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.

Finland achieved prohibition of all corporal punishment of children in 1984, 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 Finland, in particular asking what measures have been taken to ensure that corporal punishment is eliminated in practice, and
- recommend to Finland, in its concluding observations on the state party’s sixth report, that the state party ensure full implementation of the legal prohibition of corporal punishment, 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.
The law prohibiting corporal punishment of children in Finland

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

2.2 Article 1.3 of the Child Custody and Right of Access Act (1983, effective 1984) states: “A child shall be brought up in the spirit of understanding, security and love. He shall not be subdued, corporally punished or otherwise humiliated. His growth towards independence, responsibility and adulthood shall be encouraged, supported and assisted.” The defence of “lawful chastisement” in the Criminal Code, which stated that petty assault was not punishable if committed by parents or others exercising their lawful right to chastise a child, was removed in 1969.

2.3 Corporal punishment has been prohibited in schools since 1914, reiterated in the Act on Primary Schools (1957) and the Act on Comprehensive Schools (1985).

The prevalence and social acceptance of corporal punishment in Finland

3.1 There have been many studies of the prevalence of, and attitudes towards, corporal punishment in Finland. They demonstrate a reduction in public support for corporal punishment and a decline in its use. For example, one study examined the prevalence of corporal punishment in 1988 and 2008. In 1988, around a quarter of the children had been smacked before age 14, and around a third had been whipped; in 2008, around 10% had experienced these types of punishment.1 An attitudinal survey in 2006 found a substantial decline in public support for corporal punishment compared with similar surveys in the 1980s – from more than half of men and 40% of women approving of corporal punishment in the earlier surveys to 30% of men and 20% of women in 2006.2

3.2 But studies also show that children continue to be physically punished and a minority continue to support the use of corporal punishment, demonstrating the need for ongoing efforts to eradicate this form of violence. A joint study carried out in the Nordic countries by UNICEF Finland found that 30% of secondary school children in Finland approve of the use of disciplinary violence.3 In a 2012 survey of 1,000 15-79 year olds, 97% were aware of the law prohibiting all corporal punishment; 10% of parents said corporal punishment was acceptable, 40% had pulled their child’s hair and 20% had slapped their child’s hand.4 An earlier nationwide survey of 1,000 people aged 15 to 79, commissioned by the Central Union of Child Welfare and conducted by the research company Taloustutkimus, found that one in four considered physical discipline of children to be acceptable at least in exceptional situations; 73% of women and 68% of men said they had sometimes used physical punishment.5

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4 Reported in Yle Uutiset, 16 May 2012
2004 survey of 6,160 teenagers aged 15-16, 46% reported having been physically punished by their parents during their lives, 7% in the past year.\(^6\)

4 Recommendations by human rights treaty monitoring bodies

4.1 The Committee on the Rights of the Child has twice recommended that Finland take measures to ensure the prohibition of corporal punishment of children is implemented. In 2000, the Committee recommended measures “to identify in a timely manner instances of violence against children within families, to intervene at an early stage, and to develop child-friendly programmes and services for prevention, treatment and rehabilitation with personnel specially trained to work with children”.\(^7\) In 2011, the Committee recommended “systematic awareness raising among adults and children, the promotion of appropriate positive, non-violent forms of discipline, continuous monitoring paying particular attention to parents of children requiring special support, parents having difficulties in their child rearing practices”.\(^8\)

4.2 Finland was examined in the second cycle of the Universal Periodic Review in 2012. In its national report, the Government drew attention, among other things, to its National Action Plan against Disciplinary Violence for 2010 to 2015 which aims to halve the infliction of corporal punishment on children by 2012, to support parents in developing non-violent disciplinary methods and to establish regular studies on disciplinary violence. During the review, the Government emphasised that corporal punishment is prohibited by law and there is “zero tolerance” to it in Finland. The Government accepted the recommendation to “Watch over the full implementation of laws that forbid corporal punishment in all settings through, among other measures, awareness-raising campaigns between adults and children, as well as the promotion of positive and non-violent forms of discipline that do not affect the upbringing of these children”.\(^9\)

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7 16 October 2000, CRC/C/15/Add.132, Concluding observations on second report, paras. 39 and 40

8 20 June 2011, CRC/C/FIN/CO/4 Advanced Unedited Version, Concluding observations on fourth report, paras. 5, 35 and 36

9 25 May 2012, A/HRC/WG.6/13/L6, Draft report of the Working Group, para. 89.35