



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)), November 2009**

Please note: The following 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	NO
Armenia	NO	YES	YES	YES	NO
<b>Austria</b>	<b>YES<sup>3</sup></b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
Azerbaijan	NO	YES	YES	YES	NO
Belarus	NO	YES <sup>4</sup>	YES	YES <sup>5</sup>	SOME <sup>6</sup>
Belgium	NO	YES <sup>7</sup>	YES	YES	SOME <sup>8</sup>
Bosnia & Herzegovina	NO	YES <sup>9</sup>	YES	YES	NO
<b>Bulgaria</b>	<b>YES<sup>10</sup></b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
<b>Croatia</b>	<b>YES<sup>11</sup></b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
<b>Cyprus</b>	<b>YES<sup>12</sup></b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
Czech Republic <sup>13</sup>	NO	NO	YES	YES <sup>14</sup>	NO
<b>Denmark</b>	<b>YES<sup>15</sup></b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
Estonia <sup>16</sup>	NO	YES <sup>17</sup>	YES	YES <sup>18</sup>	NO
<b>Finland</b>	<b>YES<sup>19</sup></b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
France	NO	NO <sup>20</sup>	YES	YES <sup>21</sup>	NO
Georgia	NO <sup>22</sup>	YES <sup>23</sup>	YES	YES	SOME <sup>24</sup>
<b>Germany</b>	<b>YES<sup>25</sup></b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
<b>Greece</b>	<b>YES<sup>26</sup></b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
<b>Hungary</b>	<b>YES<sup>27</sup></b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
<b>Iceland</b>	<b>YES<sup>28</sup></b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>

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

<sup>4</sup> But no explicit prohibition

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

<sup>6</sup> Considered unlawful in boarding institutions, but there is no explicit prohibition; not prohibited in foster care

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

<sup>8</sup> Prohibited in institutions and foster care by decrees in some communities; not prohibited in non-institutional childcare

<sup>9</sup> No explicit prohibition, but unlawful under child protection laws

<sup>10</sup> Prohibited in 2000 Child Protection Act (amended 2003) and 2003 Regulation on the Implementation of the Child Protection Act

<sup>11</sup> Prohibited explicitly in 1998 Family Act, replaced by 2003 Family Act

<sup>12</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>13</sup> Government committed to prohibition; as at March 2008, prohibition due to be considered by the Government Council for Human Rights

<sup>14</sup> But no explicit prohibition

<sup>15</sup> Prohibited in 1997 amendment to 1995 Parental Custody and Care Act

<sup>16</sup> Government committed to prohibition and draft legislation which would prohibit in all settings is due to be submitted to parliament during 2009

<sup>17</sup> But no explicit prohibition

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

<sup>19</sup> Prohibited in 1983 Child Custody and Right of Access Act

<sup>20</sup> 1889 High Court ruling allowed "right to correction" for teachers; 2000 ruling stated that habitual and non-educational corporal punishment not covered by this

<sup>21</sup> But no explicit prohibition

<sup>22</sup> In 2000 under examination by the Committee on the Rights of the Child government stated intention to prohibit in the family, and response to governmental questionnaire of the UN Secretary General's Study on Violence against Children indicated all corporal punishment is prohibited, but no explicit prohibition in legislation

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

<sup>24</sup> Prohibited in institutional care establishments

<sup>25</sup> Prohibited in 2000 amendment to Civil Code

<sup>26</sup> Prohibited in 2006 Law 3500/2006 on the Combating of Intra-family Violence

<sup>27</sup> Prohibited in 2004 amendment to Hungarian Child Protection Act

<sup>28</sup> Prohibited in 2003 Children's Act

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Ireland <sup>29</sup>	NO	YES	YES	YES	SOME <sup>30</sup>
Italy	NO <sup>31</sup>	YES	YES	YES	YES
Kazakhstan	NO	SOME <sup>32</sup>	YES	YES	SOME <sup>33</sup>
Kyrgyzstan	NO	YES	YES	YES	SOME <sup>34</sup>
<b>Latvia</b>	<b>YES<sup>35</sup></b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
Liechtenstein	NO	YES	YES	YES	SOME <sup>36</sup>
Lithuania <sup>37</sup>	NO	YES <sup>38</sup>	YES	YES <sup>39</sup>	NO
<b>Luxembourg</b>	<b>YES<sup>40</sup></b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
Malta	NO	YES <sup>41</sup>	YES	YES	NO
Monaco	NO	YES <sup>42</sup>	YES	YES <sup>43</sup>	NO
Montenegro	NO	YES	YES	YES	NO
<b>Netherlands</b>	<b>YES<sup>44</sup></b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
<b>Norway</b>	<b>YES<sup>45</sup></b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
Poland <sup>46</sup>	NO <sup>47</sup>	YES	YES	YES	YES <sup>48</sup>
<b>Portugal</b>	<b>YES<sup>49</sup></b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
<b>Republic of Moldova</b>	<b>YES<sup>50</sup></b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
<b>Romania</b>	<b>YES<sup>51</sup></b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
Russian Federation	NO	YES	YES	YES	NO
San Marino	NO <sup>52</sup>	YES	YES	YES	NO
Serbia <sup>53</sup>	NO	YES	YES	YES	NO
Slovakia <sup>54</sup>	NO	YES <sup>55</sup>	YES	YES	YES
Slovenia <sup>56</sup>	NO	YES	YES	YES	SOME <sup>57</sup>

<sup>29</sup> Government has stated long-term commitment to prohibition but given no indication of timing

<sup>30</sup> Prohibited in pre-school settings except for childminders caring for children of relatives, children of same family or up to three children from different families; guidance advises against its use in foster care and residential care services but there is no prohibition in legislation

<sup>31</sup> 1996 Supreme Court ruling prohibited all violence in childrearing, but as at May 2009 not confirmed in legislation

<sup>32</sup> Prohibited in regular schools but not in military schools

<sup>33</sup> Prohibited in children's villages, youth homes and other institutions, but no prohibition in foster care or kinship care

<sup>34</sup> Prohibited in residential institutions

<sup>35</sup> Prohibited in 1998 Children's Rights Protection Law

<sup>36</sup> Prohibited in state alternative care settings but not in privately run alternative care settings

<sup>37</sup> Government stated its intention to introduce prohibition in law during January 2006 examination by the Committee on the Rights of the Child; draft legislation under discussion (2009)

<sup>38</sup> But no explicit prohibition

<sup>39</sup> But no explicit prohibition

<sup>40</sup> Prohibited in 2008 Law on Children and the Family

<sup>41</sup> But no explicit prohibition

<sup>42</sup> But no explicit prohibition

<sup>43</sup> But no explicit prohibition

<sup>44</sup> Prohibited in 2007 amendment to the Civil Code

<sup>45</sup> Prohibited in 1987 amendment to 1981 Parent and Child Act; but Supreme Court decision 30 November 2005 interprets Penal Code as allowing "lighter smacks"; government is reviewing this provision proposals to clarify the prohibition under discussion (January 2009)

<sup>46</sup> Commitment confirmed to Council of Europe Commissioner for Human Rights (June 2008); government has proposed draft legislation which was expected to be discussed by the Cabinet in January 2009

<sup>47</sup> Prohibited in 1997 Constitution, but not confirmed in law

<sup>48</sup> Prohibition in private institutions unconfirmed

<sup>49</sup> Prohibited in 2007 amendment to Penal Code

<sup>50</sup> Prohibited in 2008 amendments to the Family Code

<sup>51</sup> Prohibited in 2004 Law on Protection and Promotion of the Rights of the Child

<sup>52</sup> Government has stated Penal Code provision for "abuse of the powers of correction or discipline" (article 234) effectively prohibits corporal punishment, but no explicit prohibition in law

<sup>53</sup> Government has stated commitment to prohibition (December 2007)

<sup>54</sup> Government stated commitment to full prohibition in 2005, expected to be included in new Family Code for public debate January/February 2007

<sup>55</sup> But no explicit prohibition

<sup>56</sup> Government stated intention to explicitly prohibit in the home during 2004 drafting of domestic violence law; draft Family Bill which would prohibit in the home under discussion (2009)

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
<b>Spain</b>	<b>YES</b> <sup>58</sup>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
<b>Sweden</b>	<b>YES</b> <sup>59</sup>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
Switzerland	NO <sup>60</sup>	YES <sup>61</sup>	YES	YES	YES
Tajikistan	NO	NO	YES	NO	NO
TFYR Macedonia	NO	YES	YES	YES	YES
Turkey	NO	NO	YES	YES	NO
Turkmenistan	NO <sup>62</sup>	YES	YES	YES	NO <sup>63</sup>
UK	NO <sup>64</sup>	YES	YES	YES <sup>65</sup>	SOME <sup>66</sup>
<b>Ukraine</b>	<b>YES</b> <sup>67</sup>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
Uzbekistan	NO	YES	[YES]	YES	NO

<b>Totals</b>					
	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
<b>Prohibited</b>	20	48	53	53	25
<b>Not prohibited</b> <sup>68</sup>	33	5	0	0	28
<b>Legality unknown</b>	-	-	-	-	-

<sup>57</sup> Prohibited in day care centres and residential schools

<sup>58</sup> Prohibited in 2007 amendment to Civil Code

<sup>59</sup> Prohibited in 1979 amendment to Parenthood and Guardianship Code

<sup>60</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>61</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>62</sup> 2002 Rights of the Child (Guarantees) Act prohibits corporal punishment considered to be harmful

<sup>63</sup> See previous note

<sup>64</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>65</sup> But no explicit prohibition in secure training centres

<sup>66</sup> Prohibited in residential care institutions and foster care arranged by local authorities or voluntary organisations, and in day care institutions and childminding in England and Wales and Scotland; guidance advises against the use of corporal punishment in day care institutions and childminding in Northern Ireland, but no prohibition in law; not prohibited in private foster care

<sup>67</sup> Prohibited in 2003 Family Code

<sup>68</sup> This includes SOME entries. A state is only counted as YES when the prohibition applies to all types of setting within each category, e.g. for schools including public, private, etc.