

SLOVAKIA

BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 18th session, 2014

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

The legality and practice of corporal punishment of children violates their fundamental human rights to respect for human dignity and physical integrity and to equal protection under the law. Under international human rights law – the Convention on the Rights of the Child and other human rights instruments – states have an obligation to enact legislation to prohibit corporal punishment in all settings, including the home.

In Slovakia, some corporal punishment of children is lawful, despite the Government’s acceptance of recommendations to prohibit it in all settings made during the UPR in 2009, and the repeated recommendations of the Committee on the Rights of the Child and other treaty monitoring bodies.

We hope the Working Group will note with concern the legality of corporal punishment in Slovakia. We hope states will raise the issue during the review in 2014 and make a specific recommendation that legislation is enacted in Slovakia to explicitly prohibit corporal punishment of children in the home as a matter of priority.

1 The initial review of Slovakia by the Human Rights Council (2009)

1.1 Slovakia was examined in the first cycle of the Universal Periodic Review in 2009 (session 5). The issue of corporal punishment of children was included in the compilation of UN information¹ and in the summary of stakeholders’ information.² The following recommendations were made and were accepted by the Government:³

“Take further steps to ensure that the legislation on violence against women and girls is fully in line with international standards and includes prohibition of corporal punishment in the home (Sweden);

“Prohibit corporal punishment by law in all settings, including the home (Brazil)....”

¹ 16 March 2009, A/HRC/WG.6/5/SVK/2, Compilation of UN information, para. 18

² 19 February 2009, A/HRC/WG.6/5/SVK/3, Summary of stakeholders' views, para. 15

³ 5 June 2009, A/HRC/12/17, Report of the Working Group, paras. 89(40) and 89(42); 5 June 2009, A/HRC/12/50, Report of the Human Rights Council on its twelfth session, para. 650

- 1.2 Despite the Government's acceptance of the recommendations, today – as in 2009 – the law does not prohibit all corporal punishment of children in the home.
- 1.3 The near universal acceptance of a degree of violent punishment in childhood and deeply held views that parents and other adults have a “right” to physically punish children can challenge efforts to achieve prohibition. This situation also means that corporal punishment – at least to some degree – is typically not readily perceived as a violent act in the same way as, for example, sexual and other socially unacceptable forms of violence: prohibiting laws, as well as recommendations to enact them, are effective only when they explicitly refer to corporal punishment. **It is for these reasons that we respectfully urge members of the Working Group to specifically recommend prohibition of corporal punishment in the review of Comoros.**

2 Legality of corporal punishment in Slovakia

- 2.1 **Home (lawful):** Law reform to date has not yet fully prohibited corporal punishment in the home. Article 7(3) of Act No. 305/2005 Coll. On Social-Legal Protection of Children and Social Guardianship, as amended by Act No. 27/2009, states (unofficial translation): “By implementing measures according to this law, it is forbidden to use any form of corporal punishment of the child and other cruel or degrading forms of treatment and forms of chastisement of the child, which cause or may cause the child the physical or mental harm.” But this is interpreted as providing for state intervention only when corporal punishment reaches a certain degree of severity.
- 2.2 **Schools (unlawful):** Corporal punishment is explicitly prohibited in schools in article 3 of Act No. 245/2008 Coll. on Upbringing and Education (Education Act).
- 2.3 **Penal system – sentence for crime (unlawful):** There is no provision for judicial corporal punishment in criminal law.
- 2.4 **Penal system – disciplinary measure in penal institutions (unlawful):** Corporal punishment is considered unlawful under article 3(1) of the Act No. 475/2005 Coll. on the exercise of the confinement penalty, which prohibits cruel, inhuman or degrading forms of punishment or treatment.
- 2.5 **Alternative care settings (unlawful):** Corporal punishment is unlawful in all alternative care settings under article 7(3) of the Act No. 305/2005 Coll. as amended by Act No. 27/2009 (see above).

3 Recommendations by human rights treaty monitoring bodies

- 3.1 **CRC:** The Committee on the Rights of the Child has twice recommended prohibition of corporal punishment of children in Slovakia in the home and other settings – in the concluding observations on the state party's initial report in 2000⁴ and on the second report in 2007.⁵
- 3.2 **CEDAW:** In 2008, the Committee on the Elimination of Discrimination Against Women recommended prohibition of corporal punishment in the home in Slovakia.⁶

⁴ 23 October 2000, CRC/C/15/Add.140, Concluding observations on initial report, para. 32

⁵ 10 July 2007, CRC/C/SVK/CO/2, Concluding observations on second report, paras. 36 and 37

⁶ 18 July 2008, Part of A/63/38, Concluding observations on second-fourth report, paras. 34 and 35

3.3 **HRC:** The Human Rights Committee recommended that Slovakia put an end to corporal punishment in all settings in 2011.⁷

3.4 **ECSR:** The European Committee of Social Rights found in 2003 and again in 2012 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.⁸

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

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The Global Initiative to End All Corporal Punishment of Children has regularly briefed the Committee on the Rights of the Child on this issue since 2002, 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, and in 2011 began briefing the Committee on the Rights of Persons with Disabilities.

⁷ 20 April 2011, CCPR/C/SVK/CO/3, Concluding observations on third report, para. 12

⁸ 30 September 2003, Conclusions XVI-2, page 804; January 2012, Conclusions 2011