



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

UKRAINE – 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 150(7) of the Family Code (2002), explicitly prohibits all corporal punishment of children by parents: “Physical punishment of the child by the parents, as well as other inhuman or degrading treatment or punishment are prohibited.”

Schools

Corporal punishment is unlawful in schools. Article 51(1) of the Law on Education (1991) states that students and other learners have the right “to the protection from any form of exploitation, physical and psychological violence, actions of pedagogical and other employees who violate the rights or humiliate their honour and dignity”.

Penal system

Corporal punishment is unlawful as a **sentence for crime** under the Criminal Code (2001), the Code of Criminal Procedure (1960) and the Constitution (1996).

Corporal punishment is unlawful as a **disciplinary measure** in penal institutions, though we have yet to identify explicit prohibition in law. The Constitution (articles 28 and 52) and the Law on Protection of Childhood (2001, article 10) prohibit all forms of violence against children.

Alternative care

Corporal punishment is prohibited in alternative care settings, though we have yet to identify explicit prohibition in law. The prohibition of all forms of violence in the Constitution and the Law on Protection of Childhood apply (see above).

Prevalence research

According to statistics from UNICEF on violence in the family, 70% of children aged 2-14 experienced physical punishment and/or psychological aggression in 2005-2006: 32% experienced physical punishment and psychological aggression, 33% experienced psychological aggression only and 5% experienced physical punishment only. In total, 36% of children experienced physical punishment, while only 16% of mothers and caregivers believe that physical punishment is necessary in childrearing. Of girls and women aged 15-49, 4% think that a husband is justified in hitting or beating his wife under certain circumstances; 11% of boys and men aged 15-49 believe this.¹

Over a third (35%) of respondents to a 2009 survey of 1,501 parents aged over 25 said they believed corporal punishment should never be used, 51% said corporal punishment “should not be used in general but in certain situations it is justified” and 12% said corporal punishment “could be used”. One in two respondents (54%) believed that corporal punishment was experienced by more than 50% of children in Ukraine.²

¹ UNICEF (2009), *Progress for Children: A report card on child protection*, NY: UNICEF

² Child Well Being Fund Ukraine (2009), *Public opinion monitoring in Ukraine: July 2009*. Part of the Childhood Without Abuse project, which includes studies carried out in Bulgaria, Lithuania, Latvia, Macedonia, Moldova, Poland, and Ukraine in 2005 and 2009

In a 2009 survey of 213 teachers in primary schools in Kiev, 74% said they believed that corporal punishment is humiliating for the child and that it means that “the parents are not good at rearing children”; 76% felt that the use of “spanking” as a punishment would justify intervention by a third party.³

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(9 October 2002, CRC/C/15/Add.191, Concluding observations on second report, paras. 41 and 42)

“The Committee welcomes the new Protection of Domestic Violence Act 2001, but remains concerned that it has not yet been implemented.

“The Committee recommends that the State party:

- a) conduct a study to assess the nature and extent of ill-treatment, abuse and neglect of children in the home, and design policies and programmes to address them;
- b) establish effective procedures and mechanisms to receive, monitor, and investigate complaints, including intervening where necessary, and investigate and prosecute instances of ill-treatment and all forms of domestic violence, including corporal punishment, ensuring that the abused child is not victimized in legal proceedings and that his/her privacy is protected....
- d) take into consideration the recommendations of the Committee adopted at its days of general discussion on violence against children (CRC/C/100, para.688 and CRC/C/111, paras.701-745).
- e) carry out public education campaigns about the negative consequences of ill-treatment of children and promote positive, non-violent forms of discipline as an alternative to corporal punishment.”

Committee on the Rights of the Child

(27 November 1995, CRC/C/15/Add.42, Concluding observations on initial report, paras. 14 and 29)

“The Committee regrets that appropriate measures have not yet been taken to effectively prevent and combat ill-treatment of children in schools or in institutions where children may be placed. The Committee is also preoccupied by the existence on a large scale of child abuse and violence within the family and the insufficient protection afforded by the existing legislation and services in that regard. The problem of sexual exploitation of children also requires special attention....

“The Committee further suggests that the clear prohibition of torture or other cruel, inhuman or degrading treatment or punishment, as well as a ban on corporal punishment in the family, be reflected in the national legislation. The Committee also suggests the development of procedures and mechanisms to monitor complaints of maltreatment and cruelty within or outside the family....”

Universal Periodic Review

Ukraine was examined under the Universal Periodic Review process in 2008. Full prohibition of corporal punishment of children was achieved in 2003.

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

³ Child Well Being Fund Ukraine & Nobody’s Children Foundation (2009), *Kiev teachers’ attitudes toward child abuse*. Part of the Childhood Without Abuse project, which includes studies carried out in Bulgaria, Lithuania, Latvia, Macedonia, Moldova, Poland, and Ukraine in 2005 and 2009

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