

BRIEFING FROM GLOBAL INITIATIVE
TO END ALL CORPORAL PUNISHMENT OF CHILDREN

BRIEFING ON GHANA FOR THE COMMITTEE AGAINST TORTURE
STATE EXAMINATION – May/June 2011

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GHANA (initial report – CAT/C/GHA/1)

Corporal punishment is lawful in the **home**. Article 13 of the Children’s Act (1998) prohibits “cruel, inhuman or degrading treatment or punishment including any cultural practice which dehumanises or is injurious to the physical and mental well-being of a child” (para. 1) but allows for a degree of “reasonable” and “justifiable” punishment of children, stating 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” (para. 2). According to a statistical review by UNICEF, 90% of children aged 2-14 experienced minor physical punishment in the home in 2005-2006; around 11% experienced severe physical punishment (being hit or slapped on the face, head or ears and/or being repeatedly beaten with an implement “as hard as one could”).¹

Corporal punishment is lawful in **schools**. The Ghana Education Code of Discipline for second cycle school, pursuant to the Education Act (1961), 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. Ministerial directives advise against the use of corporal punishment in schools but this has not been confirmed in legislation.

In the **penal system**, corporal punishment is unlawful as a sentence for crime under the Juvenile Justice Act (2003) and the Children’s Act. It is prohibited as a disciplinary measure in prisons under the Prisons Service Decree (1972), but it is not explicitly prohibited in borstal institutions and industrial institutions.

Corporal punishment is lawful in **alternative care settings** under provisions allowing “reasonable” and “justifiable” correction in article 13(2) of the Children’s Act.

The **Committee on the Rights of the Child** has twice recommended that Ghana prohibit corporal punishment of children by law in all settings – in 2006 in its concluding observations on the state party’s second report (CRC/C/GHA/CO/2, para. 37) and in 1997 on the initial report (CRC/C/15/Add.73, para. 36).

Ghana was examined under the **Universal Periodic Review** process in 2008. The Government accepted the recommendations to prohibit corporal punishment of children.

We hope the Committee Against Torture will urge the Government of Ghana to explicitly prohibit corporal punishment of children in all settings, including through the repeal of all legal defences for “reasonable” and “justifiable” corporal punishment, and to support law reform

¹ UNICEF (2010), *Child Disciplinary Practices at Home: Evidence from a Range of Low- and Middle-Income Countries*, NY: UNICEF

with appropriate public education and professional training on positive, participatory and non-violent forms of discipline.

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children
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