

Progress towards prohibiting all corporal punishment in Europe and Central Asia



GLOBAL INITIATIVE TO
**End All Corporal
Punishment of Children**

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Also available online at www.endcorporalpunishment.org

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 January 2020, 36 states have achieved prohibition in all settings, including the home; governments of at least five others have expressed a commitment to enacting full prohibition. Thirty-eight states have prohibited corporal punishment in all alternative care settings, 39 in day care; all 54 states have prohibited corporal punishment in schools and as a sentence for crime, 53 in penal institutions.

States with full prohibition in legislation

The following 36 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
France	YES ¹⁰	YES	YES	YES	YES	YES

¹ Prohibited in Law No. 18/2017 on the Rights and Protection of the Child, which replaced 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⁵ Prohibited in Family Act 1998, superceded by Family Act 2003; prohibition reiterated in Act on Protection against Violence in the Family 2017

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of Victims) Law 1994, reiterated in Act on Violence in the Family 2000; right “to administer punishment” formally repealed from Children's Law 1956 in 2013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 2019 amendment to Civil Code

States with full 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
Georgia	YES ¹¹	YES	YES	YES	YES	YES
Germany	YES ¹²	YES	YES	YES	YES	YES
Greece	YES ¹³	YES	YES	YES	YES	YES
Hungary	YES ¹⁴	YES	YES	YES	YES	YES
Iceland	YES ¹⁵	YES	YES	YES	YES	YES
Ireland	YES ¹⁶	YES	YES	YES	YES	YES
Latvia	YES ¹⁷	YES	YES	YES	YES	YES
Liechtenstein	YES ¹⁸	YES	YES	YES	YES	YES
Lithuania	YES ¹⁹	YES	YES	YES	YES	YES
Luxembourg	YES ²⁰	YES	YES	YES	YES	YES
Malta	YES ²¹	YES	YES	YES	YES	YES
Montenegro	YES ²²	YES	YES	YES	YES	YES
Netherlands	YES ²³	YES	YES	YES	YES	YES
North Macedonia	YES ²⁴	YES	YES	YES	YES	YES
Norway	YES ²⁵	YES	YES	YES	YES	YES
Poland	YES ²⁶	YES	YES	YES	YES	YES
Portugal	YES ²⁷	YES	YES	YES	YES	YES
Republic of Kosovo	YES ²⁸	YES	YES	YES	YES	YES
Republic of Moldova	YES ²⁹	YES	YES	YES	YES	YES
Romania	YES ³⁰	YES	YES	YES	YES	YES
San Marino	YES ³¹	YES	YES	YES	YES	YES
Slovenia	YES ³²	YES	YES	YES	YES	YES
Spain	YES ³³	YES	YES	YES	YES	YES
Sweden	YES ³⁴	YES	YES	YES	YES	YES

¹¹ Prohibited in Code on the Rights of the Child 2019

¹² Prohibited in 2000 amendment to Civil Code

¹³ Prohibited in Law 3500/2006 on the Combating of Intra-family Violence 2006

¹⁴ Prohibited in 2004 amendment to Child Protection Act 1997

¹⁵ Prohibited in Children's Act 2003

¹⁶ Prohibited in 2015 amendment to Offences Against the Person (Non Fatal) Act 1997

¹⁷ Prohibited in Children's Rights Protection Law 1998

¹⁸ Prohibited in Children and Youth Act 2008

¹⁹ Prohibited in 2017 amendments to Law on the Fundamentals of Protection of the Rights of the Child 1996

²⁰ Prohibited in Law on Children and the Family 2008

²¹ Prohibited in 2014 amendment to Criminal Code but some legislation still to be formally repealed

²² Prohibited in 2016 amendments to Family Law 2007

²³ Prohibited in 2007 amendment to Civil Code

²⁴ Prohibited in Law on Child Protection 2013

²⁵ Prohibited in 1987 amendment to Parent and Child Act 1981, confirmed in further amendments 2010 following 2005 Supreme Court decision supportive of "lighter smacks"

²⁶ Prohibited in 2010 amendment to Family and Guardianship Code 1964

²⁷ Prohibited in 2007 amendment to Penal Code

²⁸ Prohibited in Law on Child Protection 2019

²⁹ Prohibited in 2008 amendment to Family Code

³⁰ Prohibited in Law on Protection and Promotion of the Rights of the Child 2004

³¹ Prohibited in 2014 amendments to Penal Code and Law of 26 April 1986 No. 49 on Family Law Reform

³² Prohibited in Law Amending and Supplementing the Law on Prevention of Family Violence 2016

³³ Prohibited in 2007 amendment to Civil Code

States with full 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
Turkmenistan	YES ³⁵	YES	YES	YES	YES	YES
Ukraine	YES ³⁶	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 ³⁷	YES	YES	YES	YES	YES

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 through unequivocally accepting recommendations to prohibit made during the Universal Periodic Review (UPR) of the state concerned and/or in another official context. For more information on how the Global Initiative assesses states' commitment, visit <https://endcorporalpunishment.org/committed-states/>.

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 ³⁸	NO	SOME ³⁹	NO	YES	YES	YES
Bosnia and Herzegovina ⁴⁰	SOME ⁴¹	SOME ⁴²	SOME ⁴³	YES	YES	YES
Kyrgyzstan ⁴⁴	NO	SOME ⁴⁵	NO	YES	[YES]	YES
Serbia ⁴⁶	NO	NO	SOME ⁴⁷	YES	YES	YES
Uzbekistan ⁴⁸	NO	NO	NO	YES	YES	YES

³⁴ Prohibited in 1979 amendment to Parenthood and Guardianship Code

³⁵ Prohibited in Law on Guarantees of the Rights of the Child 2002, reiterated in Family Code 2012

³⁶ Prohibited in Family Code 2003

³⁷ 1996 Supreme Court judgment ruled against all violence in childrearing but this not yet confirmed in legislation

³⁸ Government accepted UPR recommendations to prohibit (2010, 2015)

³⁹ Unlawful in care institutions

⁴⁰ Government accepted UPR recommendations to prohibit (2015)

⁴¹ Prohibited in Republic of Srpska

⁴² Prohibited in Republic of Srpska

⁴³ Prohibited in Republic of Srpska

⁴⁴ Government accepted UPR recommendation to prohibit in all settings (2015)

⁴⁵ Prohibited in residential institutions

⁴⁶ Government accepted UPR recommendations to prohibit (2008, 2013)

⁴⁷ Prohibited in day care which forms part of education system

⁴⁸ Government supported UPR recommendations to prohibit (2018)

States without a clear commitment to law reform

The following states are not currently committed to prohibiting all corporal punishment. Some have yet to make a clear commitment to law reform. Some 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 have accepted some UPR recommendations to prohibit corporal punishment but rejected other similar recommendations. Others had previously committed but have since either backtracked on that commitment or have failed to take action on it.

States without a clear commitment to law reform ...						
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
Azerbaijan ⁴⁹	NO	NO	NO	YES	YES	YES
Belarus ⁵⁰	NO	NO	NO	YES	YES	YES
Belgium	NO ⁵¹	SOME ⁵²	NO	YES	YES	YES
Czech Republic	NO	SOME ⁵³	SOME ⁵⁴	YES	YES	YES
Kazakhstan	NO	[SOME] ⁵⁵	SOME ⁵⁶	YES	YES	YES
Monaco	NO	NO	NO	YES	YES	YES
Russian Federation	NO	NO	SOME ⁵⁷	YES	YES	YES
Slovakia ⁵⁸	NO	YES	YES	YES	YES	YES
Switzerland	NO ⁵⁹	[SOME] ⁶⁰	YES	YES	YES	YES
Tajikistan ⁶¹	NO	NO	SOME ⁶²	YES	NO	YES
Turkey ⁶³	NO	NO	NO	YES	YES	YES
UK	SOME ⁶⁴	SOME ⁶⁵	SOME ⁶⁶	YES ⁶⁷	YES	YES

⁴⁹ Had initially committed to prohibition in all settings by accepting UPR recommendations to prohibit (2009, 2013, 2018), but prohibiting Bill drafted in 2011 has yet to be enacted

⁵⁰ Government accepted UPR recommendation to prohibit (2010) but stated it had already been implemented and all corporal punishment unlawful

⁵¹ Draft legislation which would prohibit under discussion (2016); Government gave a mixed response to UPR recommendations to prohibit (2016)

⁵² Prohibited in institutions in Flemish community
⁵³ Unlawful in institutions

⁵⁴ Prohibited in preschool provision

⁵⁵ Possibly prohibited in children's villages

⁵⁶ Prohibited in preschool education and training

⁵⁷ Unlawful in preschool provision

⁵⁸ Had initially committed to prohibition by accepting UPR recommendation to prohibit (2009); but no progress since despite prohibiting legislation having been drafted in 2014

⁵⁹ 2003 Federal Court ruling stated repeated and habitual corporal punishment unacceptable but did not rule out all corporal punishment in childrearing

⁶⁰ Possibly lawful in family placements

⁶¹ Had initially committed to prohibition by accepting UPR recommendation to prohibit in all settings (2011); but no progress since

⁶² Prohibited in preschool education settings

⁶³ Had initially committed to prohibition by accepting UPR recommendations to prohibit (2010, 2015); but no progress since

⁶⁴ Prohibited in Scotland under the 2019 Children (Equal Protection from Assault) (Scotland) Act and in Wales under the 2020 Children (Abolition of Defence of Reasonable Punishment) (Wales) Act

⁶⁵ Prohibited in residential institutions and foster care arranged by local authorities and voluntary organisations; fully prohibited in Scotland and Wales

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.

⁶⁶ 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

⁶⁷ But in 2014 Government confirmed no prohibition in “unregistered independent settings providing part-time education”; fully prohibited in Scotland and Wales