



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

ANDORRA – COUNTRY REPORT

Summary of necessary legal reform to achieve full prohibition

Settings where explicit prohibition is necessary

home, schools, penal institutions, alternative care settings

Is there a legal defence for corporal punishment which must be repealed?

??? – We do not know if a right or duty of parents to use “reasonable or moderate” correction or discipline on their children has been enshrined in legislation, but the traditional acceptance of a certain degree of violent punishment in childrearing necessitates clarity in law that all corporal punishment is unlawful. Explicit prohibition should be enacted of all corporal punishment by parents and others caring for children, together with repeal of all legal defences for its use.

Other legislative measures necessary

Schools – Explicit prohibition should be enacted of corporal punishment in all schools, public and private.

Penal institutions – Legislation should explicitly prohibit corporal punishment as a disciplinary measure in all institutions accommodating children in conflict with the law.

Alternative care – Explicit prohibition of corporal punishment should be enacted in relation to all alternative care settings, including public and private day care, residential institutions, foster care, etc.

DETAILED COUNTRY REPORT

Legality of corporal punishment

Home

Corporal punishment is lawful in the home. The *Llei qualificada* on adoption and other forms of protection of abandoned minors states that the purpose of parental authority is to protect the child's safety, health and morals, and parents have a right and duty to care for, watch over, maintain and educate the child (articles 27-28). The Criminal Code (2005) punishes habitual and repeated domestic violence and physical ill-treatment, including physical assault which does not cause injury (articles 114 and 476) but this is not interpreted as prohibiting all corporal punishment in childrearing.

Schools

There is no explicit prohibition of corporal punishment in schools, but the qualified law on education (1993), the law regulating the Andorran educational system (1994), the regulations for private teaching centres (1994), the regulations for safety in schools (2000) and the law guaranteeing the rights of the disabled (2002) provide for the respect of freedom and basic rights, including the dignity of the person.

Penal system

Corporal punishment is unlawful as a **sentence for crime**. There is no provision for judicial corporal punishment in the Criminal Code.

Corporal punishment is considered unlawful as a **disciplinary measure** in penal institutions. It is not among permitted sanctions in Law 3/2007 on the Penitentiary, but it is not explicitly prohibited.

Alternative care

Corporal punishment is prohibited in the internal regulations of the La Gavernera children's centre (*Règlement relatif au régime interne du centre d'accueil pour enfants La Gavernera*), but there is no explicit prohibition in other alternative care settings.

Prevalence research

None identified.

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(7 February 2002, CRC/C/15/Add.176, Concluding observations on initial report, paras. 39 and 40)

"...while noting that corporal punishment in school is prohibited under law, [the Committee] remains concerned that corporal punishment in the family is not expressly prohibited. It also notes with concern reports about episodes of bullying in schools.

"In light of article 19, the Committee recommends that the State party:

e) prohibit the practice of corporal punishment in the family and conduct information campaigns targeting, among others, parents, children, law enforcement and judicial officials and teachers, explaining children's rights in this regard and encouraging the use of alternative forms of discipline in a manner consistent with the child's human dignity and in conformity with the Convention, especially articles 19 and 28.2.”

Universal Periodic Review

Andorra was examined under the Universal Periodic Review process in 2010. The Government accepted the recommendations to prohibit all corporal punishment of children.

Report prepared by the Global Initiative to End All Corporal Punishment of Children
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