

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

**ESTONIA (third report – CCPR/C/EST/3)**

Corporal punishment is lawful in the **home**. The Child Protection Act (1992) states that every child “shall at all times be treated as an individual with consideration for his or her character, age and sex. It is prohibited to humiliate, frighten or punish the child in any way which abuses the child, causes bodily harm or otherwise endangers his or her mental or physical health” (article 31.1), but this and provisions against violence and abuse in the Family Law Act (1994), the Code of Administrative Offences, the Penal Code (2002) and the Constitution (1992) are not interpreted as prohibiting all corporal punishment in childrearing. The government has stated its commitment to prohibition and draft legislation which would prohibit in all settings was due to be submitted to parliament at the end of 2008, but we have no further information.

Corporal punishment is considered unlawful in **schools** under the prohibition of physical violence in article 40.1 of the Child Protection Act, but there is no explicit prohibition.

In the **penal system**, corporal punishment is unlawful as a sentence for crime. It is considered unlawful as a disciplinary measure in penal institutions under provisions protecting the dignity of detainees in the Child Protection Act (article 37) and the Code of Criminal Procedure (article 9(3)), but there is no explicit prohibition.

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

In 2003, the **Committee on the Rights of the Child** recommended that the state party prohibit by law all corporal punishment of children in the family, schools and institutions (CRC/C/15/Add.196, Concluding observations on initial report, para. 31). In 2005, the **European Committee of Social Rights** concluded that the situation in Estonia is not in conformity with article 17 of the Revised Social Charter because corporal punishment of children is not prohibited within the family (*Conclusions 2005*).

**We hope the Committee will question Estonia in detail on progress made since its commitment to prohibit all corporal punishment of children in the home and in alternative care settings and recommend that the State Party complete prohibition of corporal punishment in all settings, and that they support this with appropriate public education and professional training on positive, participatory and non-violent forms of discipline.**