



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

**BRIEFING ON SLOVENIA 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 Slovenia. 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 Slovenia 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 Slovenia, raise the issue of corporal punishment of children, in particular asking what measures have been taken to ensure that prohibition is enacted following the referendum in which the Family Code Bill was rejected?**
- **in its concluding observations on Slovenia’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 Slovenia

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

1.2 With regard to the **home**, there is no legal defence in written law for the use of corporal punishment by parents but provisions against violence and abuse in the Criminal Code (2008), the Constitution (1991), the Marriage and Family Relations Act (1989) and the Family Violence Prevention Act (2008) are not interpreted as prohibiting all corporal punishment in childrearing.

1.3 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.

1.4 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.

1.5 In relation to **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.

## 2 Moves towards prohibition of all corporal punishment

2.1 In 2004, the Government stated its intention to consider an explicit prohibition of corporal punishment of children within the family. In 2008, a number of government officials signed the Council of Europe petition against all corporal punishment of children. In 2011, a Family Code Bill, article 7 of which would prohibit corporal punishment of children by parents and all other persons, was under discussion. However, in 2012 the Bill was rejected by voters. A conservative group called the “Civil Initiative for the Family and the Rights of Children” opposed the provisions in the Bill relating to same-sex partnerships and gathered enough signatures to force a referendum on the law. The referendum was held on 25 March 2012: voter turnout was 30.31%, 54.55% of which voted against the law.

## 3 Recommendations by human rights treaty bodies and during the UPR

3.1 In 2004, the **Committee on the Rights of the Child** expressed concern at corporal punishment of children in Slovenia and recommended law reform to prohibit it in the family.<sup>1</sup>

3.2 In 2011, the **Committee Against Torture** recommended that the state party “accelerate the adoption of the draft Marriage and Family Act, which prohibits corporal punishment of children in the home”.<sup>2</sup>

3.3 The **European Committee of Social Rights** has on three occasions concluded that the situation in Slovenia is not in conformity with article 17 of the Revised European Social

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<sup>1</sup> 26 February 2004, CRC/C/15/Add.230, Concluding observations on second report, paras. 40 and 41

<sup>2</sup> 20 June 2011, CAT/C/SVN/CO/3, Concluding observations on third report, para. 15

Charter because corporal punishment is not prohibited in the home – in 2003,<sup>3</sup> in 2005<sup>4</sup> and most recently in 2012.<sup>5</sup>

3.4 Slovenia was examined in the first cycle of the **Universal Periodic Review** in 2010. The following recommendation was made: “To adopt the latest draft amendments to the Marriage and Family Relations Act that equalize same-sex unions and other family unions and ban the corporal punishment of children (Norway)”. The Government accepted the recommendation.<sup>6</sup>

*Briefing prepared by the Global Initiative to End All Corporal Punishment of Children*  
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<sup>3</sup> 1 October 2003, Conclusions 2003 Vol. 1, page 511

<sup>4</sup> March 2005, Conclusions 2005

<sup>5</sup> January 2012, Conclusions 2011

<sup>6</sup> 23 March 2010, A/HRC/14/15/Add.1, Report of the Working Group: Addendum