



MINISTRY OF GENDER,  
CHILDREN AND SOCIAL  
PROTECTION

Position paper on corporal  
punishment in Ghana

# Corporal Punishment in Ghana: A Position Paper on the Legal and Policy Issues





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## *Acknowledgments*

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This paper has been put together to look at the issue of corporal punishment in Ghana and generate some debate and consensus to address some of the core issues affecting girls and boys in Ghana when inflicting physical pain is used as a form of discipline. This position paper has been put together by Law and Development Associates (LADA) Group as part of a contract between LADA, UNICEF and Government of Ghana. The completion of this paper could not be possible without the express participation of Edmund Folley and Prof. Robin Walker Sterling. This position paper is part of the efforts led by the Department of Children, Ministry of Gender, Children and Social Protection to conduct a comprehensive review of the existing legislation in Ghana and to propose changes to bring it in line with the Convention on the Rights of the Child.

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## Introduction

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Corporal punishment against children is generally defined as the use of physical force as a means of discipline or punishment with the intention of causing a child bodily pain or discomfort, however slight. Corporal punishment includes: spanking, hitting, pinching, squeezing, paddling, whipping/ “whupping,” swatting, smacking, scratching, pulling hair, slapping, washing a child’s mouth with soap, making a child ingest spices or kneel on painful objects, and forcing a child to stand or sit in painful positions for long periods of time. Disciplinary measures that causes pain are considered corporal punishment whether or not they cause physical injury.<sup>1</sup> Disciplinary measures that risk physical injury qualify as physical abuse. Physical abuse includes: punching, beating, kicking, biting, burning, shaking, or otherwise harming a child. Recent research indicts the traditional physical punishment-abuse binary in that most physical abuse occurs during episodes of physical punishment. Most corporal punishment is practiced in schools, by educators and school staff, or in the home, by parents, guardians, and family members.

Corporal punishment is pervasive worldwide, and Ghana is no exception. Corporal punishment in Ghana occurs in the home, school, alternative care settings, day care facilities, and penal institutions.<sup>2</sup> According to a 2010 report, in sub-Saharan Africa, the Middle East, and North Africa, more than seven in ten children aged 2 to 14 are disciplined using corporal punishment. With a reported 93% of children being subjected to corporal punishment in the

home, Ghana ranks second to Yemen in the world, and ranks first in sub-Saharan Africa.<sup>2</sup> Ghanaian children are most likely to experience corporal punishment in middle childhood, between the ages of five and nine.<sup>3</sup> Given how commonly it is practiced, it comes as no surprise that corporal punishment is acceptable to most Ghanaians among both children and adults. In fact, parents and other care-givers who do not use corporal punishment as a corrective measure are often perceived as being ‘too soft’ in their parenting methods.<sup>4</sup> Ghanaian girls are just as likely to be subjected to corporal punishment as boys. And indeed, corporal punishment in the home is the most common form of violence against children in Ghana.

Despite its ubiquity, studies clearly indicate that corporal punishment is detrimental to children’s development, causing negative outcomes that vary depending on the particular nature, extent and severity of exposure. “These range from immediate impacts to long-term harm that children carry into adult life. Injuries inflicted by a care-giver on a child can result in death or serious damage, including cognitive and physical impairments.” In addition, “children raised by authoritarian parents who regularly employ harsh and punitive disciplinary methods tend to have reduced self-esteem and lower academic success, are more hostile and aggressive and less popular with peers, and are less independent than children who have not suffered in this way; such children also engage in more substance abuse as adolescents.”<sup>5</sup>

The Universal Periodic Review (UPR) is the process in which the human rights records of all UN Member States are regularly reviewed. The reviewing body is called the Human Rights Council. During the 2017 Universal Periodic Review of Ghana's human rights record, the Council noted that Ghana has laws that allow public support for corporal punishment to persist. For example, Article 13(2) of the 1998 Children's

Act, the country's most comprehensive act concerning the treatment of children, allows "justifiable" and "reasonable" corporal punishment of a child.

Any and all legal provisions allowing for corporal punishment must be explicitly repealed to send the clear and unambiguous message that corporal punishment is not acceptable under any circumstances.

## *Objectives*

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The goal of this brief position paper is to recommend prohibition of corporal punishment in the discipline of children in all its forms; to note that the weight of international law supports prohibition of corporal punishment; to advise that Ghana should, as expeditiously as possible, revise its laws to support prohibition; and to suggest that the government undertake a

campaign to educate parents, teachers, guardians, and children alike about alternative methods of discipline that help children learn to develop healthy emotional lives, to use coping mechanisms to handle their frustrations, to grow resilient in the face of obstacles, and to practice self-discipline, such that they behave in socially acceptable ways.

## *Legal and Policy Framework*

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### **International legal framework**

By 1990, scientific research bore out a correlation between corporal punishment and negative developmental outcomes. In response, Sweden, Finland, Norway, and Austria prohibited all forms of corporal punishment. In the meantime, the conviction that corporal punishment constituted a human rights violation continued to gain international traction. By 2012, the idea had found purchase, such that 30 countries,

including Germany, Spain, Greece, and Venezuela, all prohibited physical punishment in all settings, including in the home. In Africa, South Sudan, Kenya, Tunisia, the Republic of Congo, Benin, and Togo have all prohibited corporal punishment in all settings.<sup>6</sup>

Over one hundred countries, including the overwhelming majority of countries in Africa, have banned physical punishment in schools.<sup>7</sup>

On 5 February 1990, Ghana made history by becoming the first country to ratify the United Nations Convention on the Rights of the Child (CRC). The CRC articulates international norms for the political, health, social, economic, and cultural rights of children. It is the primary legal instrument protecting children's civil rights. The CRC would go on to become the most widely and rapidly ratified human rights treaty in history. One hundred and ninety-six nations are party to the CRC, including every member of the United Nations except the United States. Ratification represents a country's pledge to codify the terms of the CRC into national law and encourage adoption of the norms that the laws impart.

The CRC unambiguously prohibits all corporal punishment of children, including in the home. Article 19(1) states:

- ⦿ *Art. 19: "(1) States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child..." (emphasis added)*

And Article 37(a) states:

- ⦿ *Art. 37: "States Parties shall ensure that: (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment."*

Articles 2, 3, 6 and 12 set the parameters for implementation of the CRC's mandates. These articles require that the states practice non-discrimination, prioritize the best interests of the child, safeguard

the child's right to life, survival and development, and respect the views of the child, respectively.

The clearest expression of the interpretation of the Convention on the Rights of the Child with respect to corporal punishment can be found in General Comment No. 8 (2006) on "The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (arts. 19; 28, para. 2; and 37, inter alia)." This text has several functions. First, it discusses the Committee's position on corporal punishment against the specific relief of its work concerning corporal punishment, and its study of other relevant international and regional human rights standards. It also reaffirms the Committee's expectation that countries revise their laws to reflect complete prohibition of corporal punishment. And finally, it provides benchmarks to assess each country's progress towards prohibition. The comments include:

- ⦿ **Definition of corporal punishment (para. 11).** *This definition provide that all corporal punishment, "however light," must be prohibited. Countries' laws must forbid corporal punishment clearly, unambiguously, in all settings, without exception.*
- ⦿ **Repealing legal defenses (paras. 31 and 39).** *These paragraphs require states to repeal legal provisions allowing for "justifiable" or "reasonable" discipline, as Ghana's Children's Act currently does.*
- ⦿ **Faith-based justification for corporal punishment (para. 29).** *This paragraph requires countries to require the right to freedom of be consonant human rights mandates generally, and therefore with the right*

*of children to basic human dignity and physical integrity in particular.*

- © **The responsibilities and rights of parents and protection for family life (paras. 27 and 28).** *The section requires countries to respect the sanctity of the family while also protecting children's rights to human dignity and physical integrity. Parents' right to raise their children must be observed in conformance with children's human rights such that even in the home, corporal punishment is unacceptable.*

Comment No. 13 on “The right of the child to freedom from all forms of violence” (2011) and Comment No. 20 on “The implementation of the rights of the child during adolescence” (2016) also contain relevant language.

## National legal and policy framework

Following its pioneering ratification of the UN Convention on the Rights of the Child in 1990, Ghana passed the 1998 Children's Act (Act 560) and the 2007 Domestic Violence Act (Act 732). Ghana also enacted many other policies meant to protect children, including the National Plan of Action on Child Labour and the Worst Forms of Child Labour (2009 – 2015), the National Plan of Action on Orphans and Vulnerable Children (2010 – 2015) and the Early Childhood Care and Development Policy in 2004. In spite of these laws and policies, there is still no overarching national policy framework on children and a systematic approach to delivering child and family welfare services.<sup>8</sup> Consequently, the Ministry of Gender, Children and Social Protection (MoGCSP) developed a national Child and Family

Welfare Policy (CFWP) in 2015 to establish a “well-structured and coordinated Child and Family Welfare System that promotes the wellbeing of children, prevents abuse and protects children from harm.”<sup>9</sup> Among the objectives of the CFWP are the design of child and family welfare programmes and activities to protect children from all forms of violence, including corporal punishment, abuse, neglect and exploitation, as well as the reform of existing laws to conform with the new policy direction.

So far, the Policy is still being implemented at the pilot phase in 20 Districts in the country and any significant improvements in the child and family welfare system are yet to be recorded. The Department of Children under the MoGCSP has embarked on a public education campaign to change societal attitudes about corporal punishment and promote positive parenting through billboard messages, television spots, and radio announcements in Accra and other cities in Ghana.

While corporal punishment has been prohibited in Ghana's schools per a directive from the Ghana Educational Service, the practice still persists in the home.<sup>10</sup> The Children's Act and the Criminal Offences Act lag behind these other hallmarks of progress, and are yet to be amended. Article 13(2) of the Children's Act currently allows “justifiable” and “reasonable” corporal punishment of a child. Section 41 of the Criminal Offences Act allows the use of a “blow or other force” against a child under the age of 16 years by a parent, guardian, or their delegate, master, and the master of an apprentice, for misconduct or disobedience, so long as the force is reasonable in kind and degree.

## *Situational Analysis of Corporal Punishment in Ghana*

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### **Prevalence rates**

The prevalence of corporal punishment in Ghana is well-documented. Ten years after the passage of the Children's Act and almost twenty years after Ghana signed onto the Convention on the Rights of the Child, a 2008 study found that about 84% of Ghana's children between the ages of 2 and 14 years old had experienced some form of physical and/or psychological punishment from their parents, guardians and other people in the household. Further, 64% of the children had also experienced minor physical punishment while about 5% of the children had suffered severe physical punishment.<sup>11</sup> The findings in the 2011 Report of the Ghana Multiple Indicator Cluster Survey (MICS)<sup>12</sup> are consistent with the findings of the 2008 study. The MICS found that over 90% of Ghanaian children aged between 2 and 14 years old experienced physical or psychological punishments as a means of discipline. The 2011 Report further revealed that in the aforementioned age bracket, about 14% of the children experienced excruciating punishment while about 73% received punishment that was classified as minor.

The Report also indicated that about half of all respondents endorsed corporal punishment as a needed tool to discipline children.

A 2015 investigation<sup>13</sup> into domestic violence and violence against children in Ghana revealed that 47% of respondents admitted to using physical violence as a disciplinary tactic while 23% of respondents admitted that they employed both psychological and physical disciplinary methods. The children referenced in the study were all 14 years old or younger. This study employed different sampling strategies, goals, and sizes from the MICS study, but still reveals a very high prevalence of the use of corporal punishment. The 2015 study additionally found that there was a high correlation between the use of severe, possibly injurious punishment methods and the use of extra-disciplinary violence – violence that cannot be justified as a mode of disciplining the child.

In sum, these studies show that the incidence of corporal punishment in Ghana is quite high. Given the wide social acceptance, and the fact that children are likely to under-report cases of corporal punishment for fear of repercussions and out of an acceptance of the practice as normal,<sup>14</sup> the rate might be even higher

## Causal factors:

### **Cultural norms, religious beliefs, legal protections, and social norms**

In Ghana, a nation composed of societies that value family life, traditions, culture and religion, the use of corporal punishment is often justified on the basis of strongly held cultural, religious and social beliefs and practices. These foundations have further been strengthened by legal provisions that support corporal punishment in Ghana, for example, under section 41 of the Criminal Offences Act, 1960 (Act 29).

Ghana is a culturally diverse country with many different languages and ethnic groups.<sup>15</sup> The country is also deeply religious, with 70% of the population identifying as Christian, 17.6% identifying as Muslim, 5.2% identifying as Traditionalists, and only 5.3% not identifying as adherents of any faith or religious belief.<sup>16</sup> From many of these social, cultural and religious perspectives, children and childhood are viewed as periods of instruction, upbringing, training and discipline. Accordingly, people often cite religious sources to justify corporal punishment. Some of the most common biblical quotations are: “Whoever spares the rod hates their children, but the one who loves their children is careful to discipline them,” Proverbs 13:24. Citing this passage, some hold the view that the best way to discipline children is by corporal punishment, where physical pain is used as a teaching tool to make a child behave according to social expectations and norms.<sup>17</sup> Another scripture is “Folly is bound up in the heart of a child, but the rod of discipline will drive it far away,” Proverbs 22:15. Proverbs 23:13 also states “Do not

withhold discipline from a child; if you punish them with the rod, they will not die.” And from the Hadith, “instruct them at 7 (years of age) and beat them at 10...’ as well as “Hang your whip where the members of the household can see it, for that will discipline them.”<sup>18</sup> The consistent interpretation of these passages is that children should not be spared the cane or other form of beating to correct any misbehaviour or indiscipline, though such interpretations have little regard for the views of the child in the whole enterprise. Importantly, those who hold their cultural and religious beliefs firm prescribe corporal punishment without any indication of the symptoms it treats, the dosage that should be administered, and the potential side effects. Corporal punishment proponents do not provide any directions on the extent to which a parent, guardian, teacher or caregiver can and must go in meting out corporal punishment to a child.

From the legal perspective, section 41 of the Criminal Offences Act, 1960 (Act 29), explicitly provides for the use of corporal punishment and actually considers it as one of the grounds on which a person can be justified in the use of force or causing harm. According to the section, a father, mother, guardian or master may correct a child, servant or apprentice (in the case of a master) of not more than 16 years for misconduct, disobedience or default in the discharge of his or her duties as a servant. This authority to correct given by the law is also extended to persons who have temporary control over a child including teachers or schoolmasters. In meting out the punishment, the law permits ‘a blow or other force’ as stated in section

41(1). The only grounds on which corporal punishment will not be justified under this provision are first, when it is unreasonable in kind or degree considering the age, physical and mental condition of the child.<sup>19</sup> Secondly, punishment cannot be justified where the child – by reason of young age – is incapable of understanding the purpose for inflicting the corporal punishment.<sup>20</sup> Consequently, a combination of cultural norms on disciplining a child, strong religious beliefs and legal justification for causing harm to a child under the cloak of correction or discipline, account for the frequent use of corporal punishment in Ghana and the attendant high prevalence rates. Religious beliefs and cultural norms, while exceedingly important, are but one factor to consider in examination of the use of corporal punishment. History, science, child abuse statistics, international norms and treaties are also important to consider. The most important factor, however, may be the evidence of the negative effects of corporal punishment on children. A discussion of those effects follows.

## Effects of Corporal Punishment

### Physical, emotional, psychological effects on children

The international consensus against corporal punishment, no matter how slight,<sup>21</sup> is borne out by social science research:

- ⊙ *“Research shows that corporal punishment is associated with increase in delinquency, antisocial behaviour, and aggression in children, and decreases the quality of the parent*
- ⊙ *child relationship, children’s mental health, and children’s capacity to internalize socially*
- ⊙ *acceptable behaviour. Adults who have been subjected to corporal punishment as children are more likely to abuse their own children or spouse and to manifest criminal behaviour (Gershoff 2008). Hitting a child elicits precisely the feelings one does not want to generate in a child: distress, anger, fear, shame, and disgust. Studies show that children who are hit identify with the aggressor and are more likely to become hitters themselves, that is, bullies and future abusers of their own children and partners. They tend to learn to use violent behaviour as a way to deal with stress and interpersonal disputes.”*

In other words, with respect to corporal punishment’s potentially long-lasting effects, “a parent’s intent cannot trump the impact of violence against a child.”<sup>22</sup> A 2011 Nigeria study<sup>23</sup> compared children who attended schools that allowed corporal punishment and those who attended schools that didn’t. The results showed that children in the schools that allowed corporal punishment performed lower than their counterparts in the schools that did not allow corporal punishment in the critically important areas of self-motivation and executive functioning.

In 2015, another project<sup>24</sup> conducted in Vietnam, India, Peru and Ethiopia published results from a longitudinal study following children for about 4 years to determine the effects of corporal punishment on them. In Peru and Vietnam, children who received more severe forms of corporal punishment

at age 8 scored low marks in arithmetic at age 12; and those in Peru also scored lower in the subject of vocabulary.

These findings suggest that corporal punishment as a mechanism for bringing about acceptable behaviour (in this case, improved academic performance) is not effective. Corporal punishment has even in some cases caused death to its victims. There are instances where children as young as 7 and 11 years have died as a result of corporal punishment meted out to them.<sup>25</sup> In Ghana, research on the effects of corporal punishment on children paints a distressing picture. One investigation<sup>26</sup> revealed that 22% of children who were caned suffered from bleeding and permanent scarring. Another study conducted on behalf of Challenging Heights,<sup>27</sup> expatiated on the myriad effects that children suffer. Respondents described how corporal punishment in school had affected them:

“I wasn’t the only person hurt. Other students, one of the students, when he went home, there was blood oozing from the nostrils, so we heard it the next day when we came to the school. And also, I myself, I experienced serious headache when I went home that day.”

When an individual bleeds from the nose after being hit in the head, it could be a symptom of or a lead to concussion or brain injury.<sup>28</sup> Apart from the bruises and scars the victim can suffer, the aforementioned investigation also showed that there could be psychological impacts as well. One respondent said that, “whenever we are in class and a teacher calls somebody sitting at the back to answer I get very scared and nervous.” Another respondent narrated how teachers used corporal punishment or the threat of corporal punishment to incite fear in the students:

**“we have told our parents about the books and they say that they will pay, but this particular madam keeps on screaming at us to come and pay her the money... It has made me nervous in school of late... she has given us a grace period for us to pay, but the grace period is not yet over, but she says that tomorrow she will start caning debtors...”**

These experiences – and notably in the last statement, the mere threat of corporal punishment – lead to children’s becoming jumpy, feeling shame,<sup>29</sup> feeling depression<sup>30</sup> and experiencing the symptoms associated with a state of trauma. Children who experience such trauma could exhibit varied psychological problems well into adulthood<sup>31</sup>

## *Addressing Corporal Punishment*

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### Selected Best Practice

#### Legal reforms

Many nations have ratified conventions or agreements that seek to protect children from corporal punishment. In addition, in many countries, laws that once permitted the use of corporal punishment have been revised or repealed, thus prohibiting its continued use. However, in some countries where the national law forbids corporal punishment, local and municipal laws still leave room for justification of corporal punishment in certain circumstances<sup>32</sup> Furthermore, a lot of the laws in these countries fail to prohibit some forms of corporal punishment.<sup>33</sup>

Currently, 53 countries around the world, including two of Ghana's closest neighbours, Togo and Benin, have, by law, prohibited the use of corporal punishment in all settings.<sup>34</sup> Ghana has not prohibited corporal punishment in all settings. It has, however, pledged its commitment to ensure such prohibition in all settings by 2019, a promise it made to the UN Committee on the Rights of the Child during the consideration of Ghana's consolidated Third, Fourth, and Fifth Periodic Report on the implementation of the CRC in May 2015. The Committee in its Concluding Observations on the Report reiterated its previous recommendations to Ghana to undertake law reform to prohibit corporal punishment in all settings.<sup>35</sup>

Using the law, either alone or in combination with other approaches, has proved an effective measure to curtail reliance on

corporal punishment in a number of countries. Law reform not only prohibits corporal punishment and by extension, violence against children, it also raises the social and legal status of children.<sup>36</sup>

#### Social Interventions

Sweden became the first country in the world to prohibit corporal punishment in all settings in 1979 through law reform. Following the amendment of its laws, the Ministry of Justice conducted a massive public education campaign on the new law. A brochure entitled, 'Can You Bring Up Children Successfully without Smacking and Spanking?' was distributed widely to parents and children and similar information printed on milk cartons to engender discussion of corporal punishment in family settings. This campaign resulted in a high percentage of Swedish families (90% in 1981) becoming aware of the new law.<sup>37</sup> Consequently, various studies since then have shown high parental disapproval of the use of corporal punishment, decrease in crime among 15 to 17-year-olds, and an overall decline in authoritarian parenting approaches in favour of more egalitarian family environments.<sup>38</sup>

New Zealand prohibited corporal punishment in all forms and settings in 2007. Research in 2008 in the country found a very high awareness rate (91%) of the change in the law, with a further finding that attitudes and knowledge of the law had even changed.<sup>39</sup> Another study in 2013, similar to the 2008 study, confirmed earlier

findings that the acceptance of corporal punishment was steadily declining. Overall, the rate of approval of corporal punishment in New Zealand had dropped from 90% in 1981 to 40% in 2013.<sup>40</sup>

These country examples, together with similar successful campaigns in Finland, Norway, Austria, Cyprus, Denmark, Latvia, Croatia, Israel and Germany show that law reform coupled with public education can yield significant and lasting results in the goal to end corporal punishment.<sup>42</sup> The United Nations has unequivocally stated that all physical punishment of children, no matter how ‘mild’, violates children’s right to protection from violence and has called for its elimination.<sup>43</sup> It is therefore imperative that Ghana takes steps to follow the move by 53 other States presently to prohibit corporal punishment in all settings.

The fact that parents and guardians continue to employ corporal punishment, and that corporal punishment enjoys widespread public support, despite the mountain of studies and research that show that it is both fruitless and damaging to children, indicate a need for strong approaches to thwart it. There is a precise need for interventions that explain the problems that corporal punishment causes, the fact that it can cause these problems no matter how severe (e.g., even if the parent just gives the child “a spanking”), and the fact that the potential concomitant damage to the child far outweighs any perceived benefits in the form of obedience. These interventions should be conveyed in messages that are easily digested by parents and guardians and that help alter their attitudes in ways that will benefit their children.

There are three ways in which interventions can be pursued: universal prevention programs, selective prevention programs, and indicated intervention programs.<sup>44</sup> The objective of universal prevention programs is to change the attitudes that bring about the reliance on corporal punishment among the general population. The objective of the selective prevention programs is to take steps targeted at certain groups in the population who are comparatively more likely than the average person or group, to employ corporal punishment. The indicated intervention is targeted at groups of individuals who have previously employed corporal punishment and are likely to use such a method again in future.

The most widely employed social interventions generally fall in one of the above these categories. There have been a number of social interventions aimed at corporal punishment all over the world. In fact, here in Ghana, the Ghana Education Service has already undertaken a multi-pronged effort to change the culture around caning in school. That effort has included issuance of a directive ordering teachers not to use corporal punishment, publicization of the directive in newspaper and other articles, training teachers on alternative discipline methods, warning teachers of the possible consequences for use of corporal punishment, including possible prosecution, and development of a handbook about non-corporal discipline.<sup>45</sup>

## Parent Child Interaction Therapy (PCIT)

This intervention is widely used in countries like Netherlands,<sup>46</sup> Australia,<sup>47</sup> USA, South Korea, Taiwan, Germany and China.<sup>47</sup> This is an intensive intervention that focuses on

comprehensive discussions with parents or guardians to reduce the incidences of negative interactions between children and their parents. Due to the reduced number of negative interactions between children and parents, the incidences that provoke the parent or guardian to resort to corporal punishment drop.<sup>49</sup> Parents are also taught alternative punishment methods, like reinforcement of good behavior and age-appropriate instructions so parents do not revert to using familiar corporal punishment tactics when they have to discipline the child. The intervention also focuses on children and how to make them less defiant;<sup>50</sup> it has also been used with children with diagnosed mental health issues and the results have been positive.<sup>51</sup>

### **Nurturing Parent Program (NPP)**

With this intensive intervention program, parents are taught that the parents should trust their children's thought processes about what the children want and that children have good judgement. Parents are taught to respect the autonomy of the child and to have empathy and respect for their children and their goals. The program aims at preventing abuse and neglect of children.<sup>52</sup> The NPP reduced the desire in parents and guardians to give consent to others to use corporal punishment with their children and to mete out corporal punishment on their own.<sup>53</sup> A number of studies have been conducted into this program and the results have showed that even parents or guardians who were staunch advocates of corporal punishment had a change of heart, and no longer wanted to use corporal punishment.<sup>54</sup>

### **Group-based programs**

The disadvantage with the individualized intervention methods is that such methods can take a lot of time and be expensive. The advantage of a group-based method is that it is a kind of selective program that allows parents to interact and share ideas and support each other in their quest to ceasing corporal punishment on their children. The American Psychological Association through its Violence Prevention Office has instituted the Adults and Children Together Against Violence (ACT) program, which teaches parents and guardians qualities like: anger management, problem-solving, and non-aggressive methods of discipline. This intervention program has also been a success since, after its completion, parents express that they no longer employ corporal punishment on their children as much as and as often as they used to.<sup>55</sup>

### **Media-Based interventions**

Interventions that are targeted via various media are also a documented way of changing the public's perceptions of corporal punishment. The Baby Books Project is an example of the use of a medium (here, a book) to educate parents on the dangers of corporal punishment.<sup>56</sup>

Another medium that can be used for intervention is the internet. A study that employed this technique found that there was a decrease in corporal punishment in children whose parents were participants of an online group that watched presentations on dangers of corporal punishment.<sup>57</sup>

## *Conclusions and Recommendations*

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### Conclusions

This paper has sought to highlight the situation of corporal punishment in Ghana. There is no doubt that corporal punishment remains one of the commonest forms of violence against children, sometimes from the very persons who are to protect children from violence: parents, guardians, educators and other caregivers. The practice is steeped in religious, cultural, social and legal foundations and Ghana, albeit making efforts to strengthen its child protection system, can still be held to condone the practice of corporal punishment in its various forms. This is evident from the country's laws and practices. This paper therefore takes the position that corporal punishment is still a child protection issue for Ghana which demands immediate attention, given the high prevalence rates and the weak legal and policy framework. To address these challenges, this paper makes the following recommendations for action.

### Recommendations

1. MoGCSP as the lead government institution on children should immediately commence the process of amending the Criminal Offences Act, 1960 (Act 29) and the Children's Act, 1998 Act 560) as recommended by the CRC Committee, the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) and as promised by the Government of Ghana itself to expressly prohibit corporal punishment in all forms and settings;
2. Undertake a vigorous public education campaign (as was done in Sweden, New Zealand, Germany and other countries) of parents, legal guardians, educators, school staff, religious leaders, traditional leaders, and the public on the changes to the law, the psychological and other negative outcomes attendant to use of corporal punishment, and the effectiveness of non-violent and positive methods of parenting; and
3. Take the lead in harnessing the positive aspects of Ghanaian culture which consider the child a gift to society and discipline as an opportunity for learning to provide a protective environment for children in various communities to prevent future occurrences of violence through corporal punishment.

## Endnotes

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- 1 This focused goal of this position paper is to spotlight and discuss corporal punishment. Accordingly, while the paper does not address psychological, verbal and emotional abuse, their omission from this paper should be construed to endorse those practices in any way.
- 2 Although the use of corporal punishment in penal institutions is prohibited under section 1 of the Prisons Service Decree, 1972, there appears to be a gap in the law as per a reading of section 13(2) of the Children's Act, 1998 and section 59 of the Juvenile Justice Act, 2003, it is not clear that corporal punishment is expressly prohibited in correctional institutions for children.
- 3 [http://files.unicef.org/publications/files/Hidden\\_in\\_plain\\_sight\\_statistical\\_analysis\\_EN\\_3\\_Sept\\_2014.pdf](http://files.unicef.org/publications/files/Hidden_in_plain_sight_statistical_analysis_EN_3_Sept_2014.pdf)
- 4 [http://files.unicef.org/publications/files/Hidden\\_in\\_plain\\_sight\\_statistical\\_analysis\\_EN\\_3\\_Sept\\_2014.pdf](http://files.unicef.org/publications/files/Hidden_in_plain_sight_statistical_analysis_EN_3_Sept_2014.pdf) p. 103
- 5 Kyei-Gyamfi S, 'Corporal Punishment in Ghana' in Ameh RK et al (eds) *Children's Rights in Ghana: Reality or Rhetoric?* (2011) 63 at 64 to 65
- 6 [http://files.unicef.org/publications/files/Hidden\\_in\\_plain\\_sight\\_statistical\\_analysis\\_EN\\_3\\_Sept\\_2014.pdf](http://files.unicef.org/publications/files/Hidden_in_plain_sight_statistical_analysis_EN_3_Sept_2014.pdf) p. 95
- 7 <http://www.endcorporalpunishment.org/interactive-map>
- 8 <http://www.endcorporalpunishment.org/interactive-map>
- 9 Ministry of Gender, Children and Social Protection Child and Family Welfare Policy (2015) p 2 to 3.
- 10 See the Policy Statement of the Child and Family Welfare Policy (2015) p 7.
- 11 <http://citifmonline.com/2018/03/22/respect-ban-corporal-punishment-ges-warns-teachers/>
- 12 UNICEF, High Impact Rapid Delivery (HIRD) Supplementary Survey, 2007/2008 (District MICS) (2008). Available at [https://www.unicef.org/ghana/Ghana\\_MICS\\_Final.pdf](https://www.unicef.org/ghana/Ghana_MICS_Final.pdf) (Last accessed on 7th March 2018).
- 13 Ghana Statistical Service, Ghana Multiple Indicator Cluster Survey with an enhanced Malaria Module and Biomarker (2011). Available at [https://www.unicef.org/ghana/Ghana\\_MICS\\_Final.pdf](https://www.unicef.org/ghana/Ghana_MICS_Final.pdf) (last accessed on 7th March 2018).
- 14 MCRA article
- 15 Morrow V & Singh R, *Corporal punishment in schools in Andhra Pradesh, India: Children's and parents' views.* (2014) Oxford: Young Lives
- 16 Ghana Statistical Service, 2010 Population and Housing Census – National Analytical Report (2013) Ghana Statistical Service p 62. The Report identifies 8 major ethnic groups in Ghana and a category of others.
- 17 Ghana Statistical Service (2013) p 63.
- 18 Note that the Biblical passage is not, as most would quote, "spare the rod, spoil the child." As Professor Stacey Patton, author of *Spare the Kids: Why Whipping Won't Save Black America*,

explains, “[S]pare the rod, spoil the child”—commonly misattributed to the Bible—. . . is actually taken from a seventeenth-century poem titled “Hudibras,” by Samuel Butler. It’s important to make the distinction between the two passages because something does, in fact, get lost in the poetical translation here. The Bible is not condoning the beating of a child. The original Hebrew word for “rod” is shebet, which is a shepherd’s crook. In Hebrew culture, the rod was used to guide and protect sheep and to ward off wolves. It was a symbol of loving guidance, leadership, wisdom, and protection from outside harm. That verse suggests a more thoughtful way of disciplining children than simply hitting them.” Professor Patton also notes that we have, in large part, moved past Biblical recommendations for adult corporal punishment.

- 19** <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/To-Spank-or-Not-to-Smack-What-Has-Discipline-Got-To-Do-With-it-348893>
- 20** See s41(2) of Act 29.
- 20** See s41(3) of Act 29.
- 22** Catherine Taylor, Mothers’ Spanking of 3-Year-Old Children and Subsequent Risk of Children’s Aggressive Behavior, <http://pediatrics.aappublications.org/content/125/5/e1057>, American Academy of Pediatrics, May 2010
- 23** Stacey Patton, Spare the Kids: Why Whipping Won’t Save Black America
- 24** Talwar V, Carlson SM & Lee K, Effects of a punitive environment on children’s executive functioning: A natural experiment. *Social Development*, 20, 805–824. (2011) do

i:10.1111/j.1467-9507.2011.00617. It is worth noting that other factors might contribute to the underperformance of the children as well. In Nigeria, schools that do not allow corporal punishment are often the highly rated private schools that employ modern teaching methods and that can afford to pay for well-trained teachers; whereas schools that allow corporal punishment are often public schools that rely on teachers with less training who receive lower salaries. Accordingly, one factor for the better performance of schools that do not allow corporal punishments might be more effective teaching methods and better-trained instructors.

- 25** Ogando Portela MJ & Pells K, Corporal punishment in schools: Longitudinal evidence from Ethiopia, India, Peru, and Vietnam (Innocenti Discussion Paper No. 2015-02). (2015) Florence: UNICEF Office of Research. Available at <https://www.unicef-irc.org/publications/series/22/>. (Last accessed on 7th March 2018). One possible interpretation of the data is that children who scored lower marks in class were often ‘corrected’ via corporal punishment; due to this reason, it could be that children who received higher levels of corporal punishment as children, did so because they were not good students in class rather than that the use of corporal punishment caused them to underperform. However, none of the children who received corporal punishment at age 8 exhibited better performance at age 12.
- 26** Covell, K., & Becker, J. (2011). Five Years on: A global update on violence against children, report for the NGO advisory council for follow-up to the UN Secretary-General’s Study on violence

- 27** Twum-Danso, A. 2010. Children's Perceptions of Physical Punishment in Ghana. Nuffield Foundation. [Online]. Available at: [http://www.icyrnet.net/UserFiles/File/Children\\_Perceptions\\_of\\_Physical\\_Punishment\\_Ghana.pdf](http://www.icyrnet.net/UserFiles/File/Children_Perceptions_of_Physical_Punishment_Ghana.pdf) [Accessed February 2018].
- 28** Challenging Heights, Better Discipline for Ghana's Children – A Comparative Thematic Analysis of Attitude to and Experience of Corporal Punishment in Ghana to inform Advocacy on Ending Violence Against Children (2014) p 21. Available at <http://challengingheights.org/wp-content/uploads/2014/11/Better-Discipline-for-Ghanas-Children.pdf>. (Last accessed on 16th April 2018).
- 29** Taylor H, et al. 'Postconcussive symptoms in children with mild traumatic brain injury' *Neuropsychology* 24(2), (2010) 148-159.
- 30** Human Rights Watch and the ACLU. (2008). A violent education: Corporal punishment in US public schools. Retrieved from [http://www.hrw.org/sites/default/files/reports/us0808\\_1.pdf](http://www.hrw.org/sites/default/files/reports/us0808_1.pdf)
- 31** Naz, A., Khan, W., Daraz, U., Hussain, M., & Khan, Q. (2011). The impacts of corporal punishment on students' academic performance/career and personality development up-to secondary level education in Khyber Pakhtunkhwa Pakistan. *International Journal of Business and Social Science*, 2, 130–140.
- 32** *Supra* fn8
- 33** Committee on the Rights of the Child General Comment No. 8 (2006) on "The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (arts. 19; 28, para. 2; and 37, *inter alia*)"
- 32** UN Committee on the Rights of the Child, General Comment No. 8, 2006
- 35** See Global Initiative to End All Corporal Punishment of Children, 'States which have prohibited all corporal punishment' [Online]. Available at <http://www.endcorporalpunishment.org/progress/prohibiting-states/>. (Last accessed on 16th April 2018).
- 36** See generally, Committee on the Rights of the Child,
- 37** Global Initiative to End All Corporal Punishment of Children, 'The positive impact of prohibition of corporal punishment on children's lives – messages from research' (June 2015) p 2. Available at <http://www.endcorporalpunishment.org/research/research-on-the-impact-of-prohibition.html> (Last accessed on 16th April 2018).
- 38** Global Initiative (fn 28) p 3.
- 39** Global Initiative (fn 28) p 3 – 4.
- 40** Global Initiative (fn 28) p 7.
- 41** Global Initiative (fn 28) p 7.
- 42** Global Initiative (fn 28) p 10.
- 43** United Nations, Committee on the Rights of the Child. (2007). CRC General Comment No. 8 (2006): The Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading forms of Punishment (U.N. CRC/C/GC/8) (march). Retrieved from: <http://www.refworld.org/docid/460bc7772.html>
- 44** Mrazek, P. J., & Haggerty, R. J. (Eds.). (1994). Reducing risks for mental disorders: frontiers for preventive intervention research. Washington, DC: Institute of Medicine, National Academy Press.

- 45** Glenna Gordon, In Ghana, an effort to abolish violent discipline in schools, September 2014, available online at <https://reliefweb.int/report/ghana/ghana-effort-abolish-violent-discipline-schools>.
- 46** Abrahamse, Mariëlle E.; Niec, Larissa N.; Junger, Marianne; Boer, Frits; Lindauer, Ramón J. L. (2016-05-01). "Risk factors for attrition from an evidence-based parenting program: Findings from the Netherlands". *Children and Youth Services Review*. 64: 42–50. doi:10.1016/j.childyouth.2016.02.025.
- 47** Phillips, Jane; Morgan, Susan; Cawthorne, Karen; Barnett, Bryanne (2008-08-01). "Pilot Evaluation of Parent–Child Interaction Therapy Delivered in an Australian Community Early Childhood Clinic Setting". *Australian and New Zealand Journal of Psychiatry*. 42 (8): 712–719. doi:10.1080/00048670802206320
- 48** Leung, Cynthia; Tsang, Sandra; Heung, Kitty; Yiu, Ivan (2009-05-01). "Effectiveness of Parent–Child Interaction Therapy (PCIT) Among Chinese Families". *Research on Social Work Practice*. 19 (3): 304–313. doi:10.1177/1049731508321713. ISSN 1049-7315
- 49** Chaffin, M., Silovsky, J. F., Funderburk, B., Valle, L. A., Brestan, E. V., Balachova, T., & Bonner. (2004). Parent-child interaction therapy with physically abusive parents: Efficacy for reducing future abuse reports. *Journal of Consulting and Clinical Psychology*, 72(3), 500–510. <http://dx.doi.org/10.1037/0022-006x.72.3.500>
- 50** McNeil, C.B.; Filcheck, H.A.; Greco, L.A.; Ware, L.M.; Bernard, R.S. (2001). "Parent–Child Interaction Therapy: Can a Manualized Treatment Be Functional?". *The Behavior Analyst Today*. 2 (2): 106–54. doi:10.1037/h0099925
- 51** Masse, J.J.; Wagner, S.M.; McNeil, C.B.; Chorney, D.B. (2007). "Parent–Child Interaction Therapy and High Functioning Autism: A Conceptual Overview". *Journal of Early and Intensive Behavior Intervention*. 4 (4): 714–735. doi:10.1037/h0100402
- 52** Bavolek, S. J., & Hodnett, K. H. (2012). *The Nurturing Parent Programs: Preventing and treating child abuse and neglect*. In A. Rubin (Ed.), *Programs and Intervention for maltreated children and families at risk* (pp. 285–294). Hoboken, NJ: Wiley
- 53** Cowen, P. S. (2001). Effectiveness of a parent education intervention for at-risk families. *Journal for Specialists in Pediatric Nursing*, 6, 73–82. <http://dx.doi.org/10.1111/j.1744-6155.2001.tb00124.x>
- 4** Palusci, V. J., Crum, P., Bliss, R., & Bavolek, S. J. (2008). Changes in parenting attitudes and knowledge among inmates and other at-risk populations after a family nurturing program. *Children and Youth Services Review*, 30, 79–89. <http://dx.doi.org/10.1016/j.childyouth.2007.06.006>; See also Thomas, D. V., & Looney, S. W. (2004). Effectiveness of a comprehensive psychoeducational intervention with pregnant and parenting adolescents: A pilot study. *Journal of Adolescent Psychiatric Nursing*, 17, 66–77

- 55** Knox, M., Burkhart, K., & Cromly, A. (2013). Supporting positive parenting in community health centers: the ACT raising safe kids program. *Journal of Community Psychology*, 41, 395–407. <http://dx.doi.org/10.1002/jcop.21543>
- 56** Hagan, J. F., Shaw, J. S., & Duncan, P. M. (Eds.). (2008). *Bright Futures: guidelines for health supervision of infants, children, and adolescents*. Elk Grove Village, IL: American Academy of Pediatrics [Retrieved from: <https://brightfutures.aap.org/materials-and-tools/tool-and-resource-kit/Pages/default.aspx>].
- 57** Holden, G. W., Brown, A. S., Baldwin, A. S., & Caderao, K. C. (2013). Research findings can change attitudes about corporal punishment. *Child Abuse & Neglect*, 38, 902–908. <http://dx.doi.org/10.1016/j.chiabu.2013.10.013>

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