



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

## **SLOVAKIA – COUNTRY REPORT**

Child population: 1,047,000 (UNICEF, 2009)

### **Summary of necessary legal reform to achieve full prohibition**

#### *Settings where explicit prohibition is necessary*

home

#### *Is there a legal defence for corporal punishment which must be repealed?*

No – There is no specific defence available to parents and others who use corporal punishment but it is tolerated in society and legal provisions against violence and abuse are not interpreted as prohibiting all corporal punishment in childrearing. The near universal acceptance of corporal punishment in “disciplining” children necessitates a clear statement in law that all corporal punishment, however “light”, is prohibited.

#### *Other legislative measures necessary*

Corporal punishment is prohibited in all settings outside the home.

# DETAILED COUNTRY REPORT

## Legality of corporal punishment

### Home

Corporal punishment is lawful in the home. Article 7 of Act No. 305/2005 Coll. On Social-Legal Protection of Children and Social Guardianship, as amended by Act No. 27/2009, states (unofficial translation): “(3) By implementing measures according to this law, it is forbidden to use any form of corporal punishment of the child and other cruel or degrading forms of treatment and forms of chastisement of the child, which cause or may cause the child the physical or mental harm.” This is interpreted as providing for state intervention only when corporal punishment reaches a certain degree of severity. Provisions against violence and abuse in the Penal Code (2005), the Civil Code (2002), the Family Act and the Constitution (1992) are not interpreted as prohibiting all corporal punishment in childrearing.

The Government has stated its intention to prohibit corporal punishment in the home (2005). In 2011 draft proposals for a new Civil Code were under discussion but did not include explicit prohibition of all corporal punishment.

### Schools

Corporal punishment is explicitly prohibited in schools in article 3 of Act No. 245/2008 Coll. on Upbringing and Education (Education Act): “Education and training under this Act are based on the principles of ... (r) prohibiting the use of all forms of corporal punishment and sanctions in education.”

### 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 unlawful as a **disciplinary measure** in penal institutions under article 3(1) of the Act No. 475/2005 Coll. on the exercise of the confinement penalty, which prohibits cruel, inhuman or degrading forms of punishment or treatment.

### Alternative care

Corporal punishment is unlawful in all alternative care settings under article 7(3) of the Act No. 305/2005 Coll. as amended by Act No. 27/2009 (see above).

### Prevalence research

Preliminary analysis of attitudinal research in 2002, undertaken by the Bratislava International Centre for Family Studies and involving 856 adults, found that 98.6% believed that parents should be allowed to use a “smack on the buttock from time to time”, 75.3% believed that parents should be allowed to use “occasional slaps”, 41.7% felt that occasional beating with an implement was acceptable, and 22.9% felt that repeated beating was acceptable. (International Centre for Family Studies (2003), “The prevalence of violence in Slovakia”, Bratislava: International Centre for Family Studies)

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

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

(10 July 2007, CRC/C/SVK/CO/2, Concluding observations on second report, paras. 36 and 37)

“The Committee notes with appreciation that corporal punishment in schools, alternative care contexts, and the penal system is unlawful and notes that the new Penal Code protects children from physical and psychological violence, insults, abuse, neglect and mistreatment without referring explicitly to corporal punishment. While the Committee welcomes the Government’s stated intention to prohibit corporal punishment in the home, it nevertheless expresses its concern that, to date, corporal punishment within the home remains lawful.

“The Committee recommends that the State party, taking into account the Committee’s general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, take steps to ensure that corporal punishment is explicitly prohibited by law in all settings, including the home, and that the State party intensify its awareness-raising campaigns, in order to promote the use of alternative non-violent forms of discipline in a manner consistent with article 28, paragraph 2, of the Convention.”

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

(23 October 2000, CRC/C/15/Add.140, Concluding observations on initial report, para. 32)

“In light of articles 19 and 39 of the Convention, the Committee recommends that the State party ensure that all forms of physical and mental violence, including corporal punishment and sexual abuse of children in the family, schools and care institutions, are prohibited. Attention should be given to ensuring that the abused child is not victimized in legal proceedings; strengthening programmes for the rehabilitation and reintegration of abused children; and addressing sociocultural barriers that inhibit victims from seeking assistance. The Committee recommends that the State party continue to undertake public education campaigns about the negative consequences of ill-treatment of children, including within the family. The Committee encourages the State party to continue to promote the use of the hotline and other mechanisms to receive complaints throughout the country; to use the disaggregated data collected as a basis for designing preventive and other measures; and to evaluate progress in this area.”

### *Committee on the Elimination of Discrimination Against Women*

(18 July 2008, Part of A/63/38, Concluding observations on second-fourth report, paras. 34 and 35)

“... The Committee also expresses concern about the fact that corporal punishment in the home is lawful and constitutes a form of violence against children, including the girl child...

“The Committee urges the State party to place high priority on the introduction of comprehensive and holistic measures to address all forms of violence against women in the family and in society.... The Committee also recommends that the State party include in its legislation the prohibition of corporal punishment of children in the home....”

### *Human Rights Committee*

(29 March 2011, CCPR/C/SVK/CO/3 Advance Unedited Version, Concluding observations on third report, para. 12)

“While taking note of the fact that the current Criminal Code No. 300/2005 Coll. (as amended) criminalizes and punishes the torture and ill-treatment of children, the Committee expresses concern at

the permissibility of corporal punishment in the home where it traditionally continues to be accepted and practised as a form of discipline by parents and guardians (arts. 7 and 24).

The State party should take practical steps to put an end to corporal punishment in all settings. It should encourage non-violent forms of discipline as alternatives to corporal punishment, and should conduct public information campaigns to raise awareness about its harmful effects.”

*European Committee of Social Rights*

(January 2012, Conclusions 2011)

“The Committee previously concluded (Conclusions XVI-2) that the situation in the Slovak Republic was not in conformity with Article 17 of the Charter, as the corporal punishment of children was not prohibited.

“The Committee notes from the CRC Concluding Observations that corporal punishment in schools, alternative care contexts, and the penal system is unlawful and notes that the new Penal Code protects children from physical and psychological violence, insults, abuse, neglect and mistreatment without referring explicitly to corporal punishment.

“According to the report, Act No. 305/2005 Coll. on Social-Legal Protection of Children and Social Guardianship, as amended by Act No. 27/2009, forbids the use any form of corporal punishment of the child and other cruel or degrading forms of treatment and forms of chastisement of the child, which cause or may cause the child the physical or mental harm. However, the Global Initiative to End All Corporal Punishment of Children<sup>2</sup> have established that this is interpreted as providing for state intervention only when corporal punishment reaches a certain degree of severity and ‘light’ physical punishment by parents is not covered by the new legislation. Provisions against violence and abuse in the Penal Code (2005), the Civil Code (2002), the Family Act and the Constitution (1992) are not interpreted as prohibiting all corporal punishment in childrearing.

“Consequently, the Committee concludes that the situation in the Slovak Republic is not in conformity with Article 17§1 of the Charter, as all forms of the corporal punishment of children in the home are not explicitly prohibited.

“The Committee concludes that the situation in the Slovak Republic is not in conformity with Article 17§1 of the Charter on the grounds that:

- all forms of corporal punishment of children are not explicitly prohibited in the home....”

*European Committee of Social Rights*

(30 September 2003, Conclusions XVI-2, page 804)

“The Committee previously asked whether the corporal punishment of children in the home, in schools, institutions and elsewhere was prohibited by legislation. The current report provides no information on this subject, however the Committee notes that the concluding observations of the Committee on the Rights of the Child in respect of the Slovak Republic recommend such a prohibition. Therefore, the Committee notes that there is no prohibition yet in place and concludes that the situation is not in conformity with the Charter on this point....

“The Committee concludes that the situation in the Slovak Republic is not in conformity with Article 17 of the Charter, as the corporal punishment of children is not prohibited.”

*European Committee of Social Rights*

(1 June 2001, Addendum to Conclusions XV-2, pages 228-230)

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

“Pending receipt of the requested information the Committee defers its conclusion.”

## **Universal Periodic Review**

Slovakia was examined in the first cycle of the Universal Periodic Review in 2009. The Government accepted the recommendations to prohibit all corporal punishment of children (A/HRC/12/50, Report of the Human Rights Council on its twelfth session, para. 650). Examination in the second cycle is scheduled for 2014.

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