

Progress towards prohibiting all corporal punishment in European Union member states



Global Initiative to
End All Corporal Punishment
of Children

Prepared by the Global Initiative to End All Corporal Punishment of Children (www.endcorporalpunishment.org), February 2017

The following table summarises the legal status of corporal punishment of children – and progress towards achieving prohibition – in all settings in all European Union member states. As at February 2017, 22 states have achieved prohibition in all settings, including the home; the government of at least one other has expressed a commitment to enacting full prohibition. Twenty-four states have prohibited corporal punishment in all alternative care settings, 24 in day care; all 28 states have prohibited corporal punishment in schools, penal institutions and as a sentence for crime.

States with full prohibition in legislation

The following 22 states have prohibited corporal punishment in all settings, including the home.

<i>States with full prohibition ...</i>						
State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Austria	YES ¹	YES	YES	YES	YES	YES
Bulgaria	YES ²	YES	YES	YES	YES	YES
Croatia	YES ³	YES	YES	YES	YES	YES
Cyprus	YES ⁴	YES	YES	YES	YES	YES
Denmark	YES ⁵	YES	YES	YES	YES	YES
Estonia	YES ⁶	YES	YES	YES	YES	YES
Finland	YES ⁷	YES	YES	YES	YES	YES
Germany	YES ⁸	YES	YES	YES	YES	YES
Greece	YES ⁹	YES	YES	YES	YES	YES
Hungary	YES ¹⁰	YES	YES	YES	YES	YES
Ireland	YES ¹¹	YES	YES	YES	YES	YES
Latvia	YES ¹²	YES	YES	YES	YES	YES

¹ Prohibited in 1989 amendment to General Civil Code, reiterated in Federal Constitutional Act on the Rights of Children 2011

² Prohibited in Child Protection Act 2000 (amended 2003) and Regulations on the Implementation of the Child Protection Act 2003

³ Prohibited in Family Act 1998, superceded by Family Act 2003

⁴ Prohibited in Violence in the Family (Prevention and Protection of Victims) Law 1994, reiterated in Act on Violence in the Family 2000; right “to administer punishment” formally repealed from Children's Law 1956 in 2013

⁵ Prohibited in 1997 amendment to Parental Custody and Care Act 1995, reiterated in Danish Act on Parental Responsibility 2007

⁶ Prohibited in Child Protection Act 2014, in force January 2016

⁷ Prohibited in Child Custody and Rights of Access Act 1983

⁸ Prohibited in 2000 amendment to Civil Code

⁹ Prohibited in Law 3500/2006 on the Combating of Intra-family Violence 2006

¹⁰ Prohibited in 2004 amendment to Child Protection Act 1997

¹¹ Prohibited in 2015 amendment to Offences Against the Person (Non Fatal) Act 1997

¹² Prohibited in Children's Rights Protection Law 1998

<i>States with full prohibition ...</i>						
State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Lithuania	YES ¹³	YES	YES	YES	YES	YES
Luxembourg	YES ¹⁴	YES	YES	YES	YES	YES
Malta	YES ¹⁵	YES	YES	YES	YES	YES
Netherlands	YES ¹⁶	YES	YES	YES	YES	YES
Poland	YES ¹⁷	YES	YES	YES	YES	YES
Portugal	YES ¹⁸	YES	YES	YES	YES	YES
Romania	YES ¹⁹	YES	YES	YES	YES	YES
Slovenia	YES ²⁰	YES	YES	YES	YES	YES
Spain	YES ²¹	YES	YES	YES	YES	YES
Sweden	YES ²²	YES	YES	YES	YES	YES

Corporal punishment unlawful by Supreme Court ruling

In the following state, a Supreme Court rulings has declared corporal punishment to be unlawful in all settings including the home but prohibition has not yet been enacted in legislation. Italy is yet to make a public commitment to enacting prohibition.

State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Italy	NO ²³	YES	YES	YES	YES	YES

States expressing commitment to law reform in UPR and other contexts

The Government in the following state has expressed a commitment to prohibition of all corporal punishment of children through unequivocally accepting recommendations to prohibit made during the Universal Periodic Review (UPR) of the state concerned and/or in other official contexts.

State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Slovakia ²⁴	NO	YES	YES	YES	YES	YES

¹³ Prohibited in 2017 amendments to Law on the Fundamentals of Protection of the Rights of the Child 1996

¹⁴ Prohibited in Law on Children and the Family 2008

¹⁵ Prohibited in 2014 amendment to Criminal Code but some legislation still to be formally repealed

¹⁶ Prohibited in 2007 amendment to Civil Code

¹⁷ Prohibited in 2010 amendment to Family and Guardianship Code 1964

¹⁸ Prohibited in 2007 amendment to Penal Code

¹⁹ Prohibited in Law on Protection and Promotion of the Rights of the Child 2004

²⁰ Prohibited in Law Amending and Supplementing the Law on Prevention of Family Violence 2016

²¹ Prohibited in 2007 amendment to Civil Code

²² Prohibited in 1979 amendment to Parenthood and Guardianship Code

²³ 1996 Supreme Court judgment ruled against all violence in childrearing but this not yet confirmed in legislation

²⁴ Government accepted UPR recommendation to prohibit (2009); prohibiting legislation being drafted (2015)

States without a clear commitment to law reform

The following four states have yet to make a clear commitment to prohibiting all corporal punishment. Some of these states have accepted UPR recommendations to prohibit but have also indicated that they consider existing legislation adequately protects children from corporal punishment, in conflict with information collected by the Global Initiative. Some states have accepted some UPR recommendations to prohibit corporal punishment but rejected other similar recommendations.

State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Belgium	NO ²⁵	SOME ²⁶	NO	YES	YES	YES
Czech Republic	NO	SOME ²⁷	SOME ²⁸	YES	YES	YES
France ²⁹	NO	NO	NO	YES ³⁰	YES	YES
UK	NO	SOME ³¹	SOME ³²	YES ³³	YES	YES

Note

The above information is based wherever possible on examination of national legislation; additional information is gathered from many sources, including reports to and by the United Nations human rights treaty bodies.

Information in square brackets is unconfirmed. We are very grateful to government officials, UNICEF and other UN agencies, NGOs and human rights institutions, and many individuals who have assisted us in our research. We welcome corrections and updates: email info@endcorporalpunishment.org. For further details on all states see the individual state reports at www.endcorporalpunishment.org.

Analysis prepared by the Global Initiative to End All Corporal Punishment of Children
www.endcorporalpunishment.org; info@endcorporalpunishment.org
 February 2017

²⁵ Draft legislation which would prohibit under discussion (2016); Government gave a mixed response to UPR recommendations to prohibit (2016)

²⁶ Prohibited in institutions in Flemish community

²⁷ Unlawful in institutions

²⁸ Prohibited in preschool provision

²⁹ Government accepted UPR recommendation to prohibit (2013) but stated that acceptance of recommendations did not necessarily imply a commitment to further action

³⁰ But courts have recognised a “right of correction”

³¹ Prohibited in residential institutions and foster care arranged by local authorities and voluntary organisations

³² Prohibited in day care and childminding in England, Wales and Scotland; in Northern Ireland, guidance states physical punishment should not be used but no prohibition in law

³³ But in 2014 Government confirmed no prohibition in “unregistered independent settings providing part-time education”