1 The human rights obligation to prohibit corporal punishment

1.1 The legality and practice of corporal punishment of children breaches their fundamental rights to respect for their human dignity and physical integrity and to equal protection under the law, and the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment – rights guaranteed in the International Covenant on Civil and Political Rights and other international human rights instruments.

Ukraine achieved prohibition of all corporal punishment of children in 2003, complying in this respect with its obligations under international human rights law. The focus is now on ensuring the law is implemented and corporal punishment is eliminated in practice. We hope the Human Rights Committee will:

- raise the issue of corporal punishment of children in its List of Issues for Ukraine, in particular asking what measures have been taken to ensure that corporal punishment is eliminated in practice, and
- recommend to Ukraine, in its concluding observations on the state party’s seventh report, that the law is fully implemented, including through appropriate public education and professional training, the promotion of positive, participatory and non-violent forms of education and childrearing, and ongoing monitoring of the use of corporal punishment in all settings.
2 The law prohibiting corporal punishment of children in Ukraine

2.1 Corporal punishment of children in Ukraine is unlawful in all settings, including the home.

2.2 Article 150(7) of the Family Code (2003, in force 2004) explicitly prohibits all corporal punishment of children by parents: “Physical punishment of the child by the parents, as well as other inhuman or degrading treatment or punishment are prohibited.” The Law on Protection of Childhood (2001) states in article 10 (The right to protection from all forms of violence): “… Every child is guaranteed the right to liberty, personal security and dignity. Discipline and order in the family, education and other children’s facilities should be provided on the principles based on mutual respect, justice and without humiliation of the honour and dignity of the child…” (unofficial translation).

3 The prevalence and social acceptance of corporal punishment in Finland

3.1 Research reveals that children continue to be physically punished and there is some public support for its use. According to UNICEF, 70% of children aged 2-14 experienced physical punishment and/or psychological aggression in their homes in 2005-2006.\(^1\) Over a third (35%) of respondents to a 2009 survey of 1,501 parents said they believed corporal punishment should never be used, 51% said corporal punishment “should not be used in general but in certain situations it is justified” and 12% said corporal punishment “could be used”; 54% believed that corporal punishment was experienced by more than 50% of children in Ukraine.\(^2\) In a 2009 survey of 213 teachers in primary schools in Kiev, 74% said they believed that corporal punishment is humiliating for the child and that it means that “the parents are not good at rearing children”; 76% felt that the use of “spanking” as a punishment would justify intervention by a third party.\(^3\)

4 Recommendations by human rights treaty monitoring bodies

4.1 The Committee on the Rights of the Child, as well as recommending prohibition of corporal punishment when it examined the state party prior to the achievement of law reform in 2003, has repeatedly recommended that the Ukraine take measures to ensure the elimination of corporal punishment in practice – in 1995, 2002 and, most recently, in 2011.\(^4\)

4.2 In its conclusions in 2011, the European Committee of Social Rights noted the continued use of corporal punishment in childrearing in the Ukraine and requested further information regarding the scale of the problem and the measures taken to eliminate this violence in practice.\(^5\)

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children

www.endcorporalpunishment.org; info@endcorporalpunishment.org

July 2012

---

2 Child Well Being Fund Ukraine (2009), *Public opinion monitoring in Ukraine: July 2009*
3 Child Well Being Fund Ukraine & Nobody’s Children Foundation (2009), *Kiev teachers’ attitudes toward child abuse*
4 27 November 1995, CRC/C/15/Add.42, Concluding observations on initial report, paras. 14 and 29; 9 October 2002, CRC/C/15/Add.191, Concluding observations on second report, paras. 41 and 42; 21 April 2011, CRC/C/UKR/CO/3-4, Concluding observations on third/fourth report, paras. 41 and 42
5 January 2012, Conclusions 2011