

# Progress towards prohibiting all corporal punishment in Council of Europe member states, November 2015

The following table summarises the legal status of corporal punishment of children – and progress towards achieving prohibition – in all settings in all Council of Europe member states. As at November 2015, 29 states have achieved prohibition in all settings, including the home; governments of at least eight others have expressed a commitment to enacting full prohibition. Thirty-one states have prohibited corporal punishment in all alternative care settings, 32 in all day care; all 47 have prohibited corporal punishment in schools, penal institutions and as a sentence for crime.

## States with full prohibition in legislation

The following 29 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 <sup>1</sup>	YES	YES	YES	YES	YES
Andorra	YES <sup>2</sup>	YES	YES	YES	YES	YES
Austria	YES <sup>3</sup>	YES	YES	YES	YES	YES
Bulgaria	YES <sup>4</sup>	YES	YES	YES	YES	YES
Croatia	YES <sup>5</sup>	YES	YES	YES	YES	YES
Cyprus	YES <sup>6</sup>	YES	YES	YES	YES	YES
Denmark	YES <sup>7</sup>	YES	YES	YES	YES	YES
Estonia	YES <sup>8</sup>	YES	YES	YES	YES	YES
Finland	YES <sup>9</sup>	YES	YES	YES	YES	YES
Germany	YES <sup>10</sup>	YES	YES	YES	YES	YES
Greece	YES <sup>11</sup>	YES	YES	YES	YES	YES
Hungary	YES <sup>12</sup>	YES	YES	YES	YES	YES
Iceland	YES <sup>13</sup>	YES	YES	YES	YES	YES

<sup>1</sup> Prohibited in Law on the Protection of the Rights of the Child 2010

<sup>2</sup> Prohibited in 2014 amendments to Criminal Code 2005

<sup>3</sup> Prohibited in 1989 by section 146a of General Civil Code, reiterated in Federal Constitutional Act on the Rights of Children 2011

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

<sup>5</sup> Prohibited explicitly in Family Act 1998, replaced by Family Act 2003

<sup>6</sup> 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" removed from Children's Law 1956 in 2013

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

<sup>8</sup> Prohibited in Child Welfare Act 2014, to come into force January 2016

<sup>9</sup> Prohibited in Child Custody and Rights of Access Act 1983

<sup>10</sup> Prohibited in 2000 amendment to Civil Code

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

<sup>12</sup> Prohibited in 2004 amendment to Child Protection Act

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

<i>States with Supreme Court ruling ...</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
Italy	NO <sup>30</sup>	YES	YES	YES	YES	YES

<sup>13</sup> Prohibited in Children's Act 2003

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

<sup>15</sup> Prohibited in Children's Rights Protection Law 1998

<sup>16</sup> Prohibited in Children and Youth Act 2008

<sup>17</sup> Prohibited in Law on Children and the Family 2008

<sup>18</sup> Prohibited in 2014 amendment to Criminal Code but some legislation still to be formally repealed

<sup>19</sup> Prohibited in 2007 amendment to Civil Code

<sup>20</sup> Prohibited in 1987 amendment to Parent and Child Act 1981; prohibition confirmed through further amendments in 2010, following 2005 Supreme Court decision that law allowed "lighter smacks"

<sup>21</sup> Prohibited in 2010 amendments to Family Code

<sup>22</sup> Prohibited in 2007 amendment to Penal Code

<sup>23</sup> Prohibited in 2008 amendments to Family Code

<sup>24</sup> Prohibited in Law on Protection and Promotion of the Rights of the Child 2004

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

<sup>26</sup> Prohibited in 2007 amendment to Civil Code

<sup>27</sup> Prohibited in 1979 amendment to Parenthood and Guardianship Code

<sup>28</sup> Prohibited in 2013 Law on Child Protection

<sup>29</sup> Prohibited in Family Code 2003

<sup>30</sup> 1996 Supreme Court ruling prohibited 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 10 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.

<i>States committed 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
Armenia <sup>31</sup>	NO	SOME <sup>32</sup>	NO	YES	YES	YES
Azerbaijan <sup>33</sup>	NO	NO	NO	YES	YES	YES
Bosnia and Herzegovina <sup>34</sup>	SOME <sup>35</sup>	SOME <sup>36</sup>	SOME <sup>37</sup>	YES	YES	YES
Georgia <sup>38</sup>	NO	[SOME] <sup>39</sup>	NO	YES	YES	YES
Lithuania <sup>40</sup>	NO	NO	SOME <sup>41</sup>	YES	YES	YES
Montenegro <sup>42</sup>	NO	NO	SOME <sup>43</sup>	YES	YES	YES
Serbia <sup>44</sup>	NO	NO	SOME <sup>45</sup>	YES	YES	YES
Slovakia <sup>46</sup>	NO	YES	YES	YES	YES	YES
Slovenia <sup>47</sup>	NO	NO	SOME <sup>48</sup>	YES	YES	YES
Turkey <sup>49</sup>	NO	NO	NO	YES	YES	YES

## States without a clear commitment to law reform

The following seven 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.

<sup>31</sup> Government accepted UPR recommendation to prohibit (2010, 2015); draft legislation which would prohibit under discussion (2014)

<sup>32</sup> Unlawful in care institutions

<sup>33</sup> Government accepted UPR recommendations to prohibit (2009, 2013)

<sup>34</sup> Government accepted UPR recommendations to prohibit (2015)

<sup>35</sup> Prohibited in Republic of Srpska

<sup>36</sup> Prohibited in Republic of Srpska

<sup>37</sup> Prohibited in Republic of Srpska

<sup>38</sup> Government accepted UPR recommendations to prohibit (2015)

<sup>39</sup> Possibly prohibited in care institutions

<sup>40</sup> Government stated intention to prohibit to UN Committee on the Rights of the Child (2006); Government accepted UPR recommendation to prohibit in the home (2011); draft legislation under discussion (2015)

<sup>41</sup> Prohibited in preschool provision

<sup>42</sup> Government accepted UPR recommendations to prohibit (2013)

<sup>43</sup> Prohibited in the provision of preschool education

<sup>44</sup> Government accepted UPR recommendations to prohibit (2008, 2013)

<sup>45</sup> Prohibited in day care which forms part of the education system

<sup>46</sup> Government accepted UPR recommendation to prohibit in all settings (2009); prohibition under discussion (2014)

<sup>47</sup> Government accepted UPR recommendation to prohibit (2010); draft legislation under discussion (2013)

<sup>48</sup> Prohibited in educational day care and in residential schools

<sup>49</sup> Government accepted UPR recommendation to prohibit (2010, 2015)

<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
Belgium	NO	SOME <sup>50</sup>	NO	YES	YES	YES
Czech Republic	NO	SOME <sup>51</sup>	SOME <sup>52</sup>	YES	YES	YES
France <sup>53</sup>	NO	NO	NO	YES <sup>54</sup>	YES	YES
Monaco	NO	NO	NO	YES	YES	YES
Russian Federation	NO	NO	SOME <sup>55</sup>	YES	YES	YES
Switzerland	NO <sup>56</sup>	SOME <sup>57</sup>	YES	YES	YES	YES
UK	NO	SOME <sup>58</sup>	SOME <sup>59</sup>	YES <sup>60</sup>	YES	YES

**Note:** The above was prepared by the Global Initiative to End All Corporal Punishment of Children ([www.endcorporalpunishment.org](http://www.endcorporalpunishment.org)). It is based on information from many sources, including reports to and by the United Nations human rights treaty bodies. **Information in square brackets is unconfirmed.** For further details on all states see the individual state reports at [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org).

*Analysis prepared by the Global Initiative to End All Corporal Punishment of Children*  
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<sup>50</sup> Prohibited in institutions in Flemish community

<sup>51</sup> Unlawful in institutions

<sup>52</sup> Prohibited in preschool provision

<sup>53</sup> Government accepted UPR recommendation to prohibit in all settings (2013) but made a general statement that acceptance did not necessarily imply a commitment to further action but could imply a commitment to continue existing efforts or maintain measures already in place

<sup>54</sup> But no explicit prohibition and courts have recognised a "right of correction"

<sup>55</sup> Unlawful in pre-school provision

<sup>56</sup> 2003 Federal Court ruling stated repeated and habitual corporal punishment unacceptable but did not rule out right of parents to use corporal punishment

<sup>57</sup> Lawful as for parents in alternative care involving family placements

<sup>58</sup> Prohibited in residential institutions and foster care arranged by local authorities or voluntary organisations throughout the UK

<sup>59</sup> 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

<sup>60</sup> But in 2014 Government confirmed legislation does not prohibit in "unregistered independent settings providing part-time education"