

**BRIEFING FROM GLOBAL INITIATIVE**  
**TO END ALL CORPORAL PUNISHMENT OF CHILDREN**

**BRIEFING ON SLOVENIA FOR THE COMMITTEE AGAINST TORTURE**

**STATE EXAMINATION – May/June 2011**

*From Peter Newell, Coordinator, Global Initiative*

[info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org)

**SLOVENIA (third report – CAT/C/SVN/3)**

Corporal punishment is lawful in the **home**. Provisions against violence and abuse in the Criminal Code (1994), the Constitution (1991) and the Marriage and Family Relations Act (1989) are not interpreted as prohibiting all corporal punishment in childrearing. As at March 2011, a Draft Family Code was under discussion in parliament, article 7 of which would prohibit corporal punishment of children by parents and all other persons.

Corporal punishment is prohibited in **schools** under the School Inspectorate Act (1996) and the Regulations on the Rights and Duties of Primary and Secondary School Pupils.

In the **penal system**, corporal punishment is unlawful as a sentence for crime: it is not a permitted sentence under the Criminal Code and the Act on Offences (2002). It is considered unlawful as a disciplinary measure in penal institutions under the Constitution and the Criminal Code but there is no explicit prohibition. It would be explicitly prohibited in the Draft Family Code.

In **alternative care settings**, corporal punishment is unlawful in educational day care centres and residential school institutions, but there appears to be no explicit prohibition in other forms of alternative care such as foster care. The Draft Family Code would explicitly prohibit it in all settings.

In 2004, the **Committee on the Rights of the Child** expressed concern that corporal punishment was not prohibited in the home and recommended that Slovenia enact legislation to explicitly prohibit it (CRC/C/15/Add.230, Concluding observations on second report, paras. 40 and 41). In 2005, the **European Committee of Social Rights** found the situation in Slovenia to be not in conformity with article 17 of the Revised Social Charter because corporal punishment is not prohibited in the family (*Conclusions 2005*). The Committee made the same finding in 2003 (*Conclusions 2003*, Vol. 1).

Slovenia was examined under the **Universal Periodic Review** process in 2010. The Government accepted the recommendations to prohibit all corporal punishment of children.

**We hope the Committee Against Torture will commend the Government of Slovenia for actively considering draft legislation which would prohibit corporal punishment by parents and all other persons and recommend that the new law be passed and implemented as a matter of priority.**

*Briefing prepared by the Global Initiative to End All Corporal Punishment of Children*  
[www.endcorporalpunishment.org](http://www.endcorporalpunishment.org); [info@endcorporalpunishment.org](mailto:info@endcorporalpunishment.org)  
*April 2011*