**BRIEFING FROM GLOBAL INITIATIVE**

**TO END ALL CORPORAL PUNISHMENT OF CHILDREN**

**BRIEFING FOR THE COMMITTEE ON THE RIGHTS OF THE CHILD**

**PRE-SESSIONAL WORKING GROUP – October 2011**

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**CYPRUS (third/fourth report – CRC/C/CYP/3-4)**

**Corporal punishment in the home**

Corporal punishment became unlawful in the home in 1994, under the Violence in the Family (Prevention and Protection of Victims) Law (1994) which prohibits “any unlawful act or controlling behaviour which results in direct actual physical, sexual or psychological injury to any member of the family” (article 3); this was interpreted as prohibiting all corporal punishment in childrearing. The provision was reiterated in the new Act on Violence in the Family adopted in 2000. However, the Children Law (1956) provides for “the right of any parent, teacher or other person having the lawful control or charge of the child to administer punishment to him” (article 54). Attention was drawn to this article in the Government’s reply to the questionnaire submitted as part of the UN Study on Violence against Children and the provision was expected to be repealed following review. However, it appears to be still in force. In June 2009 a new draft Law for the Welfare, Care and Protection of Children, intended to replace the Children Law and to harmonise domestic legislation with the Convention on the Rights of the Child, was expected to be submitted to the House of Representatives in 2010, but we have no further information.

**Corporal punishment outside the home**

Corporal punishment has been unlawful in **schools** since 1967 but we have no details of prohibiting legislation.

In the **penal system**, corporal punishment is unlawful as a sentence for crime under the Criminal Code and the Constitution (1960). It is unlawful as a disciplinary measure in penal institutions under the Rights of Detainees Law (2005), though we have yet to confirm that prohibition is explicit. In 2009 a new draft juvenile justice law was being prepared.

Corporal punishment is unlawful in **alternative care settings**. The prohibition of corporal punishment within the family (see above) applies to all persons with parental authority over children.

**In 2003, the Committee on the Rights of the Child recommended awareness raising measures to change public attitudes towards disciplining children and to support implementation of the prohibition (CRC/C/15/Add.205, Concluding observations on second report, para. 46). In 2006, the European Committee of Social Rights noted that the “right to administer punishment” was still in force in the Children Law and reserved its position on the situation in Cyprus pending further information (*Conclusions 2006, vol. 1*).**

**In light of the Committee’s General Comment No. 8 on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment” and the importance of eradicating this form of violence given by the UN Secretary General’s Study on Violence against Children, we hope the Committee will raise the issue in its List of Issues for Cyprus, in particular asking what measures have been taken to repeal article 54 of the Children Law and requesting details of legislation which prohibits corporal punishment in schools and other institutions. We hope the Committee will subsequently recommend that the “right to administer punishment” is removed from statute and that the Government of Cyprus ensures ongoing implementation of prohibition through sustained awareness raising and the promotion of positive, non-violent discipline.**

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

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