

Corporal punishment of children in Croatia

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Child population 775,000 (UNICEF, 2015)



GLOBAL INITIATIVE TO

**End All Corporal
Punishment of Children**

Law reform has been achieved. Corporal punishment is unlawful in all settings, including the home.

Prohibition 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 Article 88 of the now repealed Family Act 1998 stated: “Parents and other family members must not subject the child to degrading treatment, mental or physical punishment and abuse.” This Act has been replaced by the Family Act 2003 (as amended to 2009), which states in article 88: “Parents and other family members may not subject the child to degrading measures, mental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 92(2) states: “A parent is bound to protect a child from the degrading procedures and corporal punishment of other persons.”

Article 10 of the Act on Protection against Violence in the Family 2017, which came in force in January 2018, includes physical and humiliating punishment of children in the definition of family violence. Article 22(5) specifies that family violence committed on a child should be punished as an administrative offence by a fine of at least 10,000 Kuna or by imprisonment for at least 45 days.

In 2015, the Government reported to the Universal Periodic Review on the adoption of the National Strategy on the Rights of Children 2014-2010, which addresses sexual violence, child trafficking, corporal punishment, domestic violence and violence in schools.¹

Alternative care settings

Corporal punishment is unlawful in alternative care settings. The prohibition of corporal punishment by parents (see under “Home”) applies to all persons with parental authority over children. In addition, article 92(2) of the Family Act puts an obligation on parents to protect children from corporal punishment by other persons.

¹ 9 February 2015, A/HRC/WG.6/22/HRV/1, National report to the UPR, para. 60

Day care

Corporal punishment is unlawful in early childhood care and in day care for older children. The prohibition of corporal punishment by parents (see under “Home”) applies to all persons with parental authority over children. In addition, article 92(2) of the Family Act puts an obligation on parents to protect children from corporal punishment by other persons.

Schools

Corporal punishment is unlawful in schools, but we have no details of prohibiting legislation. Article 92(2) of the Family Act puts an obligation on parents to protect children from corporal punishment by other persons. The Government reported to the Universal Periodic Review in 2015 the adoption of the “Ordinance on the conduct of educational personnel for the protection of the rights of pupils and reporting violations to the competent authority”.² We are seeking details of its provisions in relation to corporal punishment.

Penal institutions

Corporal punishment is unlawful as a disciplinary measure in penal institutions, but we have yet to identify prohibiting legislation. Article 92(2) of the Family Act puts an obligation on parents to protect children from corporal punishment by other persons.

Sentence for crime

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.

Universal Periodic Review of Croatia’s human rights record

Croatia was examined in the first cycle of the Universal Periodic Review in 2010. No recommendations were made concerning corporal punishment of children.

Examination in the second cycle took place in 2015 (session 22). In its national report, the Government noted the adoption of the Act on Protection from Domestic Violence (as noted above this protects children from corporal punishment) and the adoption of the National Strategy on the Rights of Children 2014-2010, which addresses sexual violence, child trafficking, corporal punishment, domestic violence and violence in schools.³ No recommendations specifically on corporal punishment of children were made.

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(19 September 2014, CRC/C/HRV/CO/3-4 Advance Unedited Version, Concluding observations on third/fourth report, paras. 32 and 33)

² 9 February 2015, A/HRC/WG.6/22/HRV/1, National report to the UPR, para. 60

³ 9 February 2015, A/HRC/WG.6/22/HRV/1, National report to the UPR, para. 60

“While noting that corporal punishment of children is prohibited in the State party and other measures have been taken to combat this practice, such as the Council of Europe campaign against corporal punishment of children, the Committee is concerned that corporal punishment is still used as a disciplinary method in the family and is widely accepted in society.

“In line with its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee recommends that the State party strengthen its efforts, including through awareness-raising and parenting education programmes, to end the practice of corporal punishment in all settings, in particular in the family, and promote positive, non-violent and participatory forms of child-rearing and discipline as an alternative.”

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

(January 2012, Conclusions 2011)

“The Committee notes that there have been no changes to the situation which it has previously found to be in conformity with the Charter.”

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.”

Prevalence/attitudinal research in the last ten years

An online survey conducted in August 2017 involving 500 respondents from throughout Croatia found 49% of respondents believe corporal punishment has reduced over the past decade and 41% didn't know physical punishment is legally banned in Croatia. One in three think corporal punishment shouldn't be banned but almost all respondents (93%) support the legal ban in kindergarten. Only 39% of respondents recognise the harmfulness of corporal punishment.

(“Some parents still consider corporal punishment of children justified”, Total Croatia News, 30 April 2018 <https://www.total-croatia-news.com/lifestyle/27897-some-parents-still-consider-corporal-punishment-of-children-justified>)

Epidemiological research on the extent of family violence on children in Croatia sampled school children aged 11,13 and 16, and found the most prevalent form of family violence against children to be psychological aggression (59% 11 year olds; 77% 13 year olds; 83% 16 year olds), followed by corporal punishment (56% 11 year olds; 68% 13 year olds; 72% 16 year olds) and physical abuse (26% 11 year olds; 34% 13 year olds; 41% 16 year olds). The highest correlation among all categories of violence against children was found to exist between corporal punishment and physical abuse. Parents are the most common perpetrators of psychological aggression and corporal punishment.

(Ajdukovic, M., *et al.* (2012), "Epidemiological Research of Prevalence and Incidence of Family Violence on Children in Croatia", *Ljetopis Socijalnog Rada*, 19(3), 367-412)

A survey commissioned by UNICEF of more than 1,700 parents of 0-6 year olds found that 12% of parents believed corporal punishment was effective. More than 30% of parents of 3 year olds said that in the past week, they had “smacked” or pulled the hair of their child.

(Reported by UNICEF Croatia, 25 April 2013)

A 2012 study of men's childhood experiences of violence in Brazil, Chile, Croatia, India, Mexico and Rwanda, which involved men aged 18-59 living in urban settings, found a high prevalence of corporal punishment in all six countries. In Croatia, of the 1,451 men who participated, 67% reported having been spanked or slapped by a parent in the home during childhood, 35% threatened with physical punishment in the home and 24% humiliated by someone in their family in front of other people; 30% reported having been beaten or physically punished at school by a teacher. The study found that men who had experienced violence, including corporal punishment, during childhood, were more likely to perpetrate intimate partner violence, hold inequitable gender attitudes, be involved in fights outside the home or robberies, pay for sex and experience low self-esteem and depression, and were less likely to participate in domestic duties, communicate openly with their partners, attend pre-natal visits when their partner is pregnant and/or take paternity leave.

(Contreras, M. *et al* (2012), *Bridges to Adulthood: Understanding the Lifelong Influence of Men's Childhood Experiences of Violence, Analyzing Data from the International Men and Gender Equality Survey*, Washington DC: International Center for Research on Women (ICRW) and Rio de Janeiro: Instituto Promundo)