

# Progress towards prohibiting all corporal punishment in European Union member states



Global Initiative to  
End All Corporal Punishment  
of Children

Prepared by the Global Initiative to End All Corporal Punishment of Children ([www.endcorporalpunishment.org](http://www.endcorporalpunishment.org)),  
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The following table summarises the legal status of corporal punishment of children – and progress towards achieving prohibition – in all settings in all European Union member states. As at September 2010, 16 states have achieved full prohibition. In a further seven, governments have made a commitment to enacting full prohibition and/or draft legislation which would achieve full prohibition is under consideration in parliament. Four states have yet to make a commitment to law reform.

Please note: This information has been compiled from many sources, including reports to and by the United Nations human rights treaty bodies. Information in square brackets is unconfirmed. We are very grateful to government officials, UNICEF and other UN agencies, NGOs and human rights institutions, and many individuals who have helped to provide and check information. Please let us know if you believe any of the information to be incorrect: [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org).

<b>States with full prohibition in legislation</b>					
State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Austria	YES <sup>1</sup>	YES	YES	YES	YES
Bulgaria	YES <sup>2</sup>	YES	YES	YES	YES
Cyprus	YES <sup>3</sup>	YES	YES	YES	YES
Denmark	YES <sup>4</sup>	YES	YES	YES	YES
Finland	YES <sup>5</sup>	YES	YES	YES	YES
Germany	YES <sup>6</sup>	YES	YES	YES	YES
Greece	YES <sup>7</sup>	YES	YES	YES	YES
Hungary	YES <sup>8</sup>	YES	YES	YES	YES
Latvia	YES <sup>9</sup>	YES	YES	YES	YES
Luxembourg	YES <sup>10</sup>	YES	YES	YES	YES
Netherlands	YES <sup>11</sup>	YES	YES	YES	YES

<sup>1</sup> Prohibited in 1989 by section 146a of General Civil Code

<sup>2</sup> Prohibited in 2000 Child Protection Act (amended 2003) and 2003 Regulation on the Implementation of the Child Protection Act

<sup>3</sup> Prohibited in 1994 Violence in the Family (Prevention and Protection of Victims) Law, reiterated in 2000 Act on Violence in the Family; response to governmental questionnaire in UN Secretary General's Study on Violence against Children (August 2005) stated Children Law provides for "right to administer punishment", but this provision expected to be removed following review

<sup>4</sup> Prohibited in 1997 amendment to 1995 Parental Custody and Care Act

<sup>5</sup> Prohibited in 1983 Child Custody and Right of Access Act

<sup>6</sup> Prohibited in 2000 amendment to Civil Code

<sup>7</sup> Prohibited in 2006 Law 3500/2006 on the Combating of Intra-family Violence

<sup>8</sup> Prohibited in 2004 amendment to Hungarian Child Protection Act

<sup>9</sup> Prohibited in 1998 Children's Rights Protection Law

<sup>10</sup> Prohibited in 2008 Law on Children and the Family

<sup>11</sup> Prohibited in 2007 amendment to the Civil Code

<b>States with full prohibition (ctd)</b>					
State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Poland	YES <sup>12</sup>	YES	YES	YES	YES
Portugal	YES <sup>13</sup>	YES	YES	YES	YES
Romania	YES <sup>14</sup>	YES	YES	YES	YES
Spain	YES <sup>15</sup>	YES	YES	YES	YES
Sweden	YES <sup>16</sup>	YES	YES	YES	YES

<b>Prohibition by Supreme Court ruling</b>					
State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Italy	NO <sup>17</sup>	YES	YES	YES	YES

<b>States committed to full prohibition</b>					
State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Czech Republic <sup>18</sup>	NO	NO	YES	YES <sup>19</sup>	NO
Estonia <sup>20</sup>	NO	YES <sup>21</sup>	YES	YES <sup>22</sup>	NO
Ireland <sup>23</sup>	NO	YES	YES	YES	SOME <sup>24</sup>
Lithuania <sup>25</sup>	NO	YES <sup>26</sup>	YES	YES <sup>27</sup>	NO
Slovakia <sup>28</sup>	NO	YES <sup>29</sup>	YES	YES <sup>30</sup>	[YES]
Slovenia <sup>31</sup>	NO	YES	YES	YES <sup>32</sup>	SOME <sup>33</sup>

<sup>12</sup> Prohibited in 2010 amendment to the Family Code

<sup>13</sup> Prohibited in 2007 amendment to Penal Code

<sup>14</sup> Prohibited in 2004 Law on Protection and Promotion of the Rights of the Child

<sup>15</sup> Prohibited in 2007 amendment to Civil Code

<sup>16</sup> Prohibited in 1979 amendment to Parenthood and Guardianship Code

<sup>17</sup> 1996 Supreme Court ruling prohibited all violence in childrearing, but as at March 2010 not confirmed in legislation

<sup>18</sup> Government committed to prohibition; as at March 2008, prohibition was due to be considered by the Government Council for Human Rights

<sup>19</sup> But no explicit prohibition

<sup>20</sup> Government committed to prohibition and draft legislation which would prohibit in all settings was due to be submitted to government in April 2010

<sup>21</sup> But no explicit prohibition

<sup>22</sup> But no explicit prohibition

<sup>23</sup> Government has stated long-term commitment to prohibition but given no indication of timing

<sup>24</sup> Prohibited in pre-school settings except for childminders caring for children of relatives, children of same family or up to three children from different families; guidance advises against its use in foster care and residential care services but there is no prohibition in legislation

<sup>25</sup> Government stated its intention to introduce prohibition in law during January 2006 examination by the Committee on the Rights of the Child; proposed new legislation to prohibit was rejected in March 2010; a new initiative to amend the law to achieve prohibition was registered in Parliament in May 2010

<sup>26</sup> But no explicit prohibition

<sup>27</sup> But no explicit prohibition

<sup>28</sup> Government stated commitment to full prohibition in 2005; prohibition was expected to be included in new Family Code for public debate January/February 2007

<sup>29</sup> But no explicit prohibition

<sup>30</sup> But no explicit prohibition

<sup>31</sup> Government stated intention to explicitly prohibit in the home during 2004 drafting of domestic violence law; Family Law Bill which would prohibit in the home under discussion (2009)

<b>Others – prohibition incomplete and no commitment to reform</b>					
<b>State</b>	<b>Prohibited in the home</b>	<b>Prohibited in schools</b>	<b>Prohibited in penal system</b>		<b>Prohibited in alternative care settings</b>
			<b>As sentence for crime</b>	<b>As disciplinary measure</b>	
Belgium	NO	YES <sup>34</sup>	YES	YES	SOME <sup>35</sup>
France	NO <sup>36</sup>	NO <sup>37</sup>	YES	YES <sup>38</sup>	NO <sup>39</sup>
Malta	NO	YES <sup>40</sup>	YES	[YES]	NO
UK	NO <sup>41</sup>	YES	YES	YES <sup>42</sup>	SOME <sup>43</sup>

<sup>32</sup> But no explicit prohibition

<sup>33</sup> Prohibited in day care centres and residential schools

<sup>34</sup> But no explicit prohibition

<sup>35</sup> Prohibited in institutions and foster care by decrees in some communities; not prohibited in non-institutional childcare

<sup>36</sup> In January 2010, a private members bill which would prohibit in all settings (Bill 2244) was registered at the Presidency of the National Assembly

<sup>37</sup> 1889 High Court ruling allowed “right to correction” for teachers; 2000 ruling stated that habitual and non-educational corporal punishment not covered by this; see also previous note

<sup>38</sup> But no explicit prohibition; see also note 36

<sup>39</sup> See note 36

<sup>40</sup> But no explicit prohibition

<sup>41</sup> Scotland: 2003 Criminal Justice (Scotland) Act restricts common law defence by introducing concept of “justifiable assault” of children and defining blows to head, shaking and use of implements as unjustifiable; England and Wales: 2004 Children Act maintains “reasonable punishment” defence for cases of common assault; similar provision introduced in Northern Ireland by the 2006 Law Reform (Miscellaneous Provisions) (Northern Ireland) Order

<sup>42</sup> But no explicit prohibition in secure training centres

<sup>43</sup> Prohibited in residential care institutions and foster care arranged by local authorities or voluntary organisations, and in day care institutions and childminding in England and Wales and Scotland; guidance advises against the use of corporal punishment in day care institutions and childminding in Northern Ireland, but no prohibition in law; not prohibited in private foster care