



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

## **GREECE – 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 4 of Law 3500/2006 on the Combating of Intra-family Violence (in force 2007) states: “Physical violence against children as a disciplinary measure in the context of their upbringing brings the consequences of Article 1532 of the Civil Code.” Article 1532 of the Civil Code addresses abuse of parental authority. A press release issued by the Greek Ombudsman (Department of Children’s Rights) announcing the new law confirmed that the effect of the law is to exclude corporal punishment from permissible disciplinary measures in childrearing.

The prohibition followed a finding in 2005 by the European Committee of Social Rights under the Collective Complaints procedure of the European Social Charter that Greece was in violation of article 17 of the Charter because of the absence of explicit prohibition in law of corporal punishment of children within the family, in secondary schools and in other institutions and forms of childcare (Resolution ResChS(2005)12, Collective complaint No. 17/2003 by the World Organisation against Torture (OMCT) against Greece, adopted by the Council of Ministers on 8 June 2005).

### Schools

Corporal punishment is explicitly prohibited in schools in section 13 (8c) of Presidential Decree No. 201/1998 on the organisation and functioning of Primary schools. Section 27 of Presidential Decree No. 104/1979 on secondary education does not include corporal punishment among permissible sanctions. Following the decision of the European Committee of Social Rights under the Collective Complaints procedure (see above), legislation was introduced to explicitly prohibit corporal punishment in secondary schools (article 21 of Law No. 3328/2005).

### Penal system

Corporal punishment is unlawful as a **sentence for crime**. It is not a permitted sanction under the Criminal Code (articles 121-133) or the Code of Criminal Procedure.

Corporal punishment is unlawful as a **disciplinary measure** in penal institutions, but we have no details of prohibiting legislation.

### Alternative care

Corporal punishment is prohibited in residential institutions by article 23 of the Ministerial Decision Γ2β/OK/8291 (1984), “Regulation of operation of state residential institutions for children”, and in day care institutions and nursery schools by article 14 of Ministerial Decision Π2β (1997), “Standard regulation of operation of municipal day care institutions and nursery schools”. Article 4 of the Law 3500/2006 on the Combating of Intra-family Violence also applies in alternative care settings (see above).

### Prevalence research

As part of a large scale study initiated by researchers from the National Center for the Study of Corporal Punishment and Alternatives (NCSCPA), a questionnaire was administered to 546 university

students in Athens and Thessalonili, of which 73% recalled receiving corporal punishment at home. The most common types of corporal punishment were recalled as spanking on the buttocks with an open hand (54%), smacking or slapping on the hand, arm or leg (45%) and smacking or slapping on the face, head or ears (31%). Other types included hair pulling (17%), hitting with an object (17%), pinching (9%), shaking (9%), arm twisting (6%) and whipping (3%). (Halkias, D. et al. (2001), "Conducting a cross cultural study of corporal punishment: The Greek researcher's perspective", paper presented at the National Convention of the American Psychological Association, San Francisco, CA, August 2001)

## **Recommendations by human rights treaty bodies**

### *Committee on the Rights of the Child*

(1 Feb 2002, CRC/C/15/Add.170, Concluding observations on initial report, paras. 42 and 43)

"The Committee is concerned that:

- a) as indicated in the State party's report, about 60 per cent of parents practice corporal punishment of children;
- b) although corporal punishment is prohibited by law in schools, it is not prohibited in the family.

"The Committee recommends that the State party:

- a) prohibit all forms of violence against children, including corporal punishment, by law in all contexts, including in the family;
- b) undertake education and awareness campaigns to inform, among others, teachers, parents and medical and law enforcement personnel about the harm of violence, including corporal punishment, and about alternative, non-violent, forms of educating children."

### *Human Rights Committee*

(25 April 2005, CCPR/CO/83/GRC, Concluding observations on initial report, para. 16)

"While noting that a legislative amendment to ban corporal punishment in secondary schools has been tabled in Parliament, the Committee is concerned at reports of a widespread practice of corporal punishment of children in the schools (art. 24).

The Committee recommends that the State party prohibit all forms of violence against children wherever it occurs, including corporal punishment in the schools, and undertake public information efforts with respect to appropriate protection of children from violence."

### *European Committee of Social Rights*

(July 2005, Conclusions XVII-2)

"The Committee recalls that Article 17 requires a prohibition in legislation against any form of violence against children, whether at school, in other institutions, in their home or elsewhere. It considers that this prohibition in legislation must be combined with adequate sanctions in penal or civil law.

"The Committee notes that by Presidential Degree 201/98 corporal punishment is prohibited in primary schools. However, the Committee notes from the information in the report that there is no prohibition in legislation of all corporal punishment of children, in the home, in secondary schools and in other institutions. The Committee therefore finds that the situation in Greece is not in conformity with Article 17 of the Charter.

“In this regard, the Committee refers to its decision on the merits in the World Organisation against Torture (‘OMCT’) v. Greece case (Collective Complaint No. 17/2003, decision on the merits, 7 December 2004) in which it found that Greece was in violation of Article 17 of the Charter since there was no prohibition in legislation of all forms of corporal punishment of children, within the family, in secondary schools and in other institutions and forms of care. The Committee takes note of the information provided by the Delegation of Greece at its 924<sup>th</sup> meeting (20 April 2005) of the Ministers’ Deputies. As regards the first ground of the violation, the Committee takes note of the establishment within the Ministry of Justice of a special drafting Commission charged with elaborating a draft law on the prohibition of all forms of corporal punishment within the family. As regards the second ground of the violation, it takes note of the adoption of Law No. 3328/2005 in which article 21 explicitly prohibits corporal punishment of students in secondary schools. As regards the third ground of the violation, it takes note of the Ministry of Health and Social Solidarity’s decision to proceed towards a harmonisation of the legislation in force in order to explicitly prohibit corporal punishment in all institutions and forms of care for children. The Committee asks for the next report to supply all information on the measures announced with regard to the prohibition of corporal punishment within the family and in all institutions and forms of care for children in order to make a full assessment of the situation for the next reference period.

...

“The Committee concludes that the situation in Greece is not in conformity with Article 17 of the Charter on the ground that there is no prohibition in legislation of all corporal punishment of children:

- in the home,
- in secondary schools during the reference period, and
- in other institutions....”

#### *European Committee of Social Rights*

(1 January 2001, Conclusions XV-2 vol. 1, pages 257-258)

“The Committee wishes to know whether legislation prohibits all forms of corporal punishment of children, in schools, in institutions, in the home and elsewhere....”

### **Universal Periodic Review**

Greece was examined in the first cycle of the Universal Periodic Review in 2011. No recommendations were made concerning corporal punishment of children (prohibition in all settings was achieved in 2006). Examination in the second cycle is scheduled for 2016.

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