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## **Committee of experts on the prevention of violence (ENF-VAE)**

### **INFORMATION REPORT**

#### **Progress and delay in achieving universal prohibition and elimination of corporal punishment in Council of Europe member States**

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*This report was drafted by Sonia Vohito and Bess Herbert at End Corporal Punishment (hosted by World Health Organisation) to inform relevant work of CDEF. The opinions expressed in this study do not necessarily reflect the official policy of the Council of Europe.*



# Progress and delay in achieving universal prohibition and elimination of corporal punishment in Council of Europe member States

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## Introduction: Keeping the promise to end violence against children

Corporal punishment is the most common form of violence against children,<sup>1</sup> with vast numbers frequently experiencing it in multiple settings of their lives. Worldwide around 4 in 5 of all children aged 2-14 years are subjected to corporal punishment (physical and/or psychological aggression) in their home every year.<sup>2</sup> Its traditional social and legal acceptance has meant that it is often not recognised as violence; however, over five decades of research has found that corporal punishment is associated with multiple risks of harm to children's physical and mental health, cognitive development and educational achievement, relationships and long-term life chances, as well as considerable costs to society.<sup>3</sup> Far from teaching children how to behave well, it is linked to increased aggression and antisocial behaviour and teaches children that violence is an acceptable way to resolve conflict.

Corporal punishment is a violation of children's rights to respect for physical integrity and human dignity, health, development, education and freedom from torture and other cruel, inhuman or degrading treatment or punishment. As of August 2024, 67 states worldwide have achieved prohibition of corporal punishment in all settings, including within the family and 26 more states have committed to reforming their laws to achieve a complete legal ban.

The UN Committee on the Rights of the Child and other international and regional human rights bodies have consistently recommended that corporal punishment of children be prohibited and eliminated through implementing measures. All 46 Council of Europe member states have ratified the [European](#)

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<sup>1</sup> UNICEF (2014), Hidden in Plain Sight: A statistical analysis of violence against children, NY: UNICEF

<sup>2</sup> UNICEF (2014), Hidden in Plain Sight: A statistical analysis of violence against children, NY: UNICEF

<sup>3</sup> <https://endcorporalpunishment.org/resources/research/>

[Convention for the Protection of Human Rights and Fundamental Freedoms](#) (ECHR) which entered into force in 1950 and prohibits inhuman or degrading treatment or punishment. In 2004, The Council of Europe's Parliamentary Assembly adopted Recommendation 1666 (2004) calling for Europe to become a "corporal punishment-free zone". The eradication of all forms of violence against children, including corporal punishment, has been a continuous strategic objective of the Council of Europe in all of its [Strategies for the Rights of the Child](#), since the adoption of the first Strategy in 2009. In particular, the current Strategy for the Rights of the Child (2022-2027), under its first strategic objective "Freedom from violence for all children" provides for "Promoting the effective elimination of corporal punishment and other cruel, inhuman or degrading forms of punishment of children in all settings, including preventing regression in this area". Moreover, Council of Europe member states are expected to end all corporal punishment of children under the global 2030 Agenda for Sustainable Development, target 16.2: end all violence against children by 2030.

This briefing highlights the human rights imperative to prohibit and eliminate all corporal punishment of children in Council of Europe member states. It summarises legislative progress, includes examples of efforts to eliminate corporal punishment, describes latest developments, and overall highlights what remains to be done to fulfil children's right to protection in law from all corporal punishment.

It is based, wherever possible, on examination of national legislation; additional information is gathered from many sources, including reports<sup>4</sup> 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 [vohitos@who.int](mailto:vohitos@who.int) For further details on all states see the individual state reports at [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org).

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<sup>4</sup> These include recent states parties' reports submitted by Council of Europe members to UN human rights monitoring mechanisms (e.g. UN Committee on the Rights of the Child, UN Committee against Torture, Universal Periodic review). For instance see: [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/SessionsList.aspx?Treaty=CRC](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/SessionsList.aspx?Treaty=CRC);

Also see: <https://www.ohchr.org/en/hr-bodies/upr/ngos-nhris>

Reports from human rights treaty bodies and mechanisms concerning Council of Europe members are also considered. These include reports of the Working Group on the Universal Periodic Review; UN treaty bodies' concluding observations, statements and news releases (For instance see: <https://www.ohchr.org/en/countries/france>)

## I. Legality of corporal punishment in Council of Europe member states

The following tables summarise the legal status of corporal punishment of children – and progress towards achieving prohibition – in all settings in all states in the Council of Europe.<sup>5</sup> As of August 2024, 34 states have achieved prohibition in all settings, including the home; governments of at least five others have expressed a commitment to enacting full prohibition. 36 states have prohibited corporal punishment in all alternative care settings, 37 in day care; all 46 states have prohibited corporal punishment in schools and as a sentence for crime and in penal institutions.

### 1. States with full prohibition in legislation

The following 34 states have prohibited corporal punishment in all settings, including the home.

<b>States with full prohibition ...</b>						
<b>State</b>	<b>Prohibited in the home</b>	<b>Prohibited in alternative care settings</b>	<b>Prohibited in day care</b>	<b>Prohibited in schools</b>	<b>Prohibited in penal institutions</b>	<b>Prohibited as sentence for crime</b>
Albania	YES <sup>6</sup>	YES	YES	YES	YES	YES
Andorra	YES <sup>7</sup>	YES	YES	YES	YES	YES
Austria	YES <sup>8</sup>	YES	YES	YES	YES	YES
Bulgaria	YES <sup>9</sup>	YES	YES	YES	YES	YES
Croatia	YES <sup>10</sup>	YES	YES	YES	YES	YES
Cyprus	YES <sup>11</sup>	YES	YES	YES	YES	YES
Denmark	YES <sup>12</sup>	YES	YES	YES	YES	YES
Estonia	YES <sup>13</sup>	YES	YES	YES	YES	YES
Finland	YES <sup>14</sup>	YES	YES	YES	YES	YES
France	YES <sup>15</sup>	YES	YES	YES	YES	YES
Georgia	YES <sup>16</sup>	YES	YES	YES	YES	YES

<sup>5</sup> Sources of information include national constitutions, legislations and policies as well as states parties' reports submitted to human rights monitoring mechanisms.

<sup>6</sup> 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

<sup>7</sup> Prohibited in 2014 amendments to Criminal Code 2005

<sup>8</sup> Prohibited in 1989 amendment to General Civil Code, reiterated in Federal Constitutional Act on the Rights of Children 2011

<sup>9</sup> Prohibited in Child Protection Act 2000 (amended 2003) and Regulations on the Implementation of the Child Protection Act 2003

<sup>10</sup> Prohibited in Family Act 1998, superseded by Family Act 2003; prohibition reiterated in Act on Protection against Violence in the Family 2017

<sup>11</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" formally repealed from Children's Law 1956 in 2013

<sup>12</sup> Prohibited in 1997 amendment to Parental Custody and Care Act 1995, reiterated in Danish Act on Parental Responsibility 2007

<sup>13</sup> Prohibited in Child Protection Act 2014, in force January 2016

<sup>14</sup> Prohibited in Child Custody and Rights of Access Act 1983

<sup>15</sup> Prohibited in 2019 amendment to Civil Code

<sup>16</sup> Prohibited in Code on the Rights of the Child 2019

<b>States with full prohibition ...</b>						
<b>State</b>	<b>Prohibited in the home</b>	<b>Prohibited in alternative care settings</b>	<b>Prohibited in day care</b>	<b>Prohibited in schools</b>	<b>Prohibited in penal institutions</b>	<b>Prohibited as sentence for crime</b>
Germany	YES <sup>17</sup>	YES	YES	YES	YES	YES
Greece	YES <sup>18</sup>	YES	YES	YES	YES	YES
Hungary	YES <sup>19</sup>	YES	YES	YES	YES	YES
Iceland	YES <sup>20</sup>	YES	YES	YES	YES	YES
Ireland	YES <sup>21</sup>	YES	YES	YES	YES	YES
Latvia	YES <sup>22</sup>	YES	YES	YES	YES	YES
Liechtenstein	YES <sup>23</sup>	YES	YES	YES	YES	YES
Lithuania	YES <sup>24</sup>	YES	YES	YES	YES	YES
Luxembourg	YES <sup>25</sup>	YES	YES	YES	YES	YES
Malta	YES <sup>26</sup>	YES	YES	YES	YES	YES
Montenegro	YES <sup>27</sup>	YES	YES	YES	YES	YES
Netherlands	YES <sup>28</sup>	YES	YES	YES	YES	YES
North Macedonia	YES <sup>29</sup>	YES	YES	YES	YES	YES
Norway	YES <sup>30</sup>	YES	YES	YES	YES	YES
Poland	YES <sup>31</sup>	YES	YES	YES	YES	YES
Portugal	YES <sup>32</sup>	YES	YES	YES	YES	YES
Republic of Moldova	YES <sup>33</sup>	YES	YES	YES	YES	YES
Romania	YES <sup>34</sup>	YES	YES	YES	YES	YES
San Marino	YES <sup>35</sup>	YES	YES	YES	YES	YES
Slovenia	YES <sup>36</sup>	YES	YES	YES	YES	YES
Spain	YES <sup>37</sup>	YES	YES	YES	YES	YES
Sweden	YES <sup>38</sup>	YES	YES	YES	YES	YES

<sup>17</sup> Prohibited in 2000 amendment to Civil Code

<sup>18</sup> Prohibited in Law 3500/2006 on the Combating of Intra-family Violence 2006

<sup>19</sup> Prohibited in 2004 amendment to Child Protection Act 1997

<sup>20</sup> Prohibited in Children's Act 2003

<sup>21</sup> Prohibited in 2015 amendment to Offences Against the Person (Non Fatal) Act 1997

<sup>22</sup> Prohibited in Children's Rights Protection Law 1998

<sup>23</sup> Prohibited in Children and Youth Act 2008

<sup>24</sup> Prohibited in 2017 amendments to Law on the Fundamentals of Protection of the Rights of the Child 1996

<sup>25</sup> Prohibited in Law on Children and the Family 2008

<sup>26</sup> Prohibited in 2014 amendment to Criminal Code but some legislation still to be formally repealed

<sup>27</sup> Prohibited in 2016 amendments to Family Law 2007

<sup>28</sup> Prohibited in 2007 amendment to Civil Code

<sup>29</sup> Prohibited in Law on Child Protection 2013

<sup>30</sup> Prohibited in 1987 amendment to Parent and Child Act 1981, confirmed in further amendments 2010 following 2005 Supreme Court decision supportive of "lighter smacks"

<sup>31</sup> Prohibited in 2010 amendment to Family and Guardianship Code 1964

<sup>32</sup> Prohibited in 2007 amendment to Penal Code

<sup>33</sup> Prohibited in 2008 amendment to Family Code

<sup>34</sup> Prohibited in Law on Protection and Promotion of the Rights of the Child 2004

<sup>35</sup> Prohibited in 2014 amendments to Penal Code and Law of 26 April 1986 No. 49 on Family Law Reform

<sup>36</sup> Prohibited in Law Amending and Supplementing the Law on Prevention of Family Violence 2016

<sup>37</sup> Prohibited in 2007 amendment to Civil Code

<sup>38</sup> Prohibited in 1979 amendment to Parenthood and Guardianship Code

<b>States with full prohibition ...</b>						
<b>State</b>	<b>Prohibited in the home</b>	<b>Prohibited in alternative care settings</b>	<b>Prohibited in day care</b>	<b>Prohibited in schools</b>	<b>Prohibited in penal institutions</b>	<b>Prohibited as sentence for crime</b>
Ukraine	YES <sup>39</sup>	YES	YES	YES	YES	YES

## 2. 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.

<b>State</b>	<b>Prohibited in the home</b>	<b>Prohibited in alternative care settings</b>	<b>Prohibited in day care</b>	<b>Prohibited in schools</b>	<b>Prohibited in penal institutions</b>	<b>Prohibited as sentence for crime</b>
Italy	NO <sup>40</sup>	YES	YES	YES	YES	YES

## 3. 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)<sup>41</sup> of the state concerned and/or in another official context. For more information on how End Corporal Punishment assesses states' commitment, visit <https://endcorporalpunishment.org/committed-states/>.

<b>State</b>	<b>Prohibited in the home</b>	<b>Prohibited in alternative care settings</b>	<b>Prohibited in day care</b>	<b>Prohibited in schools</b>	<b>Prohibited in penal institutions</b>	<b>Prohibited as sentence for crime</b>
Armenia <sup>42</sup>	NO	SOME <sup>43</sup>	NO	YES	YES	YES
Bosnia and Herzegovina <sup>44</sup>	SOME <sup>45</sup>	SOME <sup>46</sup>	SOME <sup>47</sup>	YES	YES	YES

<sup>39</sup> Prohibited in Family Code 2003

<sup>40</sup> 1996 Supreme Court judgment ruled against all violence in childrearing but this not yet confirmed in legislation

<sup>41</sup> The Universal Periodic Review is a process led by the UN Human Rights Council – an intergovernmental body- which involves a periodic review of the human rights records of all 193 UN Member States. The reviews are conducted by the UPR Working Group which consists of the 47 members of the Council.

<sup>42</sup> Government accepted UPR recommendations to prohibit (2010, 2015)

<sup>43</sup> Unlawful in care institutions

<sup>44</sup> Government accepted UPR recommendations to prohibit (2015)

<sup>45</sup> Prohibited in Republic of Srpska

<sup>46</sup> Prohibited in Republic of Srpska

<sup>47</sup> Prohibited in Republic of Srpska

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
Czechia <sup>48</sup>	NO	SOME <sup>49</sup>	SOME <sup>50</sup>	YES	YES	YES
Serbia <sup>51</sup>	NO	NO	SOME <sup>52</sup>	YES	YES	YES
Switzerland <sup>53</sup>	NO <sup>54</sup>	[SOME] <sup>55</sup>	YES	YES	YES	YES

#### 4. 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 End Corporal Punishment. Some have accepted specific 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 act on it. In some states, law reforms are currently being processed (see III. *Latest developments* of this report).

<b>States without a clear commitment to law reform ...</b>						
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 <sup>56</sup>	NO	NO	NO	YES	YES	YES
Belgium	NO <sup>57</sup>	SOME <sup>58</sup>	SOME <sup>59</sup>	YES	YES	YES
Monaco	NO	NO	NO	YES	YES	YES
Slovak Republic <sup>60</sup>	NO	YES	YES	YES	YES	YES
Türkiye <sup>61</sup>	NO	NO	NO	YES	YES	YES

<sup>48</sup> Government accepted UPR recommendations to prohibit (2023). Bill to achieve full prohibition was under discussion (2023)

<sup>49</sup> Unlawful in institutions

<sup>50</sup> Prohibited in preschool provision

<sup>51</sup> Government accepted UPR recommendations to prohibit (2008, 2013)

<sup>52</sup> Prohibited in day care which forms part of education system

<sup>53</sup> Government accepted UPR recommendations to prohibit (2023). Bill to achieve full prohibition was under discussion (2023)

<sup>54</sup> 2003 Federal Court ruling stated repeated and habitual corporal punishment unacceptable but did not rule out all corporal punishment in childrearing

<sup>55</sup> Possibly lawful in family placements

<sup>56</sup> 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

<sup>57</sup> Draft legislations which would prohibit introduced to Parliament (2021); Government gave a mixed response to UPR recommendations to prohibit (2016)

<sup>58</sup> Prohibited in institutions in Flemish and French communities

<sup>59</sup> Prohibited in institutional day care in French community

<sup>60</sup> Had initially committed to prohibition by accepting UPR recommendation to prohibit (2009); but no progress since despite prohibiting legislation having been drafted in 2014

<sup>61</sup> Had initially committed to prohibition by accepting UPR recommendations to prohibit (2010, 2015); but no progress since

<b>States without a clear commitment to law reform ...</b>						
<b>State</b>	<b>Prohibited in the home</b>	<b>Prohibited in alternative care settings</b>	<b>Prohibited in day care</b>	<b>Prohibited in schools</b>	<b>Prohibited in penal institutions</b>	<b>Prohibited as sentence for crime</b>
United Kingdom	SOME <sup>62</sup>	SOME <sup>63</sup>	SOME <sup>64</sup>	YES <sup>65</sup>	YES	YES

## II. Measures to eliminate corporal punishment of children

There is a growing movement across Europe supporting prohibition and elimination of corporal punishment of children in all settings of their lives. This is illustrated through national campaigns and policies initiated by governments and intergovernmental bodies – along with CSOs and NGOs and international NGOs. A few examples are provided here.

### 1. The Council of Europe

To support its call for a full prohibition of corporal punishment of children in law and in practice, the Council of Europe launched the campaign “Raise your hand against smacking!”. The [campaign materials](#) (guidance to member states, information leaflets for parents, video...) promote awareness raising, legal reform and policy reform – and educate parents about positive parenting.

### 2. The European Union

In 2022, the European Union member states adopted the conclusions of the [EU Strategy on the Rights of the Child](#) which was released in 2021. The strategy calls for increased efforts by all member states to prevent and combat all forms of violence against children. It specifically urges states that all corporal punishment of children should be prohibited. The EU strategy recommends improving support services for children, especially survivors of violence, and strengthening legal frameworks to combat abuse and exploitation. The strategy and the adoption of its conclusions by its member states mark an important development in ending violence against children and corporal punishment, in particular.

### 3. The Council of Baltic Sea States

The Baltic Sea Region is a ‘no-corporal-punishment zone’ as all countries in the region have prohibited corporal punishment of children in all settings. Sweden was the first country in the world to enact a legal ban in 1979; followed by Finland (1983), Norway (1987), Denmark (1997), Latvia (1998), Germany (2000), Iceland (2003), Poland (2010), Estonia (2015) and Lithuania (2017).

Progress in the Baltic Sea Region shows that it is possible to change attitudes and behaviours and that social norms can be transformed in favour of positive, non-violent childrearing. Since the national bans have come into force, more and more parents have rejected the use of corporal punishment in the upbringing of their children, although ongoing work is needed to ensure that all children are protected from violence and humiliating and degrading treatment.

<sup>62</sup> 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

<sup>63</sup> Prohibited in residential institutions and foster care arranged by local authorities and voluntary organisations; fully prohibited in Scotland and Wales

<sup>64</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>65</sup> But in 2014 Government confirmed no prohibition in “unregistered independent settings providing part-time education”; fully prohibited in Scotland and Wales



The Council of Baltic Sea States (CBSS) [Non-Violent Childhoods programme](#) aims to promote the full implementation of a ban on corporal punishment of children through collaborative, multi-stakeholder planning and action. A set of [guidance reports](#) has been produced aimed at parents, children, practitioners, advocates and policymakers. Each report focuses on a specific theme – a step-by-step guide, implementing the ban in the domestic setting, positive parenting, awareness-raising campaigns, service provision and tracking progress.

## 4. Wales

Wales' law prohibiting all corporal punishment of children came into effect in 2022, making it the second nation in the United Kingdom to achieve this fundamental reform for children. The Welsh Government recognised that just enacting legislation would not be enough, and a comprehensive plan was needed to put the law into practice. The plan was developed with input from key stakeholders, including health, education, local authorities and social services, the police, Crown Prosecution Service, Youth Justice and civil society, as well as parents and children.

Critical to the implementation plan was a high-profile, multi-phased, inclusive [innovative national communications campaign](#) to ensure that everyone in Wales understood the change in law. Providing more support for parents was also prioritised through the [Parenting. Give it Time](#) campaign, health visitors and family support programmes, such as Flying Start and Families First. £2.4 million was made available to Welsh local authorities to fund out-of-court parenting support as a rehabilitative alternative to prosecution in cases where the police are involved.

The legislation requires the Welsh Government to produce post implementation reports three years and five years after the Act came into force. This will include monitoring the impact on public services, levels of awareness and changes in attitudes. Find out more about how Wales is putting prohibition of corporal punishment into effect [here](#).

## III. Latest developments

### 1. Law reform

#### Belgium

In March and April 2021, two draft legislations<sup>66</sup> were respectively introduced to the Parliament to amend the Civil Code and prohibit corporal punishment by adults in all settings. The bill of March 2021

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<sup>66</sup> [https://www.lavenir.net/cnt/dmf20210505\\_01578012/en-belgique-la-loi-va-t-elle-interdire-gifles-et-fessees](https://www.lavenir.net/cnt/dmf20210505_01578012/en-belgique-la-loi-va-t-elle-interdire-gifles-et-fessees), (accessed 6 August) 2024, also see: <https://www.brusselstimes.com/159586/legally-ban-spanking-small-slaps-on-the-cheek-of-children-flemish-socialist-party-spa-corporal-punishment-belgium-karin-jirofflee-federal-parliament-eu-italy-czech-republic>, (accessed 6 August 2024)

(Doc 1956/001) includes a new article 370/1 which confirms children's right to non-violent care and education and prohibits the infliction of "any moral or physical violence or other form of inhuman treatment or punishment or degrading." As of July 2024, both bills had yet to be passed.

In October 2023, the Parliament of the Fédération Wallonie Bruxelles adopted Decree relating to the prohibition of violence against children in institutions authorised, accredited, subsidised or organised by the French Community.<sup>67</sup> The Decree which came into force in February 2024 prohibits corporal punishment in all children's institutions in the French community including alternative care settings, day care, schools and sport settings. However, there is no prohibition in relation to non-institutional forms of care.

## Czechia

In June 2023, the Ministry of Justice announced that the Civil Code would be amended to prohibit corporal punishment of children in all settings, including in the home. In May 2024, the Ministry of Justice released a bill to amend the Civil Code.<sup>68</sup> Article 858 on parental responsibility would prohibit "physical punishment, mental hardship and other humiliating measures" inflicted by parents. In May 2024, the bill was still due to be discussed by the Government before its submission to the Parliament.

## Spain

Spain achieved prohibition of all corporal punishment in 2007. In 2021, the [Organic Law 8/2021 on the Comprehensive Protection of Children and Adolescents against Violence](#) was adopted. The law specifically includes "physical, psychological or emotional punishment and humiliating or degrading punishment" in the definition of violence against children (article 2). It requires the state to promote positive forms of learning and eradicate physical and psychological violence in the family environment (article 26 (3) (f)).

## Switzerland

In 2020, a draft legislation (motion 20.3185)<sup>69</sup> on the "Protection of children against violence in childrearing" was introduced to the Swiss Parliament. Motion 21.3185 aims to amend the Civil Code and explicitly ban corporal punishment of children in the home. In August 2023, the Government released a Civil Code Amendment Bill. The revised article 304 (1) would prohibit "corporal punishment or other forms of degrading violence" by parents.<sup>70</sup> Following a series of consultations in 2023, the Government is expected to prepare the final version of the Bill which should be tabled in Parliament in 2025.<sup>71</sup>

## 2. Court cases

### Strategic litigation

#### Belgium

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<sup>67</sup> <https://www.uvcw.be/jeunesse/actus/art-8641>

<sup>68</sup> <https://echo24.cz/a/HCHpQ/zpravy-domov-konec-pohlavku-a-facek-novela-obcanskeho-zakoniku-oznacuje-fyzicke-trestatni-za-nepripustne> - (accessed 6 August 2024)

<sup>69</sup> See Postulat Buillard: <https://www.parlament.ch/fr/ratsbetrieb/suche-curia-vista/geschaefft?AffairId=20203185>

<sup>70</sup> <https://www.admin.ch/gov/fr/accueil/documentation/communiqués.msg-id-97409.html> (accessed 24 August 2023)

<sup>71</sup> Information received by End Corporal Punishment in July 2024

In 2023, the NGO Defence for Children International (DCI) took a legal action against the Belgian State and its Minister of Justice for their failure to enact a legislation prohibiting corporal punishment in all settings. DCI Belgium is specifically calling on the Belgian state to amend the Civil Code and explicitly ban corporal punishment and humiliating treatment of children by parents. The case was filed before the Brussels Court of First Instance.<sup>72</sup>

## Adverse judgments

### France

In April 2024, citing a “right of correction”, the Court of Appeal of Metz acquitted a former police officer accused of violent punishment against his children. The Court argued that every parent has the right to use reasonable force, adapted to the attitude and age of their child as part of their educational obligation. The public prosecutor's office and civil society organisation StopVEO<sup>73</sup> lodged an appeal before the Court of Cassation.<sup>74</sup>

### Portugal

Following the prohibition of all corporal punishment of children in 2007, jurisprudence has made clear that parents and educators are not allowed to use corporal punishment as a means of discipline.<sup>75</sup> However, in 2023, the Court of Appeal of Lisbon<sup>76</sup> ruled that the punishment inflicted by a father to his son was legitimate because the father “acted with the intention of correcting [him], given his disrespectful and disobedient attitude”. The Court found that the act was committed “in the exercise of a right”.

## IV. Human rights complaints mechanisms

### 1. Decisions of the UN Committee on the Rights of the Child

#### Georgia<sup>77</sup>

#### **2022 Decision by the UNCRC: Georgia fails to effectively investigate an alleged case of school corporal punishment**

*21 June 2022, CRC/C/90/D/84/2019, Views adopted by the Committee under the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, concerning communication No. 84/2019.*

In 2018, a communication was submitted against Georgia, by a national of Georgia - represented by the NGO Partnership for Human Rights - who alleged that the State party had violated his rights under the UN Convention on the Rights of the Child. The author of the communication alleged that in 2017, his public kindergarten teacher subjected him to corporal punishment. This resulted in injuries on his face and ears. He argued that the justice system failed to pursue the investigation of his case and bring it before the court.

In its Views issued on 21 June 2022, the Committee noted that more than five years after the incident, the investigation was still pending, without any significant developments. It therefore concluded that the national authorities have “not shown due diligence” and have “failed to investigate the alleged

<sup>72</sup> <https://www.brusselstimes.com/804471/belgium-sued-for-not-enforcing-ban-on-corporal-punishment-of-children> (accessed 6 August 2024)

<sup>73</sup> <https://stopveo.org/2024/06/12/arret-de-la-cour-dappel-de-metz-stopveo-enfance-sans-violences-intervient-devant-la-cour-de-cassation/> - (accessed 6 August 2024)

<sup>74</sup> <https://www.20minutes.fr/justice/4087711-20240423-metz-troublante-relaxe-nom-droit-correction-pere-accuse-violence-fils> - (accessed 7 August 2024)

<sup>75</sup> For instance, see case law: *Acórdão do Tribunal da Relação de Lisboa* 413/15.3PFAMD.L1-3

<sup>76</sup> *Acórdão do Tribunal da Relação de Lisboa* 509/20.0GBMTJ.L1-9

<sup>77</sup> Georgia achieved prohibition of all corporal punishment in 2019

corporal punishment promptly and effectively”, in violation of the State party’s obligations under article 19 of the Convention. The Committee required Georgia to provide information about the measures it will take to give effect to the Committee’s Views within 180 days.

### **2024 Decision by the UNCRC: Georgia fails to protect children against violence and abuse in church-run orphanage**

*20 June 2024, CRC/C/96/D/144/2021, Views adopted by the Committee under the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, concerning communication No. 144/2021*

After reviewing a complaint filed by NGO Partnership for Human Rights on behalf of 57 children living in Ninotsminda St Nino Children’s Boarding School at the time of submission, the Committee on the Rights of the Child issued a [Decision](#) on the 27 June 2024, stating that Georgia violated its child rights obligations under the Convention on the Rights of the Child by failing to take immediate intervention to address the repeated physical and psychological abuse of children who lived in a close-type orphanage run by the Georgian Orthodox Church.

The [Committee](#) requested Georgia to ensure effective reparation to the child victims such as adequate compensation and rehabilitation, a public apology and a reassessment of the children still under State care, amongst others. In order to incorporate the views of the children, reparation measures should also be coordinated closely with the victims.

## **2. Relevant case-law of the European Court for Human Rights**

[The European Court for Human Rights \(the Court\)](#) has analysed the most severe forms of violence against children, notably under Articles 2 and 3 of the ECHR. It has found that, if a certain conduct or situation reaches the level of severity after which it qualifies as inhuman or degrading treatment under Article 3, the state has positive obligations to protect children against ill-treatment, including treatment administered by private individuals. The Court first challenged corporal punishment of children in the case [Tyrer v. the United Kingdom](#) in 1978, holding that the judicial birching of a 15 year-old boy breached his right to protection from degrading punishment. The Court later condemned school corporal punishment, first in state schools in decision [Campbell and Cosans v United Kingdom](#) (1983) and in private schools in its judgment [Costello-Roberts v. United Kingdom](#) (1993).

Corporal punishment in the home was first brought before the Court in 1998, in [A. v. United Kingdom](#). The Court that the United Kingdom had violated Article 3 of the Convention by failing to protect a young boy beaten by his stepfather with a cane from degrading punishment. The UK law allowing for “reasonable chastisement” was deemed to be in contravention to the protection of the rights and freedoms guaranteed in the Convention.

Where measures of corporal punishment do not reach the threshold of severity required under Article 3, they may nevertheless fall under Article 8 as part of the right to physical and moral integrity. However, the ECtHR has to date not found a violation on the merits of Article 8 in corporal punishment cases.<sup>78</sup>

## **3. The European Committee of Social Rights**

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<sup>78</sup> [Handbook on European law relating to the rights of the child](#)

Article 17 of the [European Social Charter](#) requires states to protect children from all forms of ill-treatment. The European Committee of Social Rights has interpreted this article as requiring a prohibition in legislation against any form of violence against children, including corporal punishment in all settings (home, schools and institutions).

The European Committee of Social Rights (ECSR), which monitors the European Social Charter, took note in cases brought by the World Organisation against Torture, of the wide consensus at both the European and international level that corporal punishment of children should be expressly prohibited in law. In 2014 and 2015, it found violations of Article 17 for lack of clear and binding provisions in national legislations prohibiting corporal punishment in cases against [Belgium, France, Ireland, Italy, and Slovenia](#).



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[End Corporal Punishment](#) acts as a catalyst for progress towards universal prohibition and elimination of corporal punishment of children. We support and analyse national progress, monitor legality and implementation worldwide, partner with organisations at all levels, and engage with human rights treaty body systems. End Corporal Punishment is hosted by the World Health Organization and supported by a multi-partner Advisory Committee.