



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

CROATIA – COUNTRY REPORT

Summary of necessary legal reform to achieve full prohibition

Corporal punishment is prohibited in all settings, including the home.

DETAILED COUNTRY REPORT

Legality of corporal punishment

Home

Corporal punishment is prohibited in the home. Article 88 of the now repealed Family Act (1998) stated: “Parents and other family members must not subject the child to degrading treatment, mental or physical punishment and abuse.” This Act has been replaced by the Family Act (2003), which states in article 88: “Parents and other family members may not subject the child to degrading measures, mental or physical violence, or abuse.”

Article 4 of the Act on Protection from Domestic Violence (2003) defines violence in the family as “any application of physical force and psychological coercion upon personal integrity, any act on the part of one family member which may cause or risk the cause of physical or mental pain, the provocation of fear or feelings of personal danger, or insults to dignity, physical attack, whether resulting in physical injury or not, verbal attack, insult, cursing, the use of derogatory names and other means of causing distress, sexual harassment, spying and other means of causing harassment, illegal isolation or restriction of freedom of movement and communication with third persons, and damage or destruction of property, whether actual or attempted”. This is interpreted as protecting children from all forms of corporal punishment and other cruel or degrading treatment in the family.

Schools

Corporal punishment is unlawful in schools, but we have no details of prohibiting legislation.

Penal system

Corporal punishment is unlawful as a **sentence for crime**. It is not an available punishment under the Criminal Code, the Juvenile Courts Act (1998) and the Act on the Execution of Sanctions Imposed on Minors for Criminal Offences and Misdemeanours.

Corporal punishment is unlawful as a **disciplinary measure** in penal institutions, but we have yet to identify prohibiting legislation.

Alternative care

Corporal punishment is unlawful in alternative care settings. The prohibition of corporal punishment by parents (see above) applies to all with parental authority over children.

Prevalence research

In research into the prevalence of various forms of family violence experienced by 1146 university students, published in 2003, 93.4% reported experiencing physical abuse (from slapping to heavy beating) before the age of 18, with 27.2% reporting physical injury (from bruises to fractures). The same questionnaire given to 698 primary and secondary school pupils found that up to 86% reported experiencing physical abuse with injuries in up to 32% of cases.¹

Research into the experiences of 310 high school students in 10 schools, carried out in 2001, found that 59% had experienced occasional slapping or hitting before the age of 14, and 16% had

¹ Pecnik, N. (2003), *Intergenerational transmission of child abuse* (in Croatian), Slap: Jastrebarsko

occasionally been spanked or beaten. For 5% of respondents, slapping or hitting was experienced frequently, and 3% experienced frequent spanking and beating.²

A survey of 505 university students reported in 2001 revealed that up to 25% had experienced physical abuse, including corporal punishment.³

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(3 November 2004, CRC/C/15/Add.243, Concluding observations on second report, paras. 49 and 50)

“The Committee welcomes the adoption of the Law on the Protection against Domestic Violence (2003), which prohibits corporal punishment within the family, and of various other legal instruments to prevent and combat domestic violence (e.g. Criminal Code, Family Act) but remains concerned about incidents of domestic violence.

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

- a) undertake a comprehensive study on violence, more particularly, on sexual abuse and violence at home and in school, in order to assess the extent, the causes, scope and nature of these violations;
- b) strengthen awareness-raising and education campaigns with the involvement of children in order to prevent and combat child abuse and to promote positive, non-violent forms of discipline and respect for children’s rights, while raising awareness about the negative consequences of corporal punishment....”

European Committee of Social Rights

(Conclusions XVIII-1-vol.1, 2006, pages 188-189)

“Article 17 prohibits all forms of violence against children, both physical and emotional, it covers all violence no matter how light or for what purposes it is inflicted (educational or disciplinary etc), and irrespective of the identity of the perpetrator (General introduction to Conclusions XV-2, p. 29; World Organisation Against Torture (OMCT) v. Greece, Collective complaint No 17/2003, decision on the merits § 32; OMCT v. Ireland Collective complaint No 18/2003 decision on the merits § 64; OMCT v. Belgium Collective complaint No 21/2003 decision on the merits § 35).

“Therefore Article 17 covers and requires the prohibition in law (including the removal any defence or justification) of corporal punishment, no matter where it occurs, in the home, in school, in institutions or elsewhere (see above references).

“Physical punishment of children has been prohibited by family legislation since 1999. According to Article 88 of the 2003 Family Act as amended in 2004, parents and other family members are not allowed to subject the child to humiliating actions, mental or physical violence or abuse.”

Universal Periodic Review

Croatia was examined under the Universal Periodic Review process in 2010. Full prohibition of corporal punishment was achieved in 1999.

² Fabijanić, S., Flander, G. B. & Karlović, A. (2002), *Epidemiological study on the prevalence of the child abuse experience among high school students of Sisačko-Moslavačka Županija*, Zagreb: Centre for Child Protection

³ Karlović, A., Gabelica, D. & Vranić, A. (2001), “Validacija upitnika o zlostavljanju u djetinjstvu I procjena incidencije zlostavljanja u djetinjstvu na uzorku zagrebačkih studenata”, XV, Dani Ramira Bujasa, Zagreb, Odsjek za psihologiju. Filozofski fakultet

Report prepared by the Global Initiative to End All Corporal Punishment of Children
www.endcorporalpunishment.org; info@endcorporalpunishment.org
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