

Corporal punishment of children in Liechtenstein

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Child population 7,000 (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 146a of the Civil Code 1811 (as amended 1993) states that the use of force and the infliction of physical and mental suffering are not allowed in childrearing. Explicit prohibition of all corporal punishment in childrearing was enacted in 2008 and came into force in January 2009. Article 3 of the Children and Youth Act 2008 states (unofficial translation): “(1) Children and young people have the rights outlined in the Convention on the Rights of the Child and to the following measures: (a) protection notably against discrimination, neglect, violence, abuse and sexual abuse; (b) education/upbringing without violence: corporal punishment, psychological harm and other degrading treatment are not accepted.... (2) Children can address the Ombudsperson when they believe their rights have been violated.”

Alternative care settings

Corporal punishment is unlawful in alternative care settings under article 3 of the Children and Youth Act (see under “Home”).

Day care

Corporal punishment is unlawful in early childhood care and in day care for older children under article 3 of the Children and Youth Act (see under “Home”).

Schools

Corporal punishment is prohibited at all levels of education under article 5 of the School Order 1985. Article 3 of the Children and Youth Act (see under “Home”) also applies.

Penal institutions

Corporal punishment is unlawful as a disciplinary measure in penal institutions under article 3 of the Children and Youth Act (see under “Home”).

Sentence for crime

Corporal punishment is unlawful as a sentence for crime. It is not available as a sentence for crime under the Criminal Code, the Criminal Procedure Code 1988 or the Juvenile Court Act.

Universal Periodic Review of Liechtenstein’s human rights record

Liechtenstein was reviewed in the first cycle of the Universal Periodic Review in 2008 (session 3). The following recommendation was made:¹

“Prohibit by law all forms of corporal punishment of children, without exception (France)”

The Government accepted the recommendation and, in doing so, stated that legislation had been introduced which explicitly prohibited corporal punishment of children.²

The second cycle review took place in 2013 (session 15). In its national report, the Government confirmed that under the Children and Youth Act “all forms of corporal punishment as well as emotional injuries and other degrading measures are impermissible” and “this prohibition refers not only to parents, but to all persons involved in education and upbringing”.³ No recommendations were made during the review specifically concerning corporal punishment of children.

Third cycle examination took place in 2018 (session 29). No specific recommendations on corporal punishment were made.

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(16 March 2006, CRC/C/LIE/CO/2, Concluding observations on second report, paras. 22 and 23)

“The Committee is concerned that all forms of corporal punishment are not specifically prohibited by law in all settings where it may occur.

“The Committee urges the State party to prohibit expressly by law all forms of corporal punishment, in particular in the family and in private alternative care settings. The State party is further encouraged to undertake awareness-raising campaigns and education programmes aimed at parents, professionals and children concerning non-violent forms of discipline and participatory forms of child-rearing and education, and to study the prevalence of corporal punishment of children in the family.”

¹ 7 January 2009, A/HRC/10/77, Report of the working group, para. 65(24)

² 29 February 2009, A/HRC/10/77/Add.1, Report of the working group: Addendum

³ 8 November 2012, A/HRC/WG.6/15/LIE/1, National report to the UPR, para. 26

Committee on Economic, Social and Cultural Rights

(23 June 2017, E/C.12/LIE/CO/2-3, Concluding observations on second/third report, Advance unedited version, para. 4)

“The Committee also welcomes the legislative, institutional and policy measures taken to promote economic, social and cultural rights in the State party, including the: ...

(e) Adoption of the Children and Youth Law of 2009, comprising the principle of non-discrimination and the protection of children and teenagers from a violent upbringing”

Prevalence/attitudinal research in the last ten years

None identified.