



Global Initiative to  
**End All Corporal Punishment  
of Children**

## **BRIEFING ON LITHUANIA FOR THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, PRESESSIONAL WORKING GROUP – Oct 2013**

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### **The human rights obligation to prohibit corporal punishment – a key strategy in eliminating all forms of violence**

The legality and practice of corporal punishment of girls breaches their fundamental rights to respect for their human dignity and physical integrity, to equality under the law and to protection from all forms of violence – rights guaranteed in the Convention on the Elimination of All Forms of Discrimination Against Women and other international human rights instruments. There are strong links between corporal punishment of children – girls and boys – and all other forms of violence, including gender-based violence. As the Committee on the Rights of the Child emphasised in its General Comment No. 8 (2006), addressing corporal punishment is “a key strategy for reducing and preventing all form of violence in societies”.

The near universal acceptance of a degree of violent punishment in childhood and deeply held views that parents and other adults have a “right” to physically punish children can challenge efforts to achieve prohibition. This situation also means that corporal punishment – at least to some degree – is typically not readily perceived as a violent act in the same way as, for example, sexual and other socially unacceptable forms of violence. Physical violence against girls and boys in their own home is typically assumed not to be domestic violence because it is inflicted under the guise of “discipline” or “correction” – a rationale totally unacceptable when the victim is an adult woman. **It is for these reasons that we respectfully urge the Committee on the Elimination of Discrimination Against Women to specifically recommend that corporal punishment be prohibited in the home and all settings.**

**This briefing describes the legality of corporal punishment of children in Lithuania. In light of General Recommendation No. 19 on Violence against women (1992), the links between corporal punishment of children and all other forms of violence including gender-based violence, and the recommendations of treaty monitoring bodies and during the UPR, we hope the Committee on the Elimination of Discrimination Against Women will:**

- **raise the issue of corporal punishment of girls in its List of Issues for Lithuania, asking what progress has been made towards prohibiting and eliminating corporal punishment in all settings, including the home, and**
- **recommend to Lithuania, in the concluding observations on the fifth state party report, that corporal punishment is explicitly prohibited in all settings, including the home, as a matter of priority.**

## 1 The state party's report to CEDAW

- 1.1 The fifth state report of Lithuania to CEDAW (CEDAW/C/LTU/5) includes information concerning violence against women but makes no reference to corporal punishment – violence inflicted on girls and boys in the guise of discipline in childrearing and education.

## 2 The legality and practice of corporal punishment of children in Lithuania

- 2.1 *Summary*: In Lithuania, corporal punishment is unlawful in schools, including preschool provision, and in the penal system but it is lawful in the home and alternative care settings. The Government has expressed a commitment to prohibition in all settings and a Bill which would achieve this is expected to subject to a final vote in parliament in autumn 2013.
- 2.2 *Home (lawful)*: Article 49.1 of the Law on the Fundamentals of Protection of the Rights of the Child 1996 states: “Parents and other legal representatives of the child may appropriately, according to their judgment, discipline the child, for avoiding to carry out his duties and for disciplinary infractions, with the exception of physical and mental torture, other cruel behaviour and the humiliation of the child’s honour and dignity.” This protects children only from corporal punishment of some severity. Research by Save the Children Lithuania published in 2012 found that 43% of parents surveyed reported slapping their child “a few times a year”, 16% admitted to beating their child with an implement.<sup>1</sup> A survey of 10-15 year olds in 2008 found that 48% had been physically punished.<sup>2</sup>
- 2.3 Under examination by the Committee on the Rights of the Child in 2006, the Government stated that legislation was being drafted to prohibit corporal punishment.<sup>3</sup> In the same year, the Ministry of Social Security and Labour commissioned research by the Institute of Law which concluded that prohibition required amendments to the Civil Code and the Law on the Fundamentals of the Rights of the Child, rather than a separate law. In March 2010, a bill which would have explicitly prohibited all corporal punishment of children by amending article 49 of the Law on the Fundamentals of Protection of the Rights of the Child was rejected by Parliament. The Government accepted the recommendation to prohibit corporal punishment in the home made during the Universal Periodic Review of Lithuania in 2011.<sup>4</sup> A Bill which would achieve prohibition in all settings has been under discussion in Parliament and is expected to be subject to a final vote in autumn 2013.
- 2.4 *Alternative care settings (lawful)*: There is no explicit prohibition of corporal punishment in alternative care settings: corporal punishment is lawful as for parents (see para. 2.2).
- 2.5 *Day care (partial prohibition)*: Corporal punishment is unlawful in preschool provision under education law (see under “Schools”) but it is not explicitly prohibited in other early childhood care and in day care for older children.
- 2.6 *Schools (unlawful)*: Corporal punishment is considered unlawful in schools, but there is no explicit prohibition. Article 25 of the Law on Education 1991 states that “parents, guardians, and teachers who do not carry out their responsibilities, or who cause physical, psychological, or moral harm to their pupils, shall be accountable in accordance with the procedures established by law”. Article 49.2 of the Law on the Fundamentals of Protection of the Rights of the Child 1996 does not include corporal punishment among the disciplinary measures permitted in education institutions.

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<sup>1</sup> Save the Children Lithuania (2012), *The Situation of Invoking Corporal Punishment of Children in Lithuania: Study Summary*, Save the Children Lithuania

<sup>2</sup> Save the Children (2008), *Children’s interview on relations in their families*. Reported in Kromelyte, I. (2011), “Lithuania: Changing a Culture of Violence Towards Children”, in Durrant, J. E. & Smith, A. B. (eds) (2011), *Global Pathways to Abolishing Physical Punishment: Realizing Children’s Rights*, New York: Routledge, pp.146-153

<sup>3</sup> 27 January 2006, CRC/C/SR.1103, Summary record, para. 11

<sup>4</sup> 19 December 2011, A/HRC/19/15, Report of the working group, para. 88(37)

2.7 *Penal institutions (unlawful)*: Corporal punishment is considered unlawful as a disciplinary measure in penal institutions, but there is no explicit prohibition in law.

2.8 *Sentence for crime (unlawful)*: Corporal punishment is unlawful as a sentence for crime. It is not a permitted punishment under the Criminal Code (article 90), the Law on the Fundamentals of Protection of the Rights of the Child 1996 (article 49.3), the Code of Criminal Procedure 2002 and the Code of Serving Punishments 2002.

### **3 Recommendations by human right treaty monitoring bodies and during the UPR**

3.1 *CRC*: The Committee on the Rights of the Child has twice recommended to Lithuania that all corporal punishment be prohibited, including in the home – in its concluding observations on the state party's initial report in 2001<sup>5</sup> and on the second report in 2006.<sup>6</sup>

3.2 *HRC*: In 2012, the Human Rights Committee recommended that Lithuania end corporal punishment in all institutional settings.<sup>7</sup>

3.3 *ECSR*: In 2005 and again in 2012, the European Committee of Social Rights concluded that the situation in Lithuania is not in conformity with the Revised European Social Charter because corporal punishment is not prohibited.

3.4 *UPR*: The Government accepted a recommendation to prohibit corporal punishment in the family made during the UPR of Lithuania in 2011.<sup>8</sup>

*Briefing prepared by the Global Initiative to End All Corporal Punishment of Children*  
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<sup>5</sup> 21 February 2001, CRC/C/15/Add.146, Concluding observations on initial report, paras. 25 and 26

<sup>6</sup> 17 March 2006, CRC/C/LTU/CO/2, Concluding observations on second report, paras. 8, 37 and 38

<sup>7</sup> 31 August 2012, CCPR/C/LTU/CO/3, Concluding observations on third report, para. 10

<sup>8</sup> 19 December 2011, A/HRC/19/15, Report of the working group, para. 88(37)