

Progress towards prohibiting all corporal punishment in Europe and Central Asia

Prepared by the Global Initiative to End All Corporal Punishment of Children (www.endcorporalpunishment.org), July 2016



Global Initiative to
End All Corporal Punishment
of Children

The following table summarises the legal status of corporal punishment of children – and progress towards achieving prohibition – in all settings in all states in Europe and Central Asia. As at July 2016, 30 states have achieved prohibition in all settings, including the home; governments of at least 12 others have expressed a commitment to enacting full prohibition. Thirty-two states have prohibited corporal punishment in all alternative care settings, 33 in day care; all 53 states have prohibited corporal punishment in schools and as a sentence for crime, 52 in penal institutions.

States with full prohibition in legislation

The following 30 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
Albania	YES ¹	YES	YES	YES	YES	YES
Andorra	YES ²	YES	YES	YES	YES	YES
Austria	YES ³	YES	YES	YES	YES	YES
Bulgaria	YES ⁴	YES	YES	YES	YES	YES
Croatia	YES ⁵	YES	YES	YES	YES	YES
Cyprus	YES ⁶	YES	YES	YES	YES	YES
Denmark	YES ⁷	YES	YES	YES	YES	YES
Estonia	YES ⁸	YES	YES	YES	YES	YES
Finland	YES ⁹	YES	YES	YES	YES	YES
Germany	YES ¹⁰	YES	YES	YES	YES	YES
Greece	YES ¹¹	YES	YES	YES	YES	YES
Hungary	YES ¹²	YES	YES	YES	YES	YES

¹ Prohibited in Law on the Protection of the Rights of the Child 2010

² Prohibited in 2014 amendments to Criminal Code 2005

³ Prohibited in 1989 amendment to General Civil Code, reiterated in Federal Constitutional Act on the Rights of Children 2011

⁴ Prohibited in Child Protection Act 2000 (amended 2003) and Regulations on the Implementation of the Child Protection Act 2003

⁵ Prohibited in Family Act 1998, superceded by Family Act 2003

⁶ 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of Victims) Law 1994, reiterated in Act on Violence in the Family 2000; right “to administer punishment” formally repealed from Children's Law 1956 in 2013

⁷ Prohibited in 1997 amendment to Parental Custody and Care Act 1995, reiterated in Danish Act on Parental Responsibility 2007

⁸ Prohibited in Child Protection Act 2014, in force January 2016

⁹ Prohibited in Child Custody and Rights of Access Act 1983

¹⁰ Prohibited in 2000 amendment to Civil Code

¹¹ Prohibited in Law 3500/2006 on the Combating of Intra-family Violence 2006

¹² Prohibited in 2004 amendment to Child Protection Act 1997

<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
Iceland	YES ¹³	YES	YES	YES	YES	YES
Ireland	YES ¹⁴	YES	YES	YES	YES	YES
Latvia	YES ¹⁵	YES	YES	YES	YES	YES
Liechtenstein	YES ¹⁶	YES	YES	YES	YES	YES
Luxembourg	YES ¹⁷	YES	YES	YES	YES	YES
Malta	YES ¹⁸	YES	YES	YES	YES	YES
Netherlands	YES ¹⁹	YES	YES	YES	YES	YES
Norway	YES ²⁰	YES	YES	YES	YES	YES
Poland	YES ²¹	YES	YES	YES	YES	YES
Portugal	YES ²²	YES	YES	YES	YES	YES
Republic of Moldova	YES ²³	YES	YES	YES	YES	YES
Romania	YES ²⁴	YES	YES	YES	YES	YES
San Marino	YES ²⁵	YES	YES	YES	YES	YES
Spain	YES ²⁶	YES	YES	YES	YES	YES
Sweden	YES ²⁷	YES	YES	YES	YES	YES
TFYR Macedonia	YES ²⁸	YES	YES	YES	YES	YES
Turkmenistan	YES ²⁹	YES	YES	YES	YES	YES
Ukraine	YES ³⁰	YES	YES	YES	YES	YES

Corporal punishment unlawful by Supreme Court ruling

In the following state, a Supreme Court ruling 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 ³¹	YES	YES	YES	YES	YES

¹³ Prohibited in Children's Act 2003

¹⁴ Prohibited in 2015 amendment to Offences Against the Person (Non Fatal) Act 1997

¹⁵ Prohibited in Children's Rights Protection Law 1998

¹⁶ Prohibited in Children and Youth Act 2008

¹⁷ Prohibited in Law on Children and the Family 2008

¹⁸ Prohibited in 2014 amendment to Criminal Code but some legislation still to be formally repealed

¹⁹ Prohibited in 2007 amendment to Civil Code

²⁰ Prohibited in 1987 amendment to Parent and Child Act 1981, confirmed in further amendments 2010 following 2005 Supreme Court decision supportive of "lighter smacks"

²¹ Prohibited in 2010 amendment to Family and Guardianship Code 1964

²² Prohibited in 2007 amendment to Penal Code

²³ Prohibited in 2008 amendment to Family Code

²⁴ Prohibited in Law on Protection and Promotion of the Rights of the Child 2004

²⁵ Prohibited in 2014 amendments to Penal Code and Law of 26 April 1986 No. 49 on Family Law Reform

²⁶ Prohibited in 2007 amendment to Civil Code

²⁷ Prohibited in 1979 amendment to Parenthood and Guardianship Code

²⁸ Prohibited in Law on Child Protection 2013

²⁹ Prohibited in Law on Guarantees of the Rights of the Child 2002, reiterated in Family Code 2012

³⁰ Prohibited in Family Code 2003

³¹ 1996 Supreme Court judgment ruled against all violence in childrearing but this not yet confirmed in legislation

States expressing commitment to law reform in UPR and other contexts

Governments in the following states have expressed a commitment to prohibition of all corporal punishment of children. In the majority of cases this has been through unequivocally accepting recommendations to prohibit made during the Universal Periodic Review (UPR) of the state concerned. Some states have formally confirmed a commitment to prohibition in a public context outside of the UPR.

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
Armenia ³²	NO	SOME ³³	NO	YES	YES	YES
Azerbaijan ³⁴	NO	NO	NO	YES	YES	YES
Bosnia and Herzegovina ³⁵	SOME ³⁶	SOME ³⁷	SOME ³⁸	YES	YES	YES
Georgia ³⁹	NO	[SOME] ⁴⁰	NO	YES	YES	YES
Kyrgyzstan ⁴¹	NO	SOME ⁴²	NO	YES	[YES]	YES
Lithuania ⁴³	NO	NO	SOME ⁴⁴	YES	YES	YES
Montenegro ⁴⁵	NO	NO	SOME ⁴⁶	YES	YES	YES
Serbia ⁴⁷	NO	NO	SOME ⁴⁸	YES	YES	YES
Slovakia ⁴⁹	NO	YES	YES	YES	YES	YES
Slovenia ⁵⁰	NO	NO	SOME ⁵¹	YES	YES	YES
Tajikistan ⁵²	NO	NO	SOME ⁵³	YES	NO	YES
Turkey ⁵⁴	NO	NO	NO	YES	YES	YES

States without a clear commitment to law reform

The following 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

³² Government accepted UPR recommendations to prohibit (2010, 2015); draft legislation which would prohibit under discussion (2015)

³³ Unlawful in care institutions

³⁴ Government accepted UPR recommendations to prohibit (2009, 2013)

³⁵ Government accepted UPR recommendations to prohibit (2015)

³⁶ Prohibited in Republic of Srpska

³⁷ Prohibited in Republic of Srpska

³⁸ Prohibited in Republic of Srpska

³⁹ Government accepted UPR recommendation to prohibit in all settings (2015)

⁴⁰ Possibly prohibited in care institutions

⁴¹ Government accepted UPR recommendation to prohibit in all settings (2015)

⁴² Prohibited in residential institutions

⁴³ Government stated intention to prohibit to UN Committee on the Rights of the Child (2006) and accepted UPR recommendation to prohibit in the home (2011); bill which would prohibit under discussion (2016)

⁴⁴ Prohibited in preschool provision

⁴⁵ Government accepted UPR recommendations to prohibit (2013); bill which would prohibit under discussion (2016)

⁴⁶ Prohibited in preschool education

⁴⁷ Government accepted UPR recommendations to prohibit (2008, 2013)

⁴⁸ Prohibited in day care which forms part of education system

⁴⁹ Government accepted UPR recommendation to prohibit (2009); prohibiting legislation being drafted (2015)

⁵⁰ Government accepted UPR recommendation to prohibit (2010); draft legislation under discussion (2016)

⁵¹ Prohibited in educational day care and residential schools

⁵² Government accepted UPR recommendation to prohibit in all settings (2011)

⁵³ Prohibited in preschool education settings

⁵⁴ Government accepted UPR recommendations to prohibit (2010, 2015)

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.

<i>States without a clear commitment to law reform ...</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
Belarus ⁵⁵	NO	NO	NO	YES	YES	YES
Belgium	NO ⁵⁶	SOME ⁵⁷	NO	YES	YES	YES
Czech Republic	NO	SOME ⁵⁸	SOME ⁵⁹	YES	YES	YES
France ⁶⁰	NO	NO	NO	YES ⁶¹	YES	YES
Kazakhstan	NO	[SOME] ⁶²	SOME ⁶³	YES	YES	YES
Monaco	NO	NO	NO	YES	YES	YES
Russian Federation	NO	NO	SOME ⁶⁴	YES	YES	YES
Switzerland	NO ⁶⁵	[SOME] ⁶⁶	YES	YES	YES	YES
UK	NO	SOME ⁶⁷	SOME ⁶⁸	YES ⁶⁹	YES	YES
Uzbekistan	NO	NO	NO	YES	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 sharon@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
 July 2016

⁵⁵ Government accepted UPR recommendation to prohibit (2010) but stated it had already been implemented and all corporal punishment unlawful

⁵⁶ Draft legislation which would prohibit under discussion (2016); Government gave a mixed response to UPR recommendations to prohibit (2016)

⁵⁷ Prohibited in institutions in Flemish community

⁵⁸ Unlawful in institutions

⁵⁹ Prohibited in preschool provision

⁶⁰ Government accepted UPR recommendation to prohibit (2013) but stated that acceptance of recommendations did not necessarily imply a commitment to further action

⁶¹ But courts have recognised a “right of correction”

⁶² Possibly prohibited in children's villages

⁶³ Prohibited in preschool education and training

⁶⁴ Unlawful in preschool provision

⁶⁵ 2003 Federal Court ruling stated repeated and habitual corporal punishment unacceptable but did not rule out all corporal punishment in childrearing

⁶⁶ Possibly lawful in family placements

⁶⁷ Prohibited in residential institutions and foster care arranged by local authorities and voluntary organisations

⁶⁸ 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

⁶⁹ But in 2014 Government confirmed no prohibition in “unregistered independent settings providing part-time education”