



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

## **ITALY**

### **BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 7<sup>th</sup> session, 2010**

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*Corporal punishment of children breaches their rights to respect for human dignity and physical integrity and to equal protection under the law. It is recognised by the Committee on the Rights of the Child and other treaty bodies, as well as by the UN Secretary General's Study on Violence against Children, as a highly significant issue, both for asserting children's status as rights holders and for the prevention of all forms of violence.*

*The Global Initiative to End All Corporal Punishment of Children ([www.endcorporalpunishment.org](http://www.endcorporalpunishment.org)) has been regularly briefing the Committee on the Rights of the Child on this issue since 2002, and since 2004 has similarly briefed the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights, and the Human Rights Committee. There is growing progress now across all regions in challenging this very common form of violence against children. But we are concerned that many States persist in ignoring treaty body recommendations to prohibit and eliminate all corporal punishment. We hope that the UPR Process will give particular attention to states' response, or lack of response, to the concluding observations from treaty bodies, on this and other key issues.*

*In June 2006, the Committee on the Rights of the Child adopted General Comment No. 8 on "The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment", which emphasises the immediate obligation on states parties to prohibit all corporal punishment of children, including within the home. Other treaty bodies, and regional human rights mechanisms, have condemned all corporal punishment. In October 2006, the report of the UN Secretary General's Study on Violence against Children was submitted to the General Assembly. It recommends universal prohibition of all corporal punishment, setting a goal of 2009.*

### **Summary**

**This briefing describes the legality of corporal punishment of children in Italy, where a 1996 Supreme Court ruling against corporal punishment in the home has still not been confirmed in legislation, despite the repeated concerns of human rights treaty monitoring bodies. We hope the Review will emphasise the importance of legal prohibition of corporal punishment and urge the government to introduce legislation confirming the prohibition of all corporal punishment in childrearing, as a matter of urgency.**

## **1 Legality of corporal punishment in Italy**

1.1 Corporal punishment is unlawful in the **home** according to a 1996 Supreme Court judgment<sup>1</sup> which ruled that corporal punishment is not a legitimate method of discipline and is therefore not defensible under the right of correction (*jus corrigenda*) in article 571 of the Criminal Code. However, despite a number of Bills being proposed over the years which would repeal or amend article 571, the prohibition has not been confirmed in legislation. In 2008, three members of parliament signed the Council of Europe's petition against all corporal punishment of children.

1.2 In a large scale survey in 1999-2000 of families of children aged 3-12 years, 77% of caretakers stated that they had thrown something at the child, pushed, grabbed or shoved the child, or slapped/spanked the child during the survey year. Eight per cent of children had experienced more severe forms of physical punishment during the same period.<sup>2</sup> In 2004, telephone interviews with over 1,000 people aged 14 and over found that 69% believe it is acceptable for parents to smack their children, including 7% who believe it is always acceptable and 62% who believe there are some circumstances in which it is acceptable.<sup>3</sup>

1.3 Corporal punishment is unlawful in **schools**, the **penal system** and **alternative care settings**. But an inspection by the Council of Europe's Committee for the Prevention of Torture of the penal institution for minors in Naples found that staff believed in and administered slaps to the child detainees, for their "educational function".<sup>4</sup>

## **2 Recommendations by human rights treaty monitoring bodies**

2.1 In 1995, in its concluding observations on the state party's initial report, the **Committee on the Rights of the Child** recommended that "a ban on corporal punishment within the family, be reflected in the national legislation" (CRC/C/15/Add.41, para. 20).

2.2 The **European Committee of Social Rights** has three times requested clarification of the legal situation regarding corporal punishment in the home (2007, *Conclusions XVIII-1 vol. 2*; 2003, *Conclusions 2003 vol.1*; 2001, *Conclusions XV-2 vol. 1*).

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<sup>1</sup> Judge Ippolito, Supreme Court of Cassation, 18 March 1996

<sup>2</sup> Bardi, M. & Borgognini-Tarli, S. A. (2001), "A survey of parent-child conflict resolution: intrafamily violence in Italy", *Child Abuse & Neglect*, vol. 25, pp.839-853

<sup>3</sup> Market & Opinion Research International (2004), "Attitudes towards smacking children: Italy", Research conducted for the Association for the Protection of All Children

<sup>4</sup> Cecchetti, R. & Boffi, A. (2002), *Rights of the Child in Italy: Report on the implementation of the Convention of the Rights of the Child*, Switzerland: World Organisation against Torture