



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

## **SLOVAKIA**

### **BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 5<sup>th</sup> session, 2008**

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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, setting a goal of 2009.*

### **Summary**

**This briefing describes the legality of corporal punishment of children in Slovakia, despite the repeated recommendations of the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination Against Women. We hope the Review will highlight the importance of prohibition of corporal punishment of children, welcome the government's stated intention to enact full prohibition, including in the home, and strongly recommend that this is achieved as a matter of urgency.**

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

1.1 Corporal punishment of children is lawful in the **home**. There is no confirmation in legislation of a “right” to use corporal punishment, but provisions against violence and abuse in the Penal Code, the Civil Code and the Constitution are not interpreted as prohibiting all corporal punishment in childrearing. The government has stated its intention to prohibit corporal punishment in the home (2005).

1.2 Research by the Bratislava International Centre for Family Studies in 2000, involving 2,433 children aged 13-17, found that 40% had experienced corporal punishment.<sup>1</sup> Preliminary analysis of attitudinal research in 2002 involving 856 adults, found that 99% believed parents should be allowed to use a “smack on the buttock from time to time”, 75% believed parents should be allowed to use “occasional slaps”, and 42% felt that occasional beating with an implement was acceptable.<sup>2</sup>

1.3 Corporal punishment is considered unlawful in **schools** under the protection of human dignity in the Penal Code and the lack of provision for corporal punishment among permitted disciplinary measures in Act No. 569/2003, but there is no explicit prohibition.

1.4 In the **penal system**, corporal punishment is unlawful as a sentence for crime and as a disciplinary measure in penal institutions.

1.5 Corporal punishment is unlawful in **alternative care settings**.

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

The **Committee on the Rights of the Child** has twice recommended prohibition of corporal punishment in the home – in 2000 (CRC/C/15/Add.140, Concluding observations on initial report, para. 32) and in 2007 (CRC/C/SVK/CO/2, Concluding observations on second report, para. 37). In July 2008, following examination of the state party’s second to fourth report, the **Committee on the Elimination of Discrimination Against Women** expressed concern at the legality of corporal punishment of children in the home and recommended prohibition by law (CEDAW/C/SVK/CO/4 Advanced Unedited Version, paras. 20 and 21). In 2003, the **European Committee of Social Rights** concluded that the situation in Slovakia is not in conformity with article 17 of the European Social Charter because corporal punishment of children is not prohibited (*Conclusions XVI-2*).

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<sup>1</sup> International Centre for Family Studies (2002), “The children’s rights applying in the praxis. Preliminary survey report”, Bratislava: International Centre for Family Studies

<sup>2</sup> International Centre for Family Studies (2003), “The prevalence of violence in Slovakia”, Bratislava: International Centre for Family Studies