



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

## **SLOVENIA**

### **BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 7<sup>th</sup> session, 2010**

*From Peter Newell, Coordinator, Global Initiative*

[\*info@endcorporalpunishment.org\*](mailto:info@endcorporalpunishment.org)

*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 Slovenia, despite the repeated concerns and recommendations of human rights treaty monitoring bodies. We hope the Review will emphasise the importance of explicit prohibition of corporal punishment and urge the government to introduce legislation explicitly prohibiting all corporal punishment in all settings, including the home.**

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

1.1 Corporal punishment is lawful in the **home**. There is no legal defence for its use enshrined in law, but provisions against violence and abuse in the Constitution (1991), the Marriage and Family Relations Act (1989) and the Penal Code (1994, amended 1999) are not interpreted as prohibiting all corporal punishment in childrearing. In October 2004, the Government stated its intention to consider an explicit prohibition of corporal punishment of children within the family. As at January 2007, the draft of the new Family Act contained 12 articles concerning domestic violence and prohibited corporal punishment, but we have no up to date information. In 2008, a number of government officials signed the Council of Europe petition against all corporal punishment of children.

1.2 Corporal punishment is prohibited in **schools** under the Regulations on the Rights and Duties of Primary and Secondary School Pupils. It is unlawful in the **penal system** and in **alternative care settings**.

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

2.1 In 2004, in its concluding observations on the state party's second report, the **Committee on the Rights of the Child** recommended explicit prohibition of corporal punishment in the family (CRC/C/15/Add.230, paras. 40 and 41).

2.2 The **European Committee of Social Rights** has twice found the situation in Slovenia to be not in conformity with the Revised Social Charter because corporal punishment in the family is not prohibited in legislation (Conclusions 2005; Conclusions 2003).