



Global Initiative to  
**End All Corporal Punishment  
of Children**

## **LITHUANIA**

### **BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 12<sup>th</sup> session, 2011**

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*Corporal punishment of children breaches their rights to respect for human dignity and physical integrity and to equal protection under the law. It is recognised by the Committee on the Rights of the Child and other treaty bodies, as well as by the UN Secretary General's Study on Violence against Children, as a highly significant issue, both for asserting children's status as rights holders and for the prevention of all forms of violence.*

*The Global Initiative to End All Corporal Punishment of Children ([www.endcorporalpunishment.org](http://www.endcorporalpunishment.org)) has been regularly briefing the Committee on the Rights of the Child on this issue since 2002, and since 2004 has similarly briefed the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights, and the Human Rights Committee. There is growing progress now across all regions in challenging this very common form of violence against children. But we are concerned that many States persist in ignoring treaty body recommendations to prohibit and eliminate all corporal punishment. We hope that the UPR Process will give particular attention to states' response, or lack of response, to the concluding observations from treaty bodies, on this and other key issues.*

*In June 2006, the Committee on the Rights of the Child adopted General Comment No. 8 on "The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment", which emphasises the immediate obligation on states parties to prohibit all corporal punishment of children, including within the home. Other treaty bodies, and regional human rights mechanisms, have condemned all corporal punishment. In October 2006, the report of the UN Secretary General's Study on Violence against Children was submitted to the General Assembly. It recommends universal prohibition of all corporal punishment as a matter of priority.*

### **Summary**

**This briefing describes the legality of corporal punishment of children in Lithuania despite the repeated recommendations of the Committee on the Rights of the Child and the findings of the European Committee of Social Rights. We hope the Review will highlight the importance of prohibiting all corporal punishment of children in all settings, including in the home and all forms of alternative care, and urge the Government to enact legislation to achieve this as a matter of priority.**

## **1 Legality of corporal punishment in Lithuania**

1.1 Corporal punishment is lawful in the **home**. Article 49(1) of the Law 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.” Provisions against violence and abuse in this Law and 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.

1.2 Under examination by the Committee on the Rights of the Child in 2006, the Government stated its intention to introduce a specific prohibition in law. In the same year, the Ministry of Social Security and Labour commissioned research by the Institute of Law which concluded that prohibition required amending the Civil Code and the Law on the Fundamentals of the Rights of the Child, rather than a separate law. In March 2010, a bill which would have explicitly prohibited all corporal punishment of children by amending article 49 of the Law on the Fundamentals of Protection of the Rights of the Child was rejected by parliament. A new bill was drafted and as at December 2010 was under consideration by parliament, but we have yet to confirm that it would explicitly prohibit all corporal punishment by parents.

1.3 In a 2009 survey of 500 15-74 year olds, 38% said they believed corporal punishment should never be used, 56% said it is sometimes justifiable, and 5% said it is acceptable “if the parent believes that it will be effective”; 29% believed that corporal punishment was experienced by more than 65% of children in Lithuania.<sup>1</sup> In 2008, a survey of 1,143 children aged 10-15 revealed that 48% had experienced corporal punishment.<sup>2</sup>

1.4 Corporal punishment is considered unlawful in **schools**, but there is no explicit prohibition. 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”. Article 49(2) of the Law 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 bill rejected by parliament in 2010 (see above) would have explicitly prohibited corporal punishment in schools. We do not know if explicit prohibition is included in the revised bill under consideration in December 2010.

1.5 In the **penal system**, corporal punishment is unlawful as a sentence for crime. It is not a permitted punishment under the Criminal Code, the Law on the Fundamentals of Protection of the Rights of the Child, the Criminal Code, the Code of Criminal Procedure and the Code of Serving Punishments (2002). It is considered unlawful as a disciplinary measure in penal institutions, but there is no explicit prohibition in law.

1.6 There is no explicit prohibition of corporal punishment in **alternative care settings**.

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<sup>1</sup> Children support centre (2009), *Attitude towards physical punishment of children*, 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

<sup>2</sup> Save the Children (2008), *Children’s interview on relations in their families*. Reported in Kromelyte, I. (2011), “Lithuania: Changing a Culture of Violence Towards Children”, in Durrant, J. E. & Smith, A. B. (eds) (2011), *Global Pathways to Abolishing Physical Punishment: Realizing Children’s Rights*, New York: Routledge, pp.146-153

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

2.1 The **Committee on the Rights of the Child** has twice recommended that Lithuania prohibit by law all corporal punishment of children, including in the home – in 2001 in its concluding observations on the state party’s initial report (CRC/C/15/Add.146, para. 26) and again in 2006 on the second report (CRC/C/LTU/CO/2, para. 38).

2.2 In 2005, the **European Committee of Social Rights** concluded that the situation in Lithuania is not in conformity with Article 17.1 of the Revised Charter because corporal punishment is not prohibited in the family (Conclusions 2005).

*Briefing prepared by the Global Initiative to End All Corporal Punishment of Children  
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