



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

BRIEFING ON LITHUANIA FOR THE COMMITTEE ON THE RIGHTS OF THE CHILD, PRESESSIONAL WORKING GROUP – October 2012

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This briefing describes the legality of corporal punishment of children in Lithuania. In light of the Committee’s General Comment No. 8 on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment”, its previous recommendations to Lithuania on the issue, the Government’s acceptance of the recommendations made during the UPR, 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 will:

- **in its List of Issues for Lithuania, raise the issue of corporal punishment of children, in particular asking what measures have been taken to ensure that legislation is enacted which would explicitly prohibit corporal punishment in all settings, including the home, schools and other institutions, and all forms of care?**
- **in its concluding observations on Lithuania’s third/fourth periodic report, recommend that legislation is enacted to achieve prohibition in all settings, including the home, as a matter of urgency, and that prohibition is enforced through appropriate public education and professional training on positive, participatory and non-violent forms of education and childrearing.**

1 Corporal punishment of children in Lithuania

1.1 In Lithuania, corporal punishment is unlawful as a sentence for crime. It is considered unlawful in schools and in penal institutions, but it is not explicitly prohibited in those settings. It is lawful in the home and in alternative care settings.

1.2 With regard to the **home**, 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.” Provisions against violence and abuse in this Law and in the Criminal Code (2000), the Constitution (1992), the Civil Code (2000), and the Code of Administrative Offences of the Republic of Lithuania (2002) are not interpreted as prohibiting all corporal punishment in childrearing.

1.3 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 states: “Disciplinary and educative enforcement measures: criticism, reprimand, severe reprimand, appropriate evaluation of behaviour and other enforcement means, established by laws, may be applied to a child for violations of internal order regulations of teaching and educative (care) institutions.”

1.4 In the **penal system**, corporal punishment is unlawful as a sentence for crime: there is no provision for judicial corporal punishment in criminal law. It is considered unlawful as a disciplinary measure in penal institutions, but there is no explicit prohibition in law.

1.5 There is no explicit prohibition of corporal punishment in **alternative care settings**.

1.6 In 2008, a survey of 1,143 children aged 10-15 found that almost half (48%) had experienced corporal punishment; 5% reported being constantly physically punished. A quarter of children (24%) reported being physically punished for talking back or lying to adults, 20% for smoking or drinking alcohol, and 16% for disobedience or non-compliance. Only 29% of children believed that corporal punishment should never be used.¹

2 Moves towards prohibition of all corporal punishment

2.1 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.² 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 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

¹ 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

² CRC/C/SR.1103, Summary record, para. 11

Parliament. A new bill was drafted and tabled in Parliament, but we have no further information. The Government accepted the recommendation to prohibit corporal punishment in the home made during the Universal Periodic Review in 2011.³

3 Recommendations by human rights treaty bodies and during the UPR

3.1 The **Committee on the Rights of the Child** has twice recommended that corporal punishment be prohibited in the home in Lithuania – following examination of the state party's initial report in 2001⁴ and again in its concluding observations on the second report in 2006.⁵

3.2 In 2012, the **European Committee of Social Rights** concluded that the situation in Lithuania is not in conformity with article 17 of the Revised European Social Charter because corporal punishment of children is not explicitly prohibited in the home, in schools and in institutions.⁶ The Committee had previously found a lack of conformity due to the absence of prohibition of corporal punishment in the family in 2005.⁷

3.3 Lithuania was examined in the first cycle of the **Universal Periodic Review** in 2011. The following recommendation was made and was accepted by the Government: “Explicitly prohibit corporal punishment in the family and implement existing prohibitions (Romania)”.⁸

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³ 19 December 2011, A/HRC/19/15, Report of the Working Group, para. 88(37)

⁴ 21 February 2001, CRC/C/15/Add.146, Concluding observations on initial report, paras. 25 and 26

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

⁶ January 2012, Conclusions 2011

⁷ March 2005, Conclusions 2005

⁸ 19 December 2011, A/HRC/19/15, Report of the Working Group, para. 88(37)