

# Corporal punishment of children in Lithuania

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Child population 508,000 (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. During an extraordinary session on 14 February 2017, the Seimas voted in favour of amendments to the Law on the Fundamentals of Protection of the Rights of the Child 1996, recognising children's right to be protected from all forms of violence, including corporal punishment. Article 1 of the amending Law edits article 2 of the 1996 Law to include the following definition of corporal punishment (unofficial translation): "any punishment in which physical force is used to cause physical pain, even on a small scale, or otherwise to physically torture a child". Article 5 amends article 49.1 of the 1996 Law which now states (unofficial translation): "Parents and other legal representatives of the child may appropriately, according to their judgment, discipline the child, for avoiding to carry out his duties and for disciplinary infractions, with the exception of corporal punishment and any other form of violence". Article 4 of the amending Law recognises children's right "to be protected from of all forms of violence, including corporal punishment, by their parents, other legal representatives, persons living with them or other persons" (unofficial translation). The amendments came into effect on 21 February 2017.<sup>1</sup>

Prior to law reform, article 49.1 of the Law on the Fundamentals of Protection of the Rights of the Child 1996 stated: "Parents and other legal representatives of the child may appropriately, according to their judgment, discipline the child, for avoiding to carry out his duties and for disciplinary infractions, with the exception of physical and mental torture, other cruel behaviour and the humiliation of the child's honour and dignity."

Further amendments to the Law on the Fundamentals of Protection of the Rights of the Child 1996 are now under discussions to clarify how the ban should be implemented, following a public outcry

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<sup>1</sup> See the Register of Legal Acts' website, <https://www.e-tar.lt/portal/en/legalAct/48953b10f75111e68034be159a964f47>, accessed on 21 February 2017

over the number of children removed from their families. Opposition MPs have also introduced draft amendments which would redefine violence against children as that which causes “significant pain”.<sup>2</sup>

### **Alternative care settings**

Corporal punishment in alternative care settings is prohibited under the 2017 amendments to the Law on the Fundamentals of Protection of the Rights of the Child 1996 (see under “Home”). Under the amendments, article 6.9 now states “the State shall take all appropriate legislative, administrative, social, educational and other measures to ensure the protection of the child from all forms of violence, including corporal punishment, which the child may suffer from the parents, other legal representatives of the child, or any other persons looking after the child”.

### **Day care**

Corporal punishment in day care settings is prohibited under the 2017 amendments to the Law on the Fundamentals of Protection of the Rights of the Child 1996 (see under “Home”). Under the amendments, article 6.9 now states “the State shall take all appropriate legislative, administrative, social, educational and other measures to ensure the protection of the child from all forms of violence, including corporal punishment, which the child may suffer from the parents, other legal representatives of the child, or any other persons looking after the child”. Corporal punishment is also unlawful in the preschool provision under education law (see under “Schools”).

### **Schools**

Corporal punishment is unlawful in schools. The 2017 amendments to the Law on the Fundamentals of Protection of the Rights of the Child 1996 modified article 57.2 to state “Authorities of instructional, educative, treatment and other institutions, educators or individuals equivalent to them, and the administration of these institutions shall be held responsible for the education of the children under their supervision. These persons are held responsible according to the law, when they violate the rights of the child, do not fulfil their duties or perform them improperly, use corporal punishment or other violence against children.”

Article 25 of the Law on Education 1991 states that “parents, guardians, and teachers who do not carry out their responsibilities, or who cause physical, psychological, or moral harm to their pupils, shall be accountable in accordance with the procedures established by law”.

### **Penal institutions**

Corporal punishment is considered unlawful as a disciplinary measure in penal institutions. Since February 2017, the right of children to be protected from all forms of violence has been recognised in law (see under “Home”).

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<sup>2</sup> See <https://en.delfi.lt/lithuania/politics/farmers-call-up-l-kukuraitis-for-explanation-on-childrens-rights-protection-project.d?id=79757199> and <https://en.delfi.lt/lithuania/politics/opposition-urges-l-kukuraitis-to-resign.d?id=79668491>, accessed 14 December 2018

## **Sentence for crime**

Corporal punishment is unlawful as a sentence for crime. It is not a permitted punishment under the Criminal Code (art. 90), the Law on the Fundamentals of Protection of the Rights of the Child 1996 (art. 49.3), the Code of Criminal Procedure 2002 and the Code of Serving Punishments 2002.

## **Universal Periodic Review of Lithuania's human rights record**

Lithuania was examined in the first cycle of the Universal Periodic Review in 2011 (session 12). The following recommendation was made and was accepted by the Government:<sup>3</sup>

“Explicitly prohibit corporal punishment in the family and implement existing prohibitions (Romania)”

Examination in the second cycle took place in 2016 (session 26). The following recommendations were accepted by the Government:<sup>4</sup>

“Adopt legislation explicitly prohibiting corporal punishment of children, including in the home, and consider awareness-raising activities to increase public knowledge about the issue (Estonia); Take additional measures to protect children from corporal punishment and sexual crimes (Kyrgyzstan); Develop measures to prevent child abuse and corporal punishment, to include passing the draft legislation on children's rights (United States of America); Prohibit all forms of violence against children in all settings, including corporal punishment, and provide for measures to enforce its prohibition (Sweden); Strengthen the legislation in order to criminalize all forms of corporal punishment of children in all circumstances (Chile)”

Lithuania will be examined in the third cycle in 2021.

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

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

(30 October 2013, CRC/C/LTU/CO/3-4, Concluding observation on third/fourth report, paras. 24 and 25)

“The Committee takes note that the State party plans to introduce a full prohibition of corporal punishment under the draft Law on Child Protection. Nevertheless, the Committee is concerned that corporal punishment is currently lawful in the home and in alternative care settings. Although the existing legislation stipulates that acts of physical and mental torture and other cruel behaviour must be avoided in the home, the Committee is concerned that the relevant provision is not interpreted as prohibiting corporal punishment and that there is widespread acceptance of corporal punishment as a parenting technique.

“The Committee draws the State party's attention to 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 urges the State party to ensure that the new legislation prohibits the use of all forms of corporal punishment in all settings, particularly the home and alternative care institutions, and provides for enforcement mechanisms, including appropriate sanctions in cases of violation. It further

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<sup>3</sup> 19 December 2011, A/HRC/19/15, Report of the working group, para. 88(37)

<sup>4</sup> 15 November 2016, A/HRC/WG.6/26/L.6, Draft report of the Working Group, paras. 100(114), 100(115), 100(116), 100(117), and 100(118); 1 March 2017, A/HRC/34/9/Add.1, Report of the Working Group, Addendum, paras. 2 and 3

recommends that the State party strengthen and expand awareness-raising and education programmes and campaigns, in order to promote positive, non-violent and participatory forms of child rearing and discipline.”

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

(17 March 2006, CRC/C/LTU/CO/2, Concluding observations on second report, paras. 8, 37 and 38)

“While welcoming measures taken to bring national legislation into conformity with the Convention, notably the Strategy of State Policy on Child Welfare and its implementation plan for 2005-2012 ..., the Committee notes that the national legislation in some areas, inter alia, protection from violence, corporal punishment and physical and psychological recovery and reintegration of the child victim, has still not been brought into full conformity with the Convention.

“While welcoming the commitment from the State party during the dialogue to prohibit corporal punishment in the family, the Committee remains concerned at the continued use of corporal punishment, in particular within the family, due to the generally tolerant attitude towards this practice.

“The Committee recommends that the State party:

- a) explicitly prohibit corporal punishment in the family and implement existing prohibitions;
- b) conduct a comprehensive study to assess the causes, nature and extent of corporal punishment as well as an evaluation of the impact of measures undertaken so far by the State party to reduce and eliminate corporal punishment; and
- c) develop measures to raise awareness on the harmful effects of corporal punishment with a view to changing the general attitude towards this practice and promote positive, non-violent, participatory forms of childrearing and education.”

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

(21 February 2001, CRC/C/15/Add.146, Concluding observations on initial report, paras. 25 and 26)

“The Committee expresses its concern at the widespread use of corporal punishment, in particular within the family and in institutions, due to the generally tolerant attitude towards this practice. Further, it notes the lack of data and information available on this topic.

“In light of articles 19, 28(2) and 37 of the Convention, the Committee recommends that the State party adopt appropriate legislative measures to explicitly prohibit the use of any form of corporal punishment within the family. It also encourages the State party to develop measures to raise awareness on the harmful effects of corporal punishment with a view to changing the general attitude towards this practice. The State party should promote alternative forms of discipline in families, schools and other institutions, administered in a manner consistent with the child’s dignity and in conformity with the Convention. The Committee also recommends that the ban on corporal punishments in schools and other institutions be enforced.”

### ***Committee Against Torture***

(17 June 2014, CAT/C/LTU/CO/3, Concluding observations on third report, para. 24)

“The Committee is concerned that corporal punishment of children in the home and in alternative and day-care settings is not prohibited in national law. (arts. 2 and 16)

The State party should amend its national legislation to prohibit and criminalize all forms of corporal punishment of children in all environments and settings, in accordance with international standards, conduct public awareness-raising campaigns about its harmful effects and promote positive non-violent forms of discipline as an alternative to corporal punishment.”

### ***Committee on Economic, Social and Cultural Rights***

(24 June 2014, E/C.12/LTU/CO/2, Concluding observations on second report, para. 14)

“The Committee expresses its concern that corporal punishment continues to be practised as a means of discipline, particularly in the home, and that violence against children is increasing, particularly in urban areas (art. 10).

The Committee recommends that the State party proceed swiftly with the adoption of legislation prohibiting the use of corporal punishment in all settings, and take effective measures to raise awareness among the public against the use of violence against children, including corporal punishment.”

### ***Human Rights Committee***

(26 July 2018, CCPR/C/LTU/CO/4 Advance unedited version, Concluding observations on fourth report, para. 3)

“The Committee welcomes the following legislative and institutional measures taken by the State party: (a) The 2017 amendment to the Law on the Fundamentals of Protection of the Rights of the Child 1996, prohibiting corporal punishment in all settings, including the home.”

### ***Human Rights Committee***

(31 August 2012, CCPR/C/LTU/CO/3, Concluding observations on third report, para. 10)

“While noting the recently adopted Law on the Protection Against Domestic Violence and further noting the intention of the State party to enact the necessary legislation to address this issue in other settings, the Committee is nevertheless concerned that corporal punishment is currently not explicitly prohibited by law in schools, penal institutions, and in alternative care settings (art. 7).

The State party should take practical measures to put an end to corporal punishment in all institutional settings.”

### ***European Committee of Social Rights***

(January 2016, Conclusions 2015)

“In its previous conclusion (Conclusions 2011) the Committee found that the situation was not in conformity with the Charter as corporal punishment was not explicitly prohibited in the home, in schools and in institutions.

“According to the report, corporal punishment was set to be explicitly prohibited by a new law on Child Protection, to amend the Act on the Fundamentals of Protection of the Rights of the Child. The draft Law was under preparation and available online since summer 2012 for consultation of civil society. Section 45 of the draft Law provided an extensive definition of child protection from

violence, stating that the child shall be educated, trained and disciplined without violence and with respect for dignity.

“However, according to the report, it was decided not to adopt a new law, but to amend the current Act.

“The amendment of the current Act on the Fundamentals of Protection of the Rights of the Child has been prepared, according to which Section 43 (2) will establish administrative or criminal liability for the demonstration of physical or mental violence against children. The amendment is approved by all relevant national institutions and, according to the report, will be presented to the Government and the Parliament for the adoption. The Committee wishes to be kept informed of these developments.

“In the meantime, the Committee notes from the Global Initiative to End Corporal Punishment of Children that prohibition is still to be achieved in the home, alternative care settings, day care, schools and penal institutions.

“The Committee considers that the situation which it has previously found not to be in conformity with the Charter has not changed. Prohibition of corporal punishment in the home, in schools and in institutions does not have a precise legal basis.”

“The Committee concludes that the situation in Lithuania is not in conformity with Article 17§1 of the Charter on the ground that corporal punishment is not prohibited in the home, in schools and in institutions.”

### ***European Committee of Social Rights***

(January 2012, Conclusions 2011)

“In its previous conclusion the Committee considered that the situation in Lithuania was not in conformity with Article 17§1 of the Charter since there was no prohibition in legislation of corporal punishment within the family. It recalls that the CRC has recommended that Lithuania explicitly prohibit corporal punishment in the family and implement existing prohibitions (2006 Concluding Observations). The Committee also enquired whether corporal punishment was prohibited in schools and institutions.

“The Committee notes that the situation has not been remedied. Section 49(1) of the Act on the Fundamentals of Protection of the Rights of the Child (1996) states: “Parents and other legal representatives of the child may appropriately, according to their judgment, discipline the child, for avoiding to carry out his duties and for disciplinary infractions, with the exception of physical and mental torture, other cruel behaviour and the humiliation of the child’s honour and dignity.”

“However, the Committee notes from another source that provisions against violence and abuse in this Law as well as in the Criminal Code (2000), the Constitution (1992), the Civil Code (2000), and the Code of Administrative Offences (2002) are not interpreted as prohibiting all corporal punishment in childrearing.

“As regards corporal punishment in schools, the Committee notes from the report that it is considered unlawful, but there is no explicit prohibition. Section 25 of the Act on Education (1991) states that ‘parents, guardians, and teachers who do not carry out their responsibilities, or who cause physical, psychological, or moral harm to their pupils, shall be accountable in accordance with the procedures established by law’. Section 49(2) of the Act on the Fundamentals of Protection of the Rights of the Child states: ‘Disciplinary and educative enforcement measures: criticism, reprimand, severe reprimand, appropriate evaluation of behaviour and other enforcement means, established by

laws, may be applied to a child for violations of internal order regulations of teaching and educative (care) institutions.'

"The Committee further notes from the above-mentioned source that there is no explicit prohibition of corporal punishment in alternative care settings. It is considered unlawful as a disciplinary measure in penal institutions, but there is no explicit prohibition in law. Corporal punishment is unlawful as a sentence for a crime.

"The Committee recalls that according to its case law, to comply with Article 17 with respect to the corporal punishment of children, states' domestic law must prohibit and penalise all forms of violence against children, that is acts or behaviour likely to affect the physical integrity, dignity, development or psychological well being of children. The relevant provisions must be sufficiently clear, binding and precise, so as to preclude the courts from refusing to apply them to violence against children. Moreover, states must act with due diligence to ensure that such violence is eliminated in practice.

"The Committee therefore considers that the situation in Lithuania is not in conformity with Article 17§1 since corporal punishment is not explicitly prohibited in the home, in schools and in other institutions....

"The Committee considers that the situation in Lithuania is not in conformity with Article 17§1 of the Charter on the ground that corporal punishment is not explicitly prohibited in the home, in schools and in institutions."

### ***European Committee of Social Rights***

(March 2005, Conclusions 2005)

"The Committee notes that the Criminal Code, which was applicable until 1 May 2003, envisaged penal liability for violence against minors. The Committee notes that according to the Act on Fundamentals of Protection of the Rights of the Child, a child can be taken away from the parents in case of abuse or violence of the child. The Committee asks that the next report clarify whether corporal punishment is prohibited in schools and institutions.

"From another source, the Committee notes that corporal punishment within the family is not prohibited and it further notes that the UN Committee on the Rights of the Child has recommended that the Lithuanian Government adopt legislation to explicitly prohibit all forms of corporal punishment of children within the family. The Committee recalls that Article 17 of the Revised Charter 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 must be provided for in legislation and combined with adequate sanctions in penal or civil law. Therefore, it considers that since there is no prohibition in legislation of corporal punishment within the family, the situation in Lithuania is not in conformity with Article 17 of the Revised Charter.

...

"The Committee concludes that the situation in Lithuania is not in conformity with Article 17.1 of the Revised Charter on the ground that corporal punishment of children is not prohibited within the family."

## Prevalence/attitudinal research in the last ten years

In a 2013 opinion poll that involved a nationally representative sample of more than 1,000 18-75 year olds, 54.2% said they had physically punished their children; 45.5% thought all corporal punishment should be prohibited.

(Reported in [www.DELFI.lt](http://www.DELFI.lt), 14 January 2013)

A study involving 500 people aged 15 and over found that 30% thought corporal punishment should never be used – a decrease from the 40% who thought this in a similar survey in 2005. Sixty-four per cent of parents said they had “smacked” their child, 53% beaten or hit them and 10% slapped their child on the face. These findings on whether parents had ever used these forms of corporal punishment were similar to those of a 2010 survey that asked identical questions.

(Nobody’s Children Foundation (2013), *The Problem of Child Abuse: Comparative Report from Six East European Countries 2010-2013*, Warsaw: Nobody’s Children Foundation)

As part of Save the Children’s 2011-2012 “Educate, Do Not Punish” project which aimed to protect children from corporal punishment, including through law reform, a study involving 1,004 parents, 540 children and 250 social workers and other professionals working with children and parents was carried out in 2012. More than four parents in ten (43.2%) said that a few times a year they slap their children, 17.5% embarrass and ridicule their children and 16% beat their child with an object. Children were asked about their reactions to corporal and other degrading punishment: they said they feel anger (38.7%), argue with adults (34.6%), laze about (25.5%) and have conflict with adults (24.2%). Nearly sixty per cent (59.6%) of parents thought corporal punishment is justified in some situations and 37.3% thought it should not be used; 23% supported prohibition of all corporal punishment, 44.2% were opposed to it.

(Save the Children Lithuania (2012), *The Situation of Invoking Corporal Punishment of Children in Lithuania: Study Summary*, Save the Children Lithuania)

In a 2008 survey of 1,143 10-15 year olds carried out by Save the Children, 48% said they had experienced physical punishment and 5% said they were “constantly” being physically punished; 29% believed physical punishment should never be used.

(Save the Children (2008), *Children’s interview on relations in their families*, cited in Durrant, J. & Smith, A. (2011), *Global Pathways to Abolishing Physical Punishment: Realizing Children’s Rights*, NY: Routledge)

Thirty-eight per cent of respondents to a 2009 survey of 500 15-74 year olds believed corporal punishment should never be used, 56% said it “should not be used in general but in certain situations it is justifiable” and 5% felt it was acceptable “if the parent believes that it will be effective”; 29% believed corporal punishment was experienced by more than 65% of children in Lithuania.

(Children support centre (2009), *Attitude towards physical punishment of children*, [www.canee.net/files/Omnibus%20research%20Lithuania%202009.pdf](http://www.canee.net/files/Omnibus%20research%20Lithuania%202009.pdf). 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)

A 2009 survey of 123 teachers in primary schools in Vilnius found that 64% believed corporal punishment is humiliating for the child and 59% believed it meant that “the parents are not good at rearing children”; 15% felt the use of “spanking” as a punishment would justify intervention by a third party. In an identical survey of a similar sample in 2005, 13% believed this. On average, respondents estimated that 42% of children in Lithuania experience spanking as punishment, compared to an average estimate of 58% in 2005.

(Children Support Centre and Nobody’s Children Foundation (2009), *Vilnius teachers’ attitudes toward child abuse*, [www.canee.net/files/Teachers%20studies%20Lithuania%202009.pdf](http://www.canee.net/files/Teachers%20studies%20Lithuania%202009.pdf). 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)