**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 – June 2011**

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**GREECE (second report – CRC/C/GRC/2-3)**

**Corporal punishment in the home**

Corporal punishment is prohibited in the **home**. Article 4 of Law 3500/2006 on the Combating of Intra-family Violence (in force 2007) states: “Physical violence against children as a disciplinary measure in the context of their upbringing brings the consequences of Article 1532 of the Civil Code.” Article 1532 of the Civil Code addresses abuse of parental authority. A press release announcing the new law, issued by the Greek Ombudsman (Department of Children’s Rights), confirmed that the effect of the law is to exclude corporal punishment from permissible disciplinary measures in childrearing. The prohibition followed a finding in 2005 by the European Committee of Social Rights under the Collective Complaints procedure of the European Social Charter that Greece was in violation of article 17 of the Charter because of the absence of explicit prohibition in law of corporal punishment of children within the family, in secondary schools and in other institutions and forms of childcare.

**Corporal punishment outside the home**

Corporal punishment is explicitly prohibited in **schools** in article 13 (8c) of Presidential Decree No. 201/1998 on the organisation and functioning of primary schools, and in secondary schools in article 21 of Law No. 3328/2005.

In the **penal system**, corporal punishment is unlawful as a sentence for crime under the Criminal Code and the Code of Criminal Procedure. It is also unlawfulas a disciplinary measurein penal institutions, but we have no details of prohibiting legislation.

With regard to **alternative care settings**, corporal punishment is prohibited in residential institutions in article 23 of the Ministerial Decision Γ2β/OK/8291 (1984), “Regulation of operation of state residential institutions for children”, and in day care institutions and nursery schools in article 14 of Ministerial Decision Π2β (1997), “Standard regulation of operation of municipal day care institutions and nursery schools”. Article 4 of the Law 3500/2006 on the Combating of Intra-family Violence also applies (see above).

**Prior to the achievement of prohibition of corporal punishment in all settings, including the home, relevant conclusions and recommendations on the issue had been made to Greece by the Committee on the Rights of the Child in 2002 (CRC/C/15/Add.170, Concluding observations on initial report, paras. 42 and 43), the Human Rights Committee in 2005 (CCPR/CO/83/GRC, Concluding observations on initial report, para. 16) and the European Committee of Social Rights in 2005 (*Conclusions XVII-2*, 2005; Resolution ResChS(2005)12, Collective complaint No. 17/2003 by the World Organisation against Torture (OMCT) against Greece, adopted by the Council of Ministers on 8 June 2005).**

**In light of the Committee on the Rights of the Child’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 on the Rights of the Child will now urge the Government of Greece to ensure that prohibition is fully implemented and monitored, including through appropriate public awareness raising and education campaigns and research to measure the impact of law reform on children’s everyday experiences of childrearing.**

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

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