

Human rights rulings: Ireland, Slovenia, Belgium and Czech Republic must prohibit all corporal punishment of children

The European Committee of Social Rights has found Ireland, Slovenia, Belgium and the Czech Republic in violation of the Revised European Social Charter

LONDON, ENGLAND, UNITED KINGDOM, May 29, 2015 /EINPresswire.com/ -- The European Committee of Social Rights has ruled that Ireland, Slovenia, Belgium and the Czech Republic are in violation of the European Social Charter due to a lack of prohibition of all corporal punishment of children.



We hope that the decisions will encourage governments in these states to take immediate action to reform their laws

Peter Newell

In the decisions released on Wednesday 27 May 2015 (Ireland and Slovenia) and today 29 May 2015 (Belgium and the Czech Republic), the Committee states that: "The European Committee of Social Rights notes that there is now a wide consensus at both the European and international

level among human rights bodies that the corporal punishment of children should be expressly and comprehensively prohibited in law". It recalls its consistent interpretation of the Charter as regards corporal punishment of children, laid down most recently in its 2006 decision on a complaint against Portugal, that to comply with Article 17 of the European Social Charter, states' domestic law must prohibit and penalise all forms of violence against children and that the relevant provisions must be sufficiently clear, binding and precise to preclude the courts from refusing to apply them to violence against children.

Corporal punishment of children is lawful in the family home in all four states. In Ireland, it is also lawful in foster care, residential care settings and some childminding services. In Slovenia, Belgium and the Czech Republic, it is lawful in some or all alternative care settings and day care settings, and the Czech Republic also lacks explicit prohibition in institutions for children in conflict with the law.

In the decisions the Committee notes that, when examining states' implementation of the Charter, it has repeatedly found that all four states are in violation of article 17 because they have not prohibited all corporal punishment. The decisions on Ireland and Belgium repeat the Committee's 2003 findings on complaints on the same issue. In the new decisions, the Committee notes that there have been no legislative developments on the issue since the earlier findings.

"These decisions against Ireland, Slovenia, Belgium and the Czech Republic reinforce the human rights obligations of these states to explicitly prohibit all corporal punishment of children. In the case of Ireland and Belgium, these repeated findings by the Committee highlight that there have been no developments towards ensuring children's legal protection from corporal punishment in the past 12 years. We hope that the decisions will encourage governments in these states to take immediate action to reform their laws to afford children legal protection from all violent punishment, in the family home and elsewhere" said Peter Newell, Coordinator of the Global Initiative to End All Corporal

Punishment of Children.

Background information

The European Social Charter is a Council of Europe (not European Union) treaty adopted in 1961, gradually being replaced by the Revised European Social Charter which came into force in 1999. Forty-three of the 47 Council of Europe member states have ratified one or both of the treaties.

The European Committee of Social Rights monitors implementation of the Charters, and under the 1995 Additional Protocol providing for a system of Collective Complaints, the Committee can examine and make decisions on complaints of violations.

Article 17 of the Charter, on the right of children and young persons to social, legal and economic protection, requires states to protect children and young persons against negligence, violence or exploitation.

The complaints were lodged by the Association for the Protection of All Children (APPROACH) Ltd in 2013.

Globally, 46 states have prohibited corporal punishment of children in all settings including the family home – 28 of these are Council of Europe member states. Details of the legality of corporal punishment of children across the Council of Europe are available at:

<http://www.endcorporalpunishment.org/pages/docs/Council%20of%20Europe%20progress%20table.docx>.

Detailed reports on the legality of corporal punishment in Ireland, Slovenia, Belgium and the Czech Republic are available at: www.endcorporalpunishment.org.

Full details of the decisions and other documents relating to the complaints are available at: http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/Complaints_en.asp

For all media enquiries, please contact Triona at the Global Initiative to End All Corporal Punishment of Children: triona@endcorporalpunishment.org.

Triona Lenihan
Global Initiative to End All Corporal Punishment of Children
email us here
+447951680444

This press release can be viewed online at: <http://www.einpresswire.com>

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