

## **France must prohibit all corporal punishment of children to comply with human rights ruling**

*4 March 2015*

France is in violation of the Revised European Social Charter due to its lack of prohibition of all corporal punishment of children, the European Committee on Social Rights has ruled.

In a decision released today, 4 March 2015, the Committee notes that there is no express and comprehensive prohibition on all forms of corporal punishment of children in French legislation. It recalls that, when examining France's implementation of the Charter, it has three times found that France is in violation of article 17 of the Charter because of the lack of prohibition of corporal punishment.

The unanimous decision states: "The European Committee of Social Rights notes that there is now a wide consensus at both the European and international level among human rights bodies that the corporal punishment of children should be expressly and comprehensively prohibited in law". In the decision, the Committee recalls its consistent interpretation of the Charter as regards corporal punishment of children, laid down most recently in its 2006 decision on a complaint against Portugal, that to comply with Article 17, states' domestic law must prohibit and penalize all forms of violence against children and that the relevant provisions must be sufficiently clear, binding and precise to preclude the courts from refusing to apply them to violence against children.<sup>1</sup>

"France is one of a minority of the 47 member states of the Council of Europe which has not yet clearly prohibited violent punishment of children. In recent months French Ministers have indicated that they will consider a clear ban and we hope this decision will accelerate the process", said Elinor Milne, Advocacy and Communications Coordinator of the Global Initiative to End All Corporal Punishment of Children.

### ***Background information***

The European Social Charter is a Council of Europe (not European Union) treaty which was adopted in 1961. The Revised European Social Charter came into force in 1999 and is gradually replacing the 1961 treaty. Forty-three of the 47 Council of Europe member states have ratified one or both of the treaties.

The European Committee on Social Rights monitors implementation of the European Social Charter and Revised Social Charter. Under the 1995 Additional Protocol providing for a system of Collective Complaints, the Committee can examine and make decisions on complaints of violations of the Charters.

Article 17 of the Charter, on the right of children and young persons to social, legal and economic protection, requires states to protect children and young persons against negligence, violence or exploitation.

The complaint, lodged by the Association for the Protection of All Children (APPROACH) Ltd in 2013, stated that that there is no explicit and effective prohibition of all corporal

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<sup>1</sup> World Organisation against Torture (OMCT) v. Portugal, Complaint No. 34/2006, decision on the merits of 5 December 2006, §§19-21

punishment of children in the family, schools and other settings and that France has failed to act with due diligence to eliminate such punishment in practice.

Twenty-seven Council of Europe member states have prohibited corporal punishment of children in all settings of their lives including the family home: Albania (prohibition achieved in 2010), Austria (1989), Bulgaria (2000), Croatia (1999), Cyprus (1994), Denmark (1997), Estonia (2014), Finland (1983), Germany (2000), Greece (2006), Hungary (2005), Iceland (2003), Latvia (1998), Liechtenstein (2008), Luxembourg (2008), Malta (2014), Netherlands (2007), Norway (1987), Poland (2010), Portugal (2007), Republic of Moldova (2008), Romania (2004), San Marino (2014), Spain (2007), Sweden (1979), TFYR Macedonia (2013) and Ukraine (2004).

Details of the legality of corporal punishment of children across the Council of Europe are available at:

<http://www.endcorporalpunishment.org/pages/docs/Council%20of%20Europe%20progress%20table.docx>.

Full details of the decision and other documents relating to the complaint are available at:

[http://www.coe.int/t/dghl/monitoring/socialcharter/NewsCOEPortal/CC92Merits\\_en.asp](http://www.coe.int/t/dghl/monitoring/socialcharter/NewsCOEPortal/CC92Merits_en.asp).

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