



Global Initiative to  
**End All Corporal Punishment  
of Children**

# 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](http://www.endcorporalpunishment.org)), July 2011

Note: The above information has been compiled 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 helped to provide and check information. Please let us know if you believe any of the information to be incorrect: [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org).

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Albania	NO	YES	YES	YES <sup>1</sup>	NO
Andorra	NO	YES <sup>2</sup>	YES	YES <sup>3</sup>	SOME <sup>4</sup>
Armenia	NO	YES	YES	YES <sup>5</sup>	NO
Austria	YES <sup>6</sup>	YES	YES	YES	YES
Azerbaijan	NO	YES	YES	YES <sup>7</sup>	NO
Belarus	NO	YES <sup>8</sup>	YES	YES <sup>9</sup>	SOME <sup>10</sup>
Belgium	NO	YES <sup>11</sup>	YES	YES	SOME <sup>12</sup>
Bosnia & Herzegovina	SOME <sup>13</sup>	YES	YES	YES	NO

<sup>1</sup> But no explicit prohibition

<sup>2</sup> No explicit prohibition, but education law and regulations recognise dignity of the child

<sup>3</sup> But no explicit prohibition

<sup>4</sup> Prohibited in La Gavernera children's centre; lawful in other care settings

<sup>5</sup> But no explicit prohibition

<sup>6</sup> Prohibited in 1989 by section 146a of General Civil Code

<sup>7</sup> But possibly no explicit prohibition

<sup>8</sup> But possibly no explicit prohibition

<sup>9</sup> But no explicit prohibition

<sup>10</sup> Considered unlawful in boarding institutions, but there is no explicit prohibition; not prohibited in foster care

<sup>11</sup> But no explicit prohibition

<sup>12</sup> Prohibited in institutions in some communities; not prohibited in non-institutional childcare

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Bulgaria	YES <sup>14</sup>	YES	YES	YES	YES
Croatia	YES <sup>15</sup>	YES	YES	YES	YES
Cyprus	YES <sup>16</sup>	YES	YES	YES	YES
Czech Republic <sup>17</sup>	NO	YES <sup>18</sup>	YES	YES <sup>19</sup>	NO
Denmark	YES <sup>20</sup>	YES	YES	YES	YES
Estonia <sup>21</sup>	NO	YES <sup>22</sup>	YES	YES <sup>23</sup>	NO
Finland	YES <sup>24</sup>	YES	YES	YES	YES
France	NO <sup>25</sup>	YES <sup>26</sup>	YES	YES <sup>27</sup>	NO <sup>28</sup>
Georgia	NO	YES <sup>29</sup>	YES	YES <sup>30</sup>	[SOME <sup>31</sup> ]
Germany	YES <sup>32</sup>	YES	YES	YES	YES
Greece	YES <sup>33</sup>	YES	YES	YES	YES
Hungary	YES <sup>34</sup>	YES	YES	YES	YES
Iceland	YES <sup>35</sup>	YES	YES	YES	YES
Ireland <sup>36</sup>	NO	YES	YES	YES	SOME <sup>37</sup>
Italy	NO <sup>38</sup>	YES	YES	YES	YES
Kazakhstan	NO	SOME <sup>39</sup>	YES	YES	SOME <sup>40</sup>
Kyrgyzstan	NO	YES	YES	YES	SOME <sup>41</sup>

<sup>13</sup> Prohibited in Republic of Srpska

<sup>14</sup> Prohibited in 2000 Child Protection Act (amended 2003) and 2003 Regulation on the Implementation of the Child Protection Act

<sup>15</sup> Prohibited explicitly in 1998 Family Act, replaced by 2003 Family Act

<sup>16</sup> Prohibited in 1994 Violence in the Family (Prevention and Protection of Victims) Law, reiterated in 2000 Act on Violence in the Family; response to governmental questionnaire in UN Secretary General's Study on Violence against Children (August 2005) stated Children Law provides for "right to administer punishment", but this provision expected to be removed following review

<sup>17</sup> Government committed to prohibition; prohibition under discussion (2011)

<sup>18</sup> But no explicit prohibition

<sup>19</sup> But no explicit prohibition

<sup>20</sup> Prohibited in 1997 amendment to 1995 Parental Custody and Care Act

<sup>21</sup> Government committed to prohibition; legislation which would prohibit being drafted (2011)

<sup>22</sup> But no explicit prohibition

<sup>23</sup> But no explicit prohibition

<sup>24</sup> Prohibited in 1983 Child Custody and Right of Access Act

<sup>25</sup> Bill No. 2971 to abolish all physical and psychological violence against children by persons with parental authority under discussion (2011)

<sup>26</sup> But no explicit prohibition

<sup>27</sup> But no explicit prohibition; see also note 25

<sup>28</sup> See note 25

<sup>29</sup> But no explicit prohibition

<sup>30</sup> But no explicit prohibition

<sup>31</sup> Prohibited in institutional care establishments

<sup>32</sup> Prohibited in 2000 amendment to Civil Code

<sup>33</sup> Prohibited in 2006 Law 3500/2006 on the Combating of Intra-family Violence

<sup>34</sup> Prohibited in 2004 amendment to Hungarian Child Protection Act

<sup>35</sup> Prohibited in 2003 Children's Act

<sup>36</sup> Government has stated long-term commitment to prohibition but given no indication of timing

<sup>37</sup> Prohibited in pre-school settings except for childminders caring for children older than 5 and for children of relatives, children of same family or up to three children from different families; prohibited in special care units; guidance advises against its use in foster care and residential care services but there is no prohibition in legislation

<sup>38</sup> 1996 Supreme Court ruling prohibited all violence in childrearing, but as at May 2011 not confirmed in legislation

<sup>39</sup> Prohibited in regular schools but not in military schools

<sup>40</sup> Prohibited in children's villages, youth homes and other institutions, but no prohibition in foster care or kinship care

<sup>41</sup> Prohibited in residential institutions

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Latvia	YES <sup>42</sup>	YES	YES	YES	YES
Liechtenstein	YES <sup>43</sup>	YES	YES	YES	YES
Lithuania <sup>44</sup>	NO	YES <sup>45</sup>	YES	YES <sup>46</sup>	NO
Luxembourg	YES <sup>47</sup>	YES	YES	YES	YES
Malta	NO	YES <sup>48</sup>	YES	[YES]	NO
Monaco	NO	YES <sup>49</sup>	YES	YES <sup>50</sup>	NO
Montenegro	NO	YES	YES	YES <sup>51</sup>	NO
Netherlands	YES <sup>52</sup>	YES	YES	YES	YES
Norway	YES <sup>53</sup>	YES	YES	YES	YES
Poland	YES <sup>54</sup>	YES	YES	YES	YES
Portugal	YES <sup>55</sup>	YES	YES	YES	YES
Republic of Moldova	YES <sup>56</sup>	YES	YES	YES	YES
Romania	YES <sup>57</sup>	YES	YES	YES	YES
Russian Federation	NO	YES <sup>58</sup>	YES	YES <sup>59</sup>	NO
San Marino	NO <sup>60</sup>	YES	YES	YES <sup>61</sup>	NO <sup>62</sup>
Serbia <sup>63</sup>	NO	YES	YES	YES	SOME <sup>64</sup>
Slovakia <sup>65</sup>	NO <sup>66</sup>	YES	YES	YES	YES
Slovenia <sup>67</sup>	NO <sup>68</sup>	YES	YES	YES <sup>69</sup>	SOME <sup>70</sup>
Spain	YES <sup>71</sup>	YES	YES	YES	YES
Sweden	YES <sup>72</sup>	YES	YES	YES	YES

<sup>42</sup> Prohibited in 1998 Children's Rights Protection Law

<sup>43</sup> Prohibited in 2008 Children and Youth Act

<sup>44</sup> Government stated intention to prohibit during January 2006 examination by Committee on the Rights of the Child; proposed new legislation to prohibit rejected in March 2010, new bill introduced in December 2010

<sup>45</sup> But no explicit prohibition

<sup>46</sup> But no explicit prohibition

<sup>47</sup> Prohibited in 2008 Law on Children and the Family

<sup>48</sup> But no explicit prohibition

<sup>49</sup> But no explicit prohibition

<sup>50</sup> But no explicit prohibition

<sup>51</sup> But possibly no explicit prohibition

<sup>52</sup> Prohibited in 2007 amendment to the Civil Code

<sup>53</sup> Prohibited in 1987 amendment to 1981 Parent and Child Act; Supreme Court decision 30 November 2005 interpreted Penal Code as allowing "lighter smacks" but in April 2010 the law was amended to confirm prohibition of all corporal punishment

<sup>54</sup> Prohibited in 2010 amendment to the Family Code

<sup>55</sup> Prohibited in 2007 amendment to Penal Code

<sup>56</sup> Prohibited in 2008 amendments to the Family Code

<sup>57</sup> Prohibited in 2004 Law on Protection and Promotion of the Rights of the Child

<sup>58</sup> But possibly no explicit prohibition

<sup>59</sup> But no explicit prohibition

<sup>60</sup> Government has stated its intention to prohibit in all settings (2010)

<sup>61</sup> But no explicit prohibition

<sup>62</sup> See previous note

<sup>63</sup> Government committed to prohibition (2007)

<sup>64</sup> Prohibited in all day care which forms a part of the education system, including nurseries, kindergartens, preschools, after school care, workshops and additional education activities

<sup>65</sup> Government committed to prohibition (2005)

<sup>66</sup> Law reform in 2009 prohibited only corporal punishment which reaches a certain degree of severity

<sup>67</sup> Government stated intention to explicitly prohibit in the home during 2004 drafting of domestic violence law

<sup>68</sup> Family Law Bill which would prohibit under discussion (2011)

<sup>69</sup> But no explicit prohibition

<sup>70</sup> Prohibited in educational day care centres and residential schools

<sup>71</sup> Prohibited in 2007 amendment to Civil Code

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Switzerland	NO <sup>73</sup>	YES <sup>74</sup>	YES	YES	YES
Tajikistan	NO	NO	YES	NO	NO
TFYR Macedonia	NO	YES	YES	YES <sup>75</sup>	NO
Turkey	NO	YES <sup>76</sup>	YES	YES <sup>77</sup>	NO
Turkmenistan	NO <sup>78</sup>	[YES] <sup>79</sup>	YES	[YES] <sup>80</sup>	NO <sup>81</sup>
UK	NO <sup>82</sup>	YES	YES	YES <sup>83</sup>	SOME <sup>84</sup>
Ukraine	YES <sup>85</sup>	YES	YES	YES	YES
Uzbekistan	NO	YES	[YES]	YES	NO

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<sup>72</sup> Prohibited in 1979 amendment to Parenthood and Guardianship Code

<sup>73</sup> 2003 Federal Court ruling stated repeated and habitual corporal punishment unacceptable, but did not rule out right of parents to use corporal punishment; draft legislation to prohibit rejected by Parliament in 2008

<sup>74</sup> Prohibited by federal law pursuant to cantonal legislation; 1991 Federal Court ruled it permissible in certain circumstances, but this considered impossible under current legislation

<sup>75</sup> But no explicit prohibition

<sup>76</sup> But no explicit prohibition

<sup>77</sup> But possibly no explicit prohibition

<sup>78</sup> 2002 Rights of the Child (Guarantees) Act prohibits corporal punishment considered to be harmful

<sup>79</sup> See previous note

<sup>80</sup> See note 78

<sup>81</sup> See note 78

<sup>82</sup> Scotland: 2003 Criminal Justice (Scotland) Act restricts common law defence by introducing concept of “justifiable assault” of children and defining blows to head, shaking and use of implements as unjustifiable; England and Wales: 2004 Children Act maintains “reasonable punishment” defence for cases of common assault; similar provision introduced in Northern Ireland by the 2006 Law Reform (Miscellaneous Provisions) (Northern Ireland) Order

<sup>83</sup> But no explicit prohibition in secure training centres

<sup>84</sup> Prohibited in residential care institutions and foster care arranged by local authorities or voluntary organisations in England, Wales, Scotland and Northern Ireland; not prohibited in private foster care in England, Wales, Scotland or Northern Ireland; prohibited in day care and childminding in England, Wales and Scotland; in Northern Ireland, guidance advises against corporal punishment in day care and childminding but no prohibition in law

<sup>85</sup> Prohibited in 2003 Family Code