

BRIEFING FROM GLOBAL INITIATIVE TO END ALL CORPORAL PUNISHMENT OF CHILDREN

BRIEFING FOR THE COMMITTEE AGAINST TORTURE PRE-SESSIONAL WORKING GROUP – Oct/Nov 2006

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Corporal punishment is lawful in the **home**, though the right of paternal punishment in the Civil Code was abolished in 1939. The government has stated its intention to prohibit but we have no information regarding progress towards legal reform. Children have limited legal protection from violence under the Penal Code. A public opinion survey in 1993 found that of 508 parents questioned, 49% considered that corporal punishment was a useful way of disciplining children, 29% felt that it was not very useful but that it didn't do any harm, and 22% believed that it should be forbidden.¹

Corporal punishment is prohibited in **schools** and in the **penal system**, but there is no explicit prohibition in **alternative care contexts**.

Following its examination of the state party's second report in 2005, the **Committee on the Rights of the Child** regretted the insufficient progress in relation to its previous concerns about "the absence of a provision prohibiting corporal punishment within the family and in care institutions" (CRC/C/15/Add.250, para. 6) and recommended again that the state party "introduce a provision expressly prohibiting corporal punishment within the family, and ... strengthen its efforts to raise awareness among parents and care-givers of alternative non-violent forms of discipline" (para. 39).

¹ Poll carried out by Fondation Kannerschlass and Institut Luxembourgeois de Recherches Statistiques, 1993