

Recommendation 1666 (2004)¹

Europe-wide ban on corporal punishment of children

Parliamentary Assembly

1. The Parliamentary Assembly notes that, according to the European Committee of Social Rights, in order to comply with the European Social Charter and the Revised European Social Charter, member states must ban all forms of corporal punishment and any other forms of degrading punishment or treatment of children. Five member states fail to meet these requirements because they have not effectively prohibited all forms of corporal punishment. A collective complaints procedure has been lodged against five other member states on the same grounds.

2. The Assembly also notes that the European Court of Human Rights has found in successive judgments that corporal punishment violates children's rights as guaranteed under the European Convention on Human Rights. These decisions applied initially to corporal punishment in young offenders' institutions, then in schools, including private schools, and most recently within the family. Moreover, both the European Commission of Human Rights until 1998 and the Court have emphasised that banning all corporal punishment does not breach the right to private or family life or religious freedom.

3. The Assembly observes that all member states have ratified the United Nations Convention on the Rights of the Child, which requires them to protect children from all forms of physical or mental violence by adults while in their care. The Committee on the Rights of the Child, which monitors compliance with the Convention, has consistently interpreted the latter as requiring member states both to prohibit all forms of corporal punishment of children and to educate and inform the public on the subject.

4. The Assembly welcomes the current global initiative to end all corporal punishment of children and wishes to add its support to that already given by Unicef, Unesco, the United Nations High Commissioner for Human Rights, the Commissioner for Human Rights of the Council of Europe, the European Network of Ombudsmen for Children (ENOC) and numerous national and international human rights institutions and non-governmental organisations across Europe.

5. The Assembly considers that any corporal punishment of children is in breach of their fundamental right to human dignity and physical integrity. The fact that such corporal punishment is still lawful in certain member states violates their equally fundamental right to the same legal protection as adults. Striking a human being is prohibited in European society and children are human beings. The social and legal acceptance of corporal punishment of children must be ended.

6. The Assembly is concerned to note that, so far, only a minority of the forty-five member states has formally prohibited corporal punishment in the family and in all other contexts. While they have all banned corporal punishment in schools, including private schools and other educational institutions, this does not necessarily extend to residential and all other forms of childcare. Nor are such bans systematically and universally respected.

1. Assembly debate on 23 June 2004 (21st Sitting) (see [Doc.10199](#), report of the Social, Health and Family Affairs Committee, rapporteur: Ms Bargholtz). Text adopted by the Assembly on 23 June 2004 (21st Sitting). Text adopted by the Assembly on 23 June 2004 (21st Sitting).



7. The Assembly therefore invites the Council of Europe's Committee of Ministers to launch a co-ordinated and concerted campaign in all the member states for the total abolition of corporal punishment of children. The Assembly notes the success of the Council of Europe in abolishing the death penalty and the Assembly now calls on the Organisation to work in the same way to make Europe, as soon as possible, a corporal punishment-free zone for children.

8. It invites the Committee of Ministers and the other Council of Europe bodies concerned, as a matter of urgency, to establish strategies, including technical assistance, for achieving this objective in conjunction with member states, and in particular to:

8.1. heighten the awareness of children, those who live and work with them and the general public of the total ban on corporal punishment and other forms of humiliating, inhuman and degrading treatment of children;

8.2. ensure general awareness of children's fundamental rights, in particular their right to human dignity and physical integrity;

8.3. encourage positive, non-violent forms of child-rearing and conflict resolution among future and existing parents, all other people who care for children as well as the public at large;

8.4. offer children and young people the opportunity to express their views and be involved in planning and implementing activities to eradicate corporal punishment;

8.5. make sure that parents, particularly those experiencing difficulties with child-rearing, are offered the necessary advice and support;

8.6. offer children confidential advice, counselling and legal representation so that they can respond to violence against them;

8.7. guarantee effective and appropriate protection to children who are particularly vulnerable to harmful and humiliating punishment, such as disabled children and children in institutions or detention facilities;

8.8. ensure that corporal punishment and other harmful and humiliating forms of discipline inflicted on children are included in the definition of domestic or family violence and that strategies to combat the violent punishment of children form an integral part of strategies against domestic or family violence.

9. Finally, the Assembly invites the Committee of Ministers to recommend that the member states:

9.1. enact appropriate legislation prohibiting the corporal punishment of children, particularly within the family;

9.2. monitor the effectiveness of abolition through regular research into children's experience of violence at home, in school and elsewhere, the effectiveness of child protection services and parents' experience of and attitudes to violence against children;

9.3. ensure that the relevant judgments of the European Court of Human Rights and the conclusions of the European Committee of Social Rights are fully applied.