

FACTSHEET – UPR 2017, GHANA

3rd CYCLE UNIVERSAL PERIODIC REVIEW

CORPORAL PUNISHMENT



SUMMARY OF KEY ISSUES FROM PREVIOUS UPR CYCLES AND RECOMMENDATIONS MADE

During the 2nd UPR Cycle, key issues for the protection of children’s rights for which Ghana received recommendations included explicitly prohibit corporal punishment of children in all settings, including the home and school.

In various settings, corporal punishment remains lawful, in particular under provisions allowing “reasonable” and “justifiable” correction in article 13(2) of the Children’s Act 1998.

NATIONAL FRAMEWORK

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” (art. 13(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” (art. 13(2)).

Though the 1992 Constitution states in article 28(3): “A child shall not be subjected to torture or other cruel, inhuman or degrading treatment or punishment”, neither this nor the provisions against violence and abuse in the Criminal Code 1960, the Domestic Violence Act 2007 and the Children’s Act 1998 are interpreted as prohibiting all corporal punishment in child upbringing.

UNICEF’s 2010 analysis of data on child discipline in the home in 2005-2006 found that 90% of 2-14-year olds in Ghana had been violently “disciplined” (by physical punishment and/or psychological aggression) in the month prior to the survey. Information gathered in 2010-2011 under round 4 of the UNICEF Multiple Indicator Cluster Survey (MICS4), documented 94% of 2-14-year olds experiencing this at home in the past month.

There is a directive by the Ghana Education Service (GES) that only head-teachers should use the cane following a strict protocol. This is however not adhered to and has also given room for some schools, orphanages and homes to adopt their own regulations against caning children based on the “Spare the rod and spoil the child” mantra. Corporal punishment by teachers still exists in government schools, especially in the remote areas.

CHALLENGES

IMPACT

1. Culturally accepted

One of the most commonly practiced means of correction used by parents on children is corporal punishment.

1. This practice has been passed on from generation to generation and it is still recognised as the best way to punish children when they go wrong. There is a great deal of evidence to show that corporal punishment negatively impacts the behavioural and

cognitive development of children in a variety of ways. Some children lose touch of the importance of education as it affects their academic performance.

Children become more rebellious and are more likely to demonstrate vindictive behaviour, seeking retribution against school officials and others in society. They also have low self-esteem.

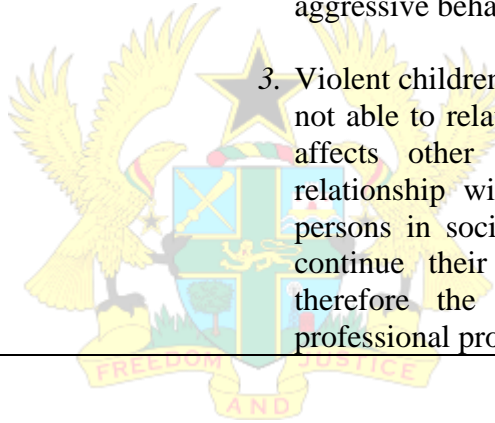
2. Negative Social Behaviour

Corporal punishment is associated with children's aggression and other anti-social behaviour (towards peers, siblings and adults).

2. The level of indiscipline and other social vices could be developed by children who experience corporal punishment and they lose focus in life. They cultivate the negative behaviour and joined other recidivism group.

Corporal punishment may legitimise violence for children in interpersonal relationships because they tend to internalise the social relations they experience. Social learning theory also suggests that physical punishment enables children to learn aggressive behaviour through modelling.

3. Violent children because of corporal punishment are not able to relate and socialised with their peers. It affects other children and their interpersonal relationship with their peers, relations and older persons in society. Some of them are not able to continue their schooling and drop school and therefore the do not have any academic or professional progression.



RECOMMENDATIONS

1. Conduct sensitization and awareness raising on positive discipline to ensure that parents, traditional leaders, religious leaders, teachers and other understand positive discipline and use it in disciplining children.
2. Amendment of the Children's Act 1998 Act 560 and the Criminal Offences Act, 2012, (Act 849) which allows a "reasonable proportion as a form of discipline to conform to the international standard of practices
3. Educate and teach children to and know their rights and responsibilities so enable them to participate in all their developmental process.

ABOUT THIS FACT SHEET This information sheet was coordinated by child rights partners including Ghana NGO Coalition on the Rights of the Child (GNCRC), Defence for Children - Ghana, Plan International Ghana and Ghana Human Rights NGOs Forum.

REFERENCES 13 December 2012, A/HRC/22/6, Report of the working group, paras. 123(20) and 125(50)
UNICEF, (2010), *Child Disciplinary Practices at Home: Evidence from a Range of Low- and Middle-Income Countries*, NY: UNICEF
Ghana Statistical Service (2011), *Ghana Multiple Indicator Cluster Survey with an Enhanced Malaria Module and Biomarker*, Accra: Ghana Statistical Service
13 December 2012, A/HRC/22/6, Report of the working group, paras. 123(20) and 125(50)

