

Progress towards prohibiting all corporal punishment in Europe

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



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.¹ As at February 2017, 30 states have achieved prohibition in all settings, including the home; governments of at least four 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 43 states have prohibited corporal punishment in schools, penal institutions and as a sentence for crime.

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 ²	YES	YES	YES	YES	YES
Andorra	YES ³	YES	YES	YES	YES	YES
Austria	YES ⁴	YES	YES	YES	YES	YES
Bulgaria	YES ⁵	YES	YES	YES	YES	YES
Croatia	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
Iceland	YES ¹³	YES	YES	YES	YES	YES
Ireland	YES ¹⁴	YES	YES	YES	YES	YES

¹ Region as defined by UN Statistical Division, <http://unstats.un.org/unsd/methods/m49/m49regin.htm#europe>

² Prohibited in Law on the Protection of the Rights of the Child 2010

³ Prohibited in 2014 amendments to Criminal Code 2005

⁴ Prohibited in 1989 amendment to General Civil Code, reiterated in Federal Constitutional Act on the Rights of Children 2011

⁵ Prohibited in Child Protection Act 2000 (amended 2003) and Regulations on the Implementation of the Child Protection Act 2003

⁶ Prohibited in Family Act 1998, superceded by Family Act 2003

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

¹³ Prohibited in Children's Act 2003

<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
Latvia	YES ¹⁵	YES	YES	YES	YES	YES
Liechtenstein	YES ¹⁶	YES	YES	YES	YES	YES
Lithuania	YES ¹⁷	YES	YES	YES	YES	YES
Luxembourg	YES ¹⁸	YES	YES	YES	YES	YES
Malta	YES ¹⁹	YES	YES	YES	YES	YES
Netherlands	YES ²⁰	YES	YES	YES	YES	YES
Norway	YES ²¹	YES	YES	YES	YES	YES
Poland	YES ²²	YES	YES	YES	YES	YES
Portugal	YES ²³	YES	YES	YES	YES	YES
Republic of Moldova	YES ²⁴	YES	YES	YES	YES	YES
Romania	YES ²⁵	YES	YES	YES	YES	YES
San Marino	YES ²⁶	YES	YES	YES	YES	YES
Slovenia	YES ²⁷	YES	YES	YES	YES	YES
Spain	YES ²⁸	YES	YES	YES	YES	YES
Sweden	YES ²⁹	YES	YES	YES	YES	YES
TFYR Macedonia	YES ³⁰	YES	YES	YES	YES	YES
Ukraine	YES ³¹	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 ³²	YES	YES	YES	YES	YES

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

¹⁸ Prohibited in Law on Children and the Family 2008

¹⁹ Prohibited in 2014 amendment to Criminal Code but some legislation still to be formally repealed

²⁰ Prohibited in 2007 amendment to Civil Code

²¹ Prohibited in 1987 amendment to Parent and Child Act 1981, confirmed in further amendments 2010 following 2005 Supreme Court decision supportive of "lighter smacks"

²² Prohibited in 2010 amendment to Family and Guardianship Code 1964

²³ Prohibited in 2007 amendment to Penal Code

²⁴ Prohibited in 2008 amendment to Family Code

²⁵ Prohibited in Law on Protection and Promotion of the Rights of the Child 2004

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

²⁷ Prohibited in Law Amending and Supplementing the Law on Prevention of Family Violence 2016

²⁸ Prohibited in 2007 amendment to Civil Code

²⁹ Prohibited in 1979 amendment to Parenthood and Guardianship Code

³⁰ Prohibited in Law on Child Protection 2013

³¹ Prohibited in Family Code 2003

³² 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
Bosnia and Herzegovina ³³	SOME ³⁴	SOME ³⁵	SOME ³⁶	YES	YES	YES
Montenegro ³⁷	NO	NO	SOME ³⁸	YES	YES	YES
Serbia ³⁹	NO	NO	SOME ⁴⁰	YES	YES	YES
Slovakia ⁴¹	NO	YES	YES	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 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 ⁴²	NO	NO	NO	YES	YES	YES
Belgium	NO ⁴³	SOME ⁴⁴	NO	YES	YES	YES
Czech Republic	NO	SOME ⁴⁵	SOME ⁴⁶	YES	YES	YES
France ⁴⁷	NO	NO	NO	YES ⁴⁸	YES	YES
Monaco	NO	NO	NO	YES	YES	YES
Russian Federation	NO	NO	SOME ⁴⁹	YES	YES	YES

³³ Government accepted UPR recommendations to prohibit (2015)

³⁴ Prohibited in Republic of Srpska

³⁵ Prohibited in Republic of Srpska

³⁶ Prohibited in Republic of Srpska

³⁷ Government accepted UPR recommendations to prohibit (2013); bill which would prohibit under discussion (2016)

³⁸ Prohibited in preschool education

³⁹ Government accepted UPR recommendations to prohibit (2008, 2013)

⁴⁰ Prohibited in day care which forms part of education system

⁴¹ Government accepted UPR recommendation to prohibit (2009); prohibiting legislation being drafted (2015)

⁴² Government accepted UPR recommendation to prohibit (2010) but stated it had already been implemented and all corporal punishment unlawful

⁴³ Draft legislation which would prohibit under discussion (2016); Government gave a mixed response to UPR recommendations to prohibit (2016)

⁴⁴ Prohibited in institutions in Flemish community

⁴⁵ Unlawful in institutions

⁴⁶ Prohibited in preschool provision

⁴⁷ Government accepted UPR recommendation to prohibit (2013) but stated that acceptance of recommendations did not necessarily imply a commitment to further action

⁴⁸ But courts have recognised a “right of correction”

⁴⁹ Unlawful in preschool provision

<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
Switzerland	NO ⁵⁰	[SOME] ⁵¹	YES	YES	YES	YES
UK	NO	SOME ⁵²	SOME ⁵³	YES ⁵⁴	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
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⁵⁰ 2003 Federal Court ruling stated repeated and habitual corporal punishment unacceptable but did not rule out all corporal punishment in childrearing

⁵¹ Possibly lawful in family placements

⁵² Prohibited in residential institutions and foster care arranged by local authorities and voluntary organisations

⁵³ 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

⁵⁴ But in 2014 Government confirmed no prohibition in “unregistered independent settings providing part-time education”