue was conducted in 1993 E.c, and a committee including the Ministry of Justice, court, and prison administration was composed to start work on the policy.

According to the initial documents I saw at the Ministry of Justice, the main problems in criminal justice system of the country were identified by the committee who took the responsibility to run Justice Reform Programs. These were:

1. Lack of accountability, transparency, efficiency and effectiveness; fairness, expeditious, predictability and accessibility;
2. Lack of strong and scientific criminal prevention mechanism like policy guidelines;
3. Weakness of the justice system to control and prevent complex crimes, such as terrorism, corruption and other cross-boundary crimes;
4. Structural problems in justice organs; and,
5. Incompatibility of the existing laws with the FDRE constitution and international human rights documents.

Once the above problems were identified, there were hot and repetitive discussions and debates as to what would be the solution to address these problems. As a result the Board of

Justice gave the direction to formulate a criminal policy to the Ministry of Justice owing to the power vested in it by Art.10 (1) (a) of Proc. No.4/1995.

### *5.2. Process analysis (formulation of the policy)*

The whole process of formulation of the policy was very time taking; from 1992 -2003 it took almost 10 years to be finished and adopted as one of Ethiopia's policy. The Ministry of Justice first established a committee consisting of seven members, of whom the interviewees were two of its members. One of my interviewee said;

We started work by preparing an action plan. Then, we began to consult the legal framework of the country starting from the FDRE constitution and went down to the substantive and procedural criminal laws. After consulting and analyzing the legal frameworks and consulting foreign experiences, the concept paper was developed. Then, the committee started to formulate the criminal policy based on the objective reality of the country. The concept paper was then dispatched for comments. After the first drafting was completed, different consultation forums at different times were arranged by the Ministry Justice. In the forums, stakeholders from Courts, the Police, Prison Administrations, Ethiopian Custom and Revenue Authority, Ethics and Anti-corruption Commission, Human Rights Commission, Bar Association, NGOs, regional organs and etc. were called to participate. These stakeholders forwarded important comments, ideas and suggestions on the proposed policy as the interviewees indicated. And then, the final draft was prepared considering the comments, ideas and suggestions obtained from those forums. Then after, the draft policy was sent to the council of Ministers for

approval. Finally, the Council of Ministers considered and discussed the proposed policy and remanded it to the Ministry of Justice to incorporate crime prevention. After incorporating the issues raised by Council of Ministers in the proposed policy, the final draft was completed and sent to the council for approval.

As my key informants pointed out, the committee sorted out gaps in the criminal procedure code and other procedural laws to be addressed by the criminal policy. He further added that members of the committee took notice of the experiences of other countries like Singapore, Canada and Australia to enrich their expertise on the matter at hand. Besides this, senior experts on criminal justice system were invited from Canada and provided training to the members of the committee.

When asked about why they were not able to consult African countries experiences, study participants reported that most African countries do not have a policy with regard to their criminal justice system. One of the informants noted:

South Africa and Kenya exceptionally has adopted western criminal justice systems but still it's not put in the form of policy but is incorporated in the laws of the country.

Study participants indicated that after consulting and analyzing the legal frameworks for the policy and consulting foreign experiences, the concept paper was developed. Then, the committee started to formulate the criminal policy based on the objective reality of the country. There were continuous consultations with Justice Reform Committee and with members of Board of Justice in the due course. It has been also said that there had been tremendous debates among members of the committee which helped in the process of policy formulations.

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After the first drafting was completed, different consultation forums were arranged by the Ministry Justice. In the forums, stakeholders from Courts, the Police, Prison Administrations, Ethiopian Custom and Revenue Authority, Ethics and Anti-corruption Commission, Human Rights Commission, Bar Association, NGOs, regional organs and others were called to participate. These stakeholders forwarded important comments, ideas and suggestions on the proposed policy as the interviewees indicated. And then, the final draft was prepared considering the comments, ideas and suggestions obtained from those forums. Then after, the draft policy was sent to the council of Ministers for approval.

According to the interviewees, the council of Ministers considered and discussed on the proposed policy and remanded it to the Ministry of Justice to incorporate crime prevention. After incorporating the issues raised by council of Ministers in the proposed policy, the final draft was completed and sent to the council for approval. Where it was adopted as one of Ethiopia's policy.

I have asked my sources whether there were any challenges with regard to the consistency of the policy in terms of its alignment with the supreme laws of the land; i.e. the constitution; one study participant said;

There were challenges with the laws being made prior to the policy but we have referred to other countries experiences especially the U.S supreme court decisions and have inferred from the principles there so that it will not be opposed to the supreme laws.

It is the study participants believe that the policy has taken the best interest of society as a whole and have considered the issues of justice as fairness and principles of equity within the

making process. The principles of justice have been duly recognized. Such as challenging negative discrimination, recognizing diversity, distributing resources equitably; i.e. according to need.

### *5.3. Content analysis/adoption*

Most of the rights included with in the policy are inalienable rights and therefore it was my question to know how they were treated within the policy; in order to draft the policy the committee has consulted various international instruments and other countries experience's; therefore with regard to the absolute rights (inalienable rights) that were included Ethiopia has already signed or ratified and adopted it with in the legal system and so the policy did not infringe this principles. He said that; "Ethiopia has already signed or ratified and adopted the laws within the legal system and so the policy did not infringe these principles."

When we come to the provisions of the policy dealing with juvenile delinquents what I understood from the interview is that the committee has taken the experiences of Canada and there have been debates as to include out of court treatment for young offenders, the other factor was the prevention methods that were supposed to be included with in the policy. The policy has put all the prevention methods whether it is for young offenders or adult has been put within the policy generally. Methods of prevention specifically for young offenders that require individual, group and organizational efforts such as creating economic opportunities; educational programs, recreational and youth development activities and developmental changes in the urban environment, have not been given due consideration.

Once public policy is initiated and formulated, the next step is its approval by the appropriate authority. Here, adoption gives life for the existence and application of a certain

policy. After the final draft has been distributed to all stake holders for their opinion it was sent to the capacity building office and there were much debates and questions that was raised, after that the Ministry of Justice sent the draft to the council of ministers where it was ratified.

Policy publication is one of the stages of policy making and it is concerned with the dissemination and communication of the policy to the public after its approval. According to the interview, after the policy was approved by the Council of Ministers, the Ministry tried to use different mechanisms to disseminate the policy. These include giving training for justice organs both at federal and regional levels, distributing the policy document to justice organs at federal and regional levels, to the universities, and finally releasing the policy on the ministry's website.

According to the adopted criminal justice policy, it has included various Articles starting from the policy purpose, goals and areas of strategic action followed by general crime prevention methods then it discussed about improving the criminal investigation and prosecution process and the efficiency and fairness principles of the criminal justice process and sanctions. But the overall focus of this paper as I have discussed in the previous chapters is on juvenal offenders and therefore when we see the part of the policy document that deals with juvenile offenders which is in chapter six of the policy titled response to victims of crimes, juvenile offenders and other vulnerable Groups. In section 6.2 the policy provides for responding to juvenile offenders which includes 5 articles.

The first Article deals with the general part it says that during all proceedings and even after a conviction, juvenile offenders must be handled in such a way as to enable them to change their ways, develop a positive attitude and grow in to peaceful and law-abiding citizens. The

objective of the system's intervention is to educate them and allow them to successfully reintegrate their family and their community. The second Article deals with the legal protection for juvenile offenders providing that they shall not be compelled to appear as witness or plead guilty or be cross-examined or used as prosecution witness. The third Article deals with a new concept that shows in the case of juvenile offenders' preferences are given to alternative remedial measures. The fourth article provides for implementing Alternative Remedial Measures and the fifth Article provides for special units which include special juvenile offenders benches to be established for conducting proceedings against juvenile offenders in the court having jurisdiction. Likewise, special units for monitoring juvenile offenders and investigating youth crime will be set up by the investigating organ and the prosecution.

#### *5.4. Implementation of the Policy*

Policy implementation is one of the most important stages in translating the policy intent into reality. It requires a series of government decisions and actions. In short, this stage is all about putting the policy in to effect by causing the concerned organ to pass legislations or laws based on the approved policy. This is due to the fact that policies may not be implemented unless they are transformed in to laws that can be implemented.

This study found that, the criminal policy is not being fully implemented currently. In order for the policy to be implemented the factors that are required are not yet met. Implementation requires law reforms, co-operation between organizations (governmental and non-governmental), cooperation between regional and federal states and organizations.

Besides this, the interviewed experts of the ministry further indicated that national implementation plan is required to implement the policy which is also under consideration.

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There has been some changes made to existing laws or new laws have been made with regard to the adoptions of the policy these include money laundry and anti-terrorism laws, community service laws, federal anti-corruption laws. My informant pointed out that the criminal procedure is under amendment on the basis of the policy. Many of the issues addressed by the policy are being included under the draft criminal procedure code for the effective implementation of the policy. One of the study participants further affirmed that there is still a gap in implementation by saying:

Even if the Ministry of Justice has taken it up on itself to give trainings in various regional and federal government offices there still remains work to be done with regard to building the capacity of justice organs, automation, policy project forum, public participation, legislative reform and strengthening co-operation among federal and regional justice which organs are very essential for the effective implementation of this policy.

When I asked how the application is to be and what the expectations are in both the Federal and Regional level, a key informant said:

We have tried to give trainings both in the Federal and Regional level and we expect there to be a strong and well founded base of this concepts in these levels and their relationship between each other should be strong and effective for proper implementation, but some areas are not even aware that the country even has a policy with regard to criminal justice. Much work is needed.

The policy itself under section seven provides general directions for its implementation. These directions are:

- A. To undertake reform of proclamations, regulations, directives and any other working procedures which contravene with the policy in the way they facilitate the implementation of it.
- B. Any new laws, legal reforms or working procedures which will come into effect after the adoption of the policy shall be in conformity with the policy.
- C. To effectively and efficiently implement the policy, justices' organs both at federal and regional level should undertake appropriate structural, working process and managerial adjustment duty.

However, the implementation process of the policy is not yet realized. Almost four years have been elapsed since the policy was adopted. It was on 25 Yekatit, 2003 E.C. that the policy was adopted. But, it is not put in to effect for the above mentioned and other reasons.

### *5.5. Policy Evaluation*

Evaluation of the policy deals with assessing the impact of the policy or assessing the effectiveness or the failure of the policy after its implementation. In other words, this stage is concerned with evaluating whether the policy is achieving its intended goals or whether undesired outcomes are occurring.

Once the implementation of policies is evaluated, the evaluation shows the occurrence of undesired outcomes or the policy failed to bring the intended goals. Based on the result obtained from the evaluation, the policy may be reviewed or avoided. When we come to the policy the ownership of the policy is not well defined who is supposed to implement the policy whether it is the COM (Counsels of Ministers) or the Ministry of Justice is not well defined.

According to my findings, implementation of policies of the government can be evaluated by using different methods among which periodic reports from the concerned implementing organs, and organizing team observation by the concerned standing committee of the HPR play paramount role. Regarding its evaluation, the criminal policy does not provide any mechanism through which its evaluation will be undertaken. The interviewed officials of the Ministry further pointed out that the policy is not currently being evaluated as it is not fully been put in to practice. So, it is impossible to evaluate the success or failure of this policy.

### *5.6. Summary*

In this chapter I have tried to find out how the criminal justice policy making process was from the makers of the policy as well as related documents. I have seen how the policy was initiated in 1992 with the intent of addressing problems that were addressed by the justice reform center; I have presented my findings about the identified problems and policy issues and how a direction from the government with regard to the overall justice system was needed.

The overall policy making process took 10 years and the policy was ratified by the COM on 2003. During this time a committee comprising of 7 members were formed. According to my findings throughout the making process they have tried to make different stakeholders participate be it governmental or non- governmental by initiating various discussion forums. The comments that were gathered had been incorporated within the policy. With regard to the content analysis I have tried to analyze the justice policy documents and have tried to find out from the makers if there were any prevention strategies available specifically for juvenile offenders, finding out there were put in general terms and not specifically for young offenders.

There had been some laws that were made following the enactment of the policy and the country's criminal procedure code is under amendment process but the implementation of the policy has not been fully effected and the policy by itself has gaps with regard to providing the implementation procedures that need to be followed as well as specification of program detail and allocation of resources. Evaluation of the policy has still not been done and who is responsible for the evaluation is not clearly provided for.

## Chapter six: Discussions and conclusion

### 6.1. Discussion

This chapter discusses the major findings of the study by associating them to the relevant literateurs and conceptual frameworks prepared for the purpose of this research.

Among the issues presented in this paper, understanding what is meant by Public policy in the international context is a must to follow up on and properly analyze the policy made. Therefore, in the previous sections we have seen that, policy is an instrument which serves as a guideline for governments by providing direction on making decision and actions in certain specified area so as to achieve the general objective intended by the government. Public policy serves as a tool for governments basically: to avoid a certain issue or matter that concern the interest of the society negatively, and also to develop a facet of society. In addition, it is a public document that clearly provides the responsibility of the government and the society towards attaining the goals laid down in the policy. With regard to this, my finding shows that Ethiopia does not have a policy making guideline and therefore as to what a policy should contain is not defined in this legal system.

My finding shows that the criminal justice policy is drafted and enacted for the purpose of guiding the criminal law and administration of criminal justice with in Ethiopia. During my research I have seen that the policy has tried to incorporate new concepts which have never been applied in the legal system of Ethiopia. These new concepts were the result of the identified problems following the justice reform made by the Ministry of Justice. The policy has given recognition to various new methods which in turn would help for the acceleration of justice. Methods of settlement out side of the court such as diversion, suspension and alternative

remedial methods were recognized for the first time in this policy. This means that the policy has given acceptance to traditional justice systems with in Ethiopia. There had been many cases in the different rural and remote areas of Ethiopia where the criminal code was not effective because of the traditional norms of the society and people leaving there. Giving recognition to the way they deal with crime in their own culture and norm is I believe a good start. With regard to this the finding shows that at least some of the social problems and principles of justice that take in to account divert in individual, family, group and community differences have been taken in to consideration(Cohran & Malone, 2005).

The other new concept that the policy has incorporated is plea bargaining methods. These methods have been applied in other countries and have been seen useful in having an expedited and efficient as well as a timely and speedy justice. But before the adaptation of the policy there were no such thing as plea bargaining with in Ethiopia's criminal justice system for lack of clear legislation and policy direction. Following the coming in to force of this policy new laws such as the federal anti corruption proclamation and anti terrorism and money laundering proclamations have been legislated incorporating the plea bargaining methods, also the criminal procedure code of Ethiopia still in amendment process has incorporated the method as well. Therefore this finding is consistent with the fact that polices should be made to alleviate social problems (Blumer, 1971). He had said that recognizing that these problems exist and what should be done about them is core for solving social problems.

My finding shows that the policy's formulation process did not include or invite to participate all interested parties. We can even say that the whole process making process was limited within the government organs only, though the ministry tried to invite the stakeholders to forward their concerns, it did not stretch its effort to discuss the draft policy to the public at large

in order to obtain comment which are important for the policy. With regard to this the policy is not consistent to the concept given by Rowmire (2001). That says social problems are connected and they must first be perceived as such by a large group of people (Rowmire,2001). Whether this policy have indeed protected the rights and freedoms of individuals and are in alliance with the best interest of people should have been guaranteed through the participation of interested parties. This has been identified as one gap.

In the literature review chapter of this study I have pointed out that a good policy should be socially acceptable, politically viable and technically correct (Municipal Research and service Center, 1999) with regard to this the finding shows that even though, the ministry has been trying to create awareness on the policy to specific stakeholders, the majority of the society does not have access to take notice of it. This is owing to the fact that the policy which became the public document was not duly published and put at a place where the society can easily get it. In addition to this, the ministry did not efficiently use available methods like media, newspapers and leaflets to address the policy to the society.

Most of the rights incorporated within the policy are inalienable rights which are rights that cannot be abused or touched by either the government or any other person and the exceptions to these rights are to be constructed narrowly. With this regard as per my findings, the policy is in alliance with the supreme law of the land that is the constitution. It has tried to incorporate these fundamental rights as the constitution has incorporated them I have not seen any derogations and diversions from that included within the constitution.

According to my findings: The whole process of the criminal justice policy had taken 10 years to be adopted and it was ratified in Feb 25; 2003 and therefore, it has been in to force for 4

years now. According to Miller & Sidney, (2007) In order for the policy to be properly implemented specification of program detail, allocation of resources and decisions should be made following the Adoption of the policy. My finding shows that Even though there are had been a number of new laws that were ratified, still the overall application of the policy has not been implemented. Having the policy alone is not a guarantee unless it is put in to practice and bring the desired outcome for the society. Enacting the new criminal procedure code and facilitating other necessary conditions as stipulated in policy document accelerate the effective implementation of the policy. Therefore, the Ministry of Justice as well as the Council of Ministers should try their best to effectively implement the policy.

The other factor that needs to be discussed is the evaluation of the policy. Not only has the policy never been evaluated but also there are no procedures provided for the evaluation of the policy, who the owner of the policy is for the purpose of accountability, has not been identified and how its implementations are to be evaluated and by whom the evaluation is to be made has not been clearly incorporated within the policy.

When we come to the provisions of the policy with regard to juvenile justice the policy provides that "During all proceedings and even after a conviction, juvenile offenders must be handled in such a way as to enable them to change their ways, develop a positive attitude and grow in to peaceful and law-abiding citizens. The objective of the system's intervention is to educate them and allow them to successfully reintegrate their family and their community" (Art 6.21, Criminal Justice Policy).

My finding shows that the policy has 5 articles that deal with juvenile offenders. But there are no definitions as to what constitutes as a juvenile delinquent provided in the policy

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this can be considered as one of its gaps. When we see international documents; Rule 2(2) (a) of the Beijing rule defines a juvenile as a child or young person who under the respective legal system, may be dealt with for an offence in a manner which is different from adults. Therefore the policy does not define what a juvenile offender is and for purpose of application we need to refer to the criminal code of Ethiopia Art. 53 as young offenders between the ages of 9 to 15 years of age. But in my opinion the policy itself should have provided as to what constitutes juvenile justice.

The international standards for the administration of juvenile justice as set forth by the ICCPR are, Art.6(5) provides that the death penalty should not be imposed for crime committed by person below 18 years of age. Art 10(2) (b) that juveniles accused of criminal offence should be separated from adults and tried quickly, Art 10(3) that juvenile offenders be accorded treatment appropriate to their age and legal states and Art 14 (3) the procedures for juvenile should take in to account the desirability of promoting their rehabilitation. Only one of these standards has been included within the policy such as the fact that juvenile offenders must be handled in such a way as to enable them to change their ways and be rehabilitated. But what this rehabilitation methods are and how they will be effected have not been provided for. This is one of the gaps that the policy has, what is meant by juvenile rehabilitation methods, and what these rehabilitation methods comprise of is not put within the policy. In chapter 2 of this paper we have seen other countries experiences as to what is available for rehabilitation by their justice community they have divided these methods according to age and offence types.

Even though not as binding as international conventions; the Beijing rule have set or the minimum guarantees for the administration of juvenile justice. These rules encourage the use of alternatives to the judicial process and stipulate that detention of juveniles should be used

as a last resort. (Beijing rule). When we see the criminal justice policy in its Art.6.2.3 and 6.2.4 it provides for alternative remedial measure, it says that unless it becomes necessary to institute formal proceedings the use of alternative remedial measure is preferred response to juvenile crime. The policy further provides for Alternative Remedial Measures saying institutions will be established at federal and regional levels which will have the responsibility to implement alternative measures, and these institutions will be responsible for ensuring that the measures used are safe, compatible with circumstances of young individual and proportional to the seriousness of the offences that she/he has committed. CRC which is 'universally' ratified in 1989 has also specifically provided for the barement of unlawful arrest or arbitrary deprivation of liberty and that imprisonment of young offenders should only be used as a matter of last resort and for the shortest time period of time possible.

The policy also provides that laws, guidelines, programs amended and drafted with respect to the relevance, substances, nature and detail implementation of the alternative remedial measures on juvenile offenders shall be considered in line with the rights and special protection of juvenile offenders accepted by the Constitution, the international treaties and practices. This is a good future of the policy, even though there are no detailed references as to what these international treaties and practices are accepting and recognizing that they will be applied in the national justice system goes a long way in insuring young people's rights.

Some of the international laws available to juvenile delinquents include CRC Art 37© and 37(d) which lays down conditions for the arrest, detention and imprisonment of young offenders while in custody, maintaining contact with family, access to legal assistance, access to court and quick trial. Art 40 of the CRC also incorporates most of the essential principles of the 1985 Beijing rule and is very protective of Juvenile offenders as it covers treatment from time of

allegation through investigation, arrest charge, trial and sentencing and provides alternative measures such as institutional care for rehabilitation (CRC Art.40 (4)).

## 6.2. Conclusion

During the course of this paper I have tried to see different aspects as to what a policy constitutes. As discussed above this paper explores what is meant by criminal justice policy, considering justice as fairness. Various references have been made as to what social policies are and how we analyze them. The general policy making process or policy cycle function mostly include: identification of problem(s)/ initiation, formulation of the policy, adoption, publication, implementation and evaluation. For the purpose of understanding the practical stages through which the FDRE Criminal policy is formulated, during this research I have tried to assess the policy cycle from the perspective of general policy cycle theory and the legal frame work.

The Ministry of Justice with the power to initiate policies as per Arts.10 (1) (A) of proclamations No.4/1995 and 691/2010 identified problems within the criminal justice system through the Justice Reform Programs established. Following the problem identification, the board of justice gave the direction to formulate a criminal policy so as to address problems in the justice system satisfactorily. Accordingly, the special committee composed of seven members was established to accomplish the mission of formulating the FDRE Criminal Policy. Therefore; the policy was formulated after assessing the legal frame works of the country, considering the experiences of other countries and the concrete situations of our country thoroughly. Then after, the existing criminal policy was adopted by the FDRE Council of Ministers in 2010.

Even though the ministry has tried to involve governmental and non-governmental organizations in the due course of the policy by conducting various forums making process, still

it was not enough since the policy is to be applied on each and every individual living here citizens should have been aware and social workers should have been involved in the due process.

This paper further shows that implementing agencies were also not satisfactorily communicated; although the ministry has tried to give various training in federal as well as regional levels. This in turn, as discussed above, show that the policy has not achieved its objectives.

Regarding publication, it is learnt that the criminal policy is not still published and disseminated to all the public following its adoption. The ministry has only been trying to create awareness among stakeholders. On the other hand, the policy is not fully being implemented currently although the new draft criminal procedure is being amended on the basis of the policy according to the official of Ministry of Justice. In relation to evaluation, it is impossible to evaluate the success or failure of the new criminal policy in the absence of its implementation. Therefore, all the concerned organs have to give attention on time to the proper implementation of the policy so as to evaluate it practically.

The principles of social justice help to understand how polices and services should benefit the most vulnerable population in a society; one of these vulnerable cases with in the criminal justice policy are a juvenile delinquent which are young offenders between ages of 9-15 years of age according to Ethiopia's criminal code and 18 years in international documents.

With regard to young offenders the study reveals that the policy has 5 articles which incorporate general provisions as to the legal protections and Alternative Remedial Measures the policy has also gave due consideration and recognition to the international laws and supreme

laws of the country by incorporating them in its provisions. But when we see these in perspective with the international laws and standards set the policies have not been clear as to what is meant by juvenile offenders and what rehabilitative measures are available and what protective measures should be taken in to consideration in dealing with young people that has a risk of being offenders. Therefore, within this research I have tried to see what factors contribute for young people to be juvenile delinquents, dividing them in to three categories: Neurological perspective, Psychological perspective and Criminological perspective. For the purpose of protecting the rights of young offenders and preventing causes that leads to being a delinquent these factors that has direct implication on the social and economical factors need to be considered and further studies should be conducted.

### **6.3. Social work implications**

From this study various implications of social work attributed to social work education, social work practice and implications for research can be forwarded.

The principles of human rights and social justice are fundamental to social work. As indicated in the introductory part of the policy; the aim of the policy is to establish a criminal justice system which protects the rights and freedoms of all individual. As a social worker; analyzing whether this policy have indeed protected the rights and freedoms of individuals and is in alliance with the best interest of people and whether or not it is in accordance with international conventions is very important.

Advocacy is one of the major roles of a social worker. In order to empower different segments of the society and have sustainable development and change the lives of people we need to systematically influence the decision making process of the government and what better

way than through the policy making process. Therefore we can say that social workers need to be involved and become voice to the voiceless in stopping unfair legislations and infringement of human rights as well as harmful practices. Young people are the future hope for the country and the base for social development; therefore, social workers need to insure the rights of these people are well taken care of within laws of the country.

Social workers should intervene to protect the best interests of people. Principles of social justice which take into account challenging negative discrimination, recognizing diversity, taking in to consideration individuals, family, group and community differences as well as distributing resources equitable i.e. according to need should be advocated by the social worker. Even after the policy has been ratified social workers should intervene so as to question the implementation and should also involve in the evaluation of the policy made. And based on the findings we should be able to challenge the unjust policy and practice.

As it has been put in the book innovation in social collaborative policy advocacy; Social work practitioners bring essential "on the ground" expertise to policy work. As frontline workers and administrators, they understand and are often frustrated by the structural barriers confronted daily by their clients. Thus, they can play an important role in identifying and documenting the need for policy changes and can bring "real- world" knowledge to the development and refinement of ideas and to the policy design process. They also can bring grassroots constituents to the table. Their first- hand observations about the effect of public policies on clients place them in an advantageous position to speak about the need for change and to articulate an invaluable perspective on what works and does not work (Margaret, Sherraden, Slosar, n.d)

With regard to social work implication for education, it is very good that social work has incorporated policy analysis within its curriculum. It is a very important topic as it addresses the rights of citizens and what the government has chosen to do or not with regard to its citizens.

Social work implication for further research could be conducted on the implementation of the policy focus on how it is possible to implement this policy systematically in all regions of Ethiopia, so as to alleviate the social problems related with criminal justice, as well as how the implementation should be evaluated and who should be the responsible organ for the job

#### **6.4. Recommendation**

On the basis of the findings of this paper, the following recommendations are suggested

1. As the country does not have comprehensive policy guidelines, it should have a detailed policy guideline that provides criteria of policy making and grounds of policy prioritization.
2. Since public policy affects the society, there should be mechanisms through which citizens can participate in policies formulation process. Involvement of citizens in policy formulation is very indispensable for enhancing effectiveness, resolving conflicting interests, establishing priority, enhancing public knowledge, understanding and awareness of a given policy, establishing legitimacy and obtaining necessary inputs for the development of a given policy.
3. The policy in dealing with young offenders (9-15) has not provided for protective measures that would help prevent crime before they materialize such issues to consider could be the social political and economical factors of people.

4. Approved public policies are public documents. Thus, these public documents should be accessible to all citizens. The practice of our country shows that policies are not accessible to citizens. There is no organ responsible for policy publication. Hence, the organ which takes the responsibility of publicizing and distributing adopted policies should be determined.
5. Currently, the criminal policy is not being implemented in its full force for the necessary conditions are not facilitated. The policy by itself has a gap with regard to providing the implementation procedures that need to be followed as well as specification of program detail and allocation of resources. Therefore, the justice organs at both federal and regional level should take legal reforms and structural arrangements to put the policy into practice.
6. The criminal policy does not set out any mechanisms through which its evaluation can be undertaken. This policy should be reviewed to incorporate mechanisms through which its implementation can be evaluated and who the responsible organs are.
7. Definitions as to what is meant by juvenile offender should be included within the policy.
8. The policy provides for rehabilitative methods for juvenile delinquents; but as to what constitutes these rehabilitative methods is not clearly provided for. Therefore, the policy should be clear on what is available as rehabilitative methods for young offenders.
9. In dealing with the control mechanism for juvenile delinquency much focus should be given to the social approaches rather than judicial approach; for this effect the cooperation of government with individuals, groups and organizations is required.

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## Appendix I- Interview guide questions

### *Interview guide questions*

The criminal justice policy is drafted and enacted for the purpose of guiding the criminal law and administration of criminal justice within Ethiopia;

With this in mind

#### Initiation/identification of policy issue

- When did it start?
- Why the need?
- First comes policy then law why the vice versa?
- Who initiated it? And how?
- Who were the participating organs? Or stakeholders?
- Identified problems prior to policy initiation?
- How did the issue of juvenile delinquency receive a policy making agenda?

#### Process analysis/formulating policy proposal

- How long did it take?
- Who participated actively?
- How was the policy making process?
- Had the principles of justice been duly recognized? Such as challenging negative discrimination, recognizing diversity, distributing resources equitably (according to need)? How?
- Which international documents did it consult?

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- Which international practices did it consult?
- Which African countries experiences did it take in to consideration?
- Do u think the policy has taken the best interest of society as a whole? Justice as fairness and equity
- The consistency of the policy in terms of its alignment with the supreme law of the country; i.e. the constitution?

## Content analysis / adoption / decision making

- Most of the rights included within the policy are inalienable rights therefore how are they treated?
- With regard to juve what prevention methods have been included within the policy? this methods require individual, group and organizational efforts such as creating economic opportunities; educational programs, recreational and youth development activities, developmental change in the urban environment....
- What contribution have the policy made towards assurance of rights included in international laws?
- How was it adopted? The process?

## Implementation analysis

- How is the policy being implemented?
- Has there been any changes made to the existing laws or had new laws been made prior to the adoption of the policy?

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- Its application to be both at the federal level as well as regional level? What are the expectations?
- Which social problems have been dealt with following the adaptation of the policy?
- To what extent were the implementing agencies communicated about the policy?
- What are the challenges faced in implementing the policy?

## Policy evaluation

- A good policy must be socially acceptable politically viable and technically correct with this regard how is the policy evaluated?

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- Its application to be both at the federal level as well as regional level? What are the expectations/
- Which social problems have been dealt with following the adaptation of the policy/
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