



Global Initiative to  
**End All Corporal Punishment  
of Children**

## **GHANA**

### **BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 2<sup>nd</sup> session, 2008**

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**Corporal punishment of children breaches their rights to respect for human dignity and physical integrity and to equal protection under the law. It is recognised by the Committee on the Rights of the Child and other treaty bodies, as well as by the UN Secretary General’s Study on Violence against Children, as a highly significant issue, both for asserting children’s status as rights holders and for the prevention of all forms of violence.**

**The Global Initiative to End All Corporal Punishment of Children has been regularly briefing the Committee on the Rights of the Child on this issue since 2002, and since 2004 has similarly briefed the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights, and the Human Rights Committee. There is growing progress now across all regions in challenging this very common form of violence against children. But we are concerned that many States persist in ignoring treaty body recommendations to prohibit and eliminate all corporal punishment. We hope that the UPR Process will give particular attention to states’ response, or lack of response, to the concluding observations from treaty bodies, on this and other key issues.**

**In June 2006, the Committee on the Rights of the Child adopted General Comment No. 8 on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment”, which emphasises the immediate obligation on states parties to prohibit all corporal punishment of children, including within the home. Other treaty bodies and also regional human rights mechanisms have condemned all corporal punishment. In October 2006, the report of the UN Secretary General’s Study on Violence against Children was submitted to the General Assembly. It recommends universal prohibition of all corporal punishment, setting a goal of 2009.**

**This briefing describes the gaps in prohibition in Ghana, despite repeated recommendations by the Committee on the Rights of the Child.**

**We hope the Review will highlight with concern Ghana’s record of ignoring treaty body recommendations and strongly recommend that Ghana introduce legislation as a matter of urgency to prohibit corporal punishment of children in all settings, including in the home.**

## **I: Legality of corporal punishment in Ghana**

### **The home**

Corporal punishment is lawful in the **home**. The Children's Act (1998) allows for a degree of "reasonable" and "justifiable" punishment of children, stating in article 13(2) that "no correction of a child is justifiable which is unreasonable in kind or in degree according to the age, physical and mental condition of the child and no correction is justifiable if the child by reason of tender age or otherwise is incapable of understanding the purpose of the correction."

Children have limited protection from violence under the Criminal Code (1960, amended 1998), the Constitution (1992), and other provisions in the Children's Act. A Domestic Violence Bill was passed in February 2007 and was awaiting Presidential assent.

### **Schools and other settings**

Corporal punishment is lawful in **schools**. Pursuant to the Education Act (1961), the Ghana Education Code of Discipline for second cycle school provides for caning up to six strokes by a head teacher or person authorised by the head. Article 13 of the Children's Act (see above) also applies. As at 2006, the Teachers Handbook issued by the Ministry of Education stated that corporal punishment should be used as a last resort, and provided various alternative disciplinary measures.

In the **penal system**, corporal punishment is unlawful as a sentence for crime but is lawful as a disciplinary measure in borstal and industrial institutions, where young persons convicted of offences may be sent.

Corporal punishment is lawful in **alternative care settings**. The Children's Act covers foster care, adoption and institutionalised care, and permits the use of "reasonable" and "justifiable" punishment (see above) under the transfer of parental responsibility.

## **II: Recommendations by human rights treaty monitoring bodies**

In 1997, the **Committee on the Rights of the Child** stated in its concluding observations on the state party's initial report, that it was "deeply concerned by the institutionalized use of corporal punishment as a means of discipline, particularly in schools" (CRC/C/15/Add.73, para. 16). In its concluding observations on the state party's second report in 2006, the Committee observed that its previous recommendations regarding corporal punishment had been given insufficient follow-up (CRC/C/GHA/CO/2, para. 7). The Committee stated (paras. 36 and 37):

"While noting the State party's steps to prohibit the use of corporal punishment in educational settings, and in particular through prohibitions outlined in the Teacher's Hand Book, corporal punishment is still widely practised in society and its acceptance as a form of discipline gives cause for serious concern. The Committee is concerned that the Children's Act allows for a degree of 'reasonable' and 'justifiable' punishment.

"The Committee recommends that the State party should, taking into account its general comment No. 1 on the aims of education (CRC/GC/2001/1) and its recommendations, adopted on the day of general discussion on violence against children within the family and in schools (see CRC/C/111):

- a) explicitly prohibit all forms of corporal punishment in the family, schools, and other institutional settings and alternative care systems as a matter of priority;
- b) sensitize and educate parents, guardians and professionals working with and for children by carrying out public educational campaigns with the involvement of children about the harmful impact of violent forms of "discipline" and by promoting positive, non-violent forms of discipline and respect of child rights."