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Collective Complaint 17/2003 under the Revised Social Charter against Greece

Written question No 494 to the Committee of Ministers

Reply from the Committee of Ministers
adopted at the 974th meeting of the Ministers' Deputies (27 September 2006)

I. Written Question No. 494 by Mme Bargholtz (Doc. 10953)

In a decision first reported to the Committee of Ministers in January 2005 and made public in May 2005, the European Committee of Social Rights concluded, in relation to Collective Complaint no. 17/2003 against Greece, that there was a violation of Article 17 of the Revised Charter.

The Committee noted that its case-law is to the effect that the prohibition of all forms of violence must have a legislative basis. The prohibition must cover all forms of violence regardless of where it occurs or of the identity of the alleged perpetrator. Furthermore the sanctions available must be adequate, dissuasive and proportionate.

The Committee concluded that Greek legislation did not effectively prohibit all corporal punishment within the home, nor in secondary schools or in other institutions and forms of care for children.

Mrs Bargholtz

To ask the Committee of Ministers,

What action is the Committee of Ministers taking to ensure that children in Greece are effectively protected from all corporal punishment in the home, in secondary schools and in other institutions and forms of care for children, as required by the Revised Social Charter?

In view of the fact that this decision concerns the basic protection of the rights of children, whom the human rights mechanisms of the Council of Europe have recognized as particularly vulnerable, what action does the Committee of Ministers propose to take to expedite action?

II. Reply by the Committee of Ministers

1. The Committee of Ministers wishes to inform the Honourable Parliamentarian that on 8 June 2005, it adopted Resolution ResChS(2005)12 in relation to Collective complaint No. 17/2003 introduced by the World Organisation against Torture (OMCT) against Greece. In this resolution, having regard to the report transmitted by the European Committee for Social Rights (ECSR) containing its decision, in which the latter found that lack of an adequate prohibition of corporal punishment of children within the home, in secondary school and in other institutions and forms of care for children constitutes a violation of Article 17 of the European Social Charter, as well as the information communicated by the Greek delegation during the 924th meeting (20 April 2005) of the Ministers' Deputies, it took note of the establishment within the Ministry of Justice of a special drafting Commission charged with elaborating a draft law on the prohibition of all forms of corporal punishment within the family. The Committee also noted the adoption of Law No. 3328/2005 which in Article 21 explicitly prohibits corporal punishment of students in secondary schools as

well as the decision of the Ministry of Health and Social Solidarity to proceed towards a harmonisation of the legislation in force in order to explicitly prohibit corporal punishment in all institutions and forms of care for children. The Committee of Ministers furthermore noted the circular issued by the Ministry of Health and Social Solidarity on 15 December 2004, addressed to all institutions and forms of care for children, stipulating that any form of corporal punishment against children in these institutions is prohibited. Finally, it took note of the establishment of an ad hoc informal network for the prevention and suppression of corporal punishment against children comprising all competent Ministries, the Office of the Greek Ombudsman, the National Council for Social Care, the Institute of Child Health as well as independent experts. The objective of this network is to ensure the legal prohibition of all forms of corporal punishment of children and awareness raising to guarantee that the prohibition is respected in practice.

2. In the framework of the reporting system provided for under the Charter, states are invited to provide information on developments following the decision on the complaint. The ECSR will examine any developments and decide whether the situation is in conformity with the Charter.

3. The Committee of Ministers has been informed by the Greek authorities that draft legislation prohibiting all forms of violence within the family has been submitted to parliament.

4. Finally, the Committee of Ministers draws the attention of the Honourable Parliamentarian to the Council of Europe three-year action programme "Building a Europe for and with Children" (2006-2008), which was launched at a conference organised in Monaco in April this year. This programme aims, *inter alia*, at combating all forms of violence against children. Given that the member states of the Council of Europe have entered into numerous commitments under general human rights conventions and specific conventions on children's rights and that human rights treaties of the Council of Europe (as well as the UN Convention on the Rights of the Child) require states to prohibit and fight all forms of violence and ill-treatment of children, the programme will assist member states in fulfilling their obligations under such treaties. It will be done in particular by implementing integrated prevention policies and alerting professional circles and the general public to the problem. The programme will address all forms of violence, wherever it takes place (family, school, resident institutions, the community, media and cyberspace) with a special attention to fighting sexual abuse and corporal punishment. The programme will also focus on new forms of violence stemming from the use of the new information technologies, namely child pornography and grooming via Internet and mobile phones.