

Corporal punishment of children in Greece

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Child population 1,899,000 (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 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.¹

In reporting to the Committee on Economic, Social and Cultural Rights in 2013, the Government stated that the Ministry of Education is a founding member of the Network for the Prevention and Combating of Corporal Punishment of Children, working towards the elimination of all corporal punishment in Greece.²

Alternative care settings

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”. Article 4 of the Law 3500/2006 on the Combating of Intra-family Violence also applies in alternative care settings (see under “Home”).

¹ 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

² 16 December 2013, E/C.12/GRC/2, Second state party report, paras. 315 and 316

Day care

Corporal punishment is prohibited 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”. The prohibition in article 4 of Law 3500/2006 on the Combating of Intra-family Violence (see under “Home”) presumably applies to adults with parental authority in early childhood care and in day care for older children.

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 under “Home”), legislation was introduced to explicitly prohibit corporal punishment in secondary schools (art. 21 of Law No. 3328/2005). Further protection is given provided by article 4 of Law 3500/2006 on the Combating of Intra-family Violence (see under “Home”), which the Government confirmed in 2015 prohibits corporal punishment “in the framework of raising and educating children” and is applicable in schools.³

Penal institutions

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

Sentence for crime

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

Universal Periodic Review of Greece’s human rights record

Greece was examined in the first cycle of the Universal Periodic Review in 2011 (session 11). No recommendations were made concerning corporal punishment of children.

Greece was examined in the second cycle of the Universal Periodic Review in 2016 (session 25) and again, no recommendations were made concerning corporal punishment of children.

Examination in the third cycle is scheduled for 2021.

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(13 August 2012, CRC/C/GRC/CO/2-3, Concluding observations on second/third report, para. 3)

“The Committee notes with appreciation the adoption of the following legislative measures: ...

³ 16 December 2013, E/C.12/GRC/2, Second state party report, para. 314

d) Law No. 3500/2006 on domestic violence, which also prohibits corporal punishment....”

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

(January 2016, Conclusions 2015)

“Follow up to the Complaint No 17/2003- World Organisation against Torture (OMCT) v. Greece

“The Committee concluded that there was a violation of Article 17 of the 1961 Charter on the ground that the Greek legislation did not prohibit all forms of corporal punishment on children within the family, in secondary schools and in other institutions and forms of care for children.

“The Government indicates in the information registered on 28 August 2015 that the Law 3500/2006, explicitly prohibits corporal punishment in the home and the Law 3328/2005, explicitly prohibits any kind of physical punishment of students in secondary schools. The Committee also takes note of various measures taken with a view to implementing this legislative framework.

“The Committee takes note of the positive legislative amendments concerning the family and secondary schools. However, there is still no information concerning other institutions and forms of care for children.

“The Committee finds that the situation has not been brought into conformity with the 1961 Charter.”

European Committee of Social Rights

(January 2012, Conclusions 2011)

“The Committee notes from another source that Section 4 of Law 3500/2006 on Combating Domestic Violence (in force since 2007) states that physical violence against children as a disciplinary measure in the context of their upbringing brings the consequences of Article 1532 of the Civil Code, which addresses abuse of parental authority.

“According to the same source, the prohibition followed a finding in 2004 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 an explicit prohibition in law of corporal punishment of children within the family, in secondary schools and in other institutions and forms of childcare. Following the decision of the European Committee of Social Rights legislation was introduced to explicitly prohibit corporal punishment in secondary schools (Section 21 of Law No. 3328/2005). Section 4 of Law 3500/2006 on Combating Intra-family Violence also applies in alternative care settings.

“Follow up to the Complaint No 17/2003- World Organisation against Torture (OMCT) v. Greece

“As noted above, in its decision on the merits of 7 December 2004 of the Complaint No 17/2003 the Committee held that Greece violated Article 17 of the Charter as the Greek legislation did not prohibit all forms of corporal punishment on children within the family, in secondary schools and in other institutions and forms of care for children.

“In its previous conclusion the Committee took note of the measures announced by the Greek Government at the 924th meeting of the Ministers’ Deputies of the Council of Europe. As a follow up to these measures, the Committee notes from the report the entry into force of Law 3500/2006, which explicitly prohibits corporal punishment in the home as well as Law 3328/3005 which prohibits any kind of physical punishment of students. The Committee also takes note of various measures taken with a view to implementing this legislative framework.

“The Committee considers that with these legislative amendments the situation has been brought into conformity with the Charter on this point.”

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 924th 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...."

Prevalence/attitudinal research in the last ten years

A study which involved 486 children in the first year of high school and their parents, carried out in 2007-2008, found that 26.7% of the children had been hit with a hand by a family member; 71% of the parents had physically punished their child. Nearly all (98.3%) of the parents said corporal punishment should not or probably should not be used as a method of "discipline".

(Tsirigoti, A. et al (2010), *Current Situation Concerning Child Abuse and Neglect (CAN) in Greece*, Athens: Institute of Child Health, Department of Mental Health and Social Welfare & Centre for the Study and Prevention of Child Abuse and Neglect)