



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

FINLAND – COUNTRY REPORT

Summary of necessary legal reform to achieve full prohibition

Corporal punishment is prohibited in all settings, including the home.

DETAILED COUNTRY REPORT

Legality of corporal punishment

Home

Corporal punishment is prohibited in the home. 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.

Schools

Corporal punishment has been prohibited in schools since 1914, reiterated in the Act on Primary Schools (1957) and the Act on Comprehensive Schools (1985). There is no provision for corporal punishment among permitted disciplinary measures in section 36 of the Basic Education Act (1998, amended 2003).

Penal system

Corporal punishment is unlawful as a **sentence for crime**. It is not available as a sanction under the Penal Code (1889) and the Act concerning Young Criminal Offenders (1940).

Corporal punishment is unlawful as a **disciplinary measure** in penal institutions, but we have no details of prohibiting legislation.

Alternative care

Corporal punishment is unlawful in alternative care settings under the Child Custody and Right of Access Act (see above).

Prevalence research

A study on violence experienced by Finnish children examined the prevalence of corporal punishment in 1988 and 2008. The study, published by the Police College of Finland, involved over 13,000 children aged 12-15. 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. There had been a clear reduction in all forms of corporal punishment and other parental violence against children in the past twenty years, with the most significant reduction in the "relatively mild forms of violence previously considered socially acceptable types of corporal punishment" (p. 160).¹

A 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 considers physical discipline of children to be acceptable at least in exceptional situations, representing an improvement from approval of corporal punishment by one in three in 2004. But the study found a

¹ Ellonen, N., Kääriäinen, J. Salmi, V. & Sariola, H. (2008), *Lasten ja nuorten väkivaltakokemukset. Tutkimus peruskoulun 6. - 9. luokan oppilaiden kokemasta väkivallasta*, Poliisiammattikorkeakoulun Raportteja 71/2008

high prevalence of corporal punishment, with 73% of women and 68% of men reporting that they had sometimes used physical punishment.²

An attitudinal survey in 2006 by the Central Union of Child Welfare 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 2006.³

In a 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.⁴

For research published more than ten years ago, see the research pages at www.endcorporalpunishment.org.

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

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

“The Committee also welcomes the adoption of policies and programmes, including:

a) the National Action Plan to reduce corporal punishment of children for the period of 2010-2015; ...

“The Committee welcomes the National Action Plan to eliminate corporal punishment of children for the period of 2010-2015. However it remains concerned that corporal punishment continues to be tolerated and used, particularly in the home.

“The Committee recommends that the State party ensure full implementation of the laws prohibiting corporal punishment in all settings, inter alia, through 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.”

Committee on the Rights of the Child

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

“Although the State party was the second State in the world to prohibit all corporal punishment of children in the family in its Child Custody and Rights of Access Act of 1983, the Committee is concerned at the number of cases of violence against children, including sexual abuse in their homes. It also regrets the lack of information on this phenomenon.

“The Committee recommends that the State party consider taking additional measures to prevent and, where this has not been possible, to identify in a timely manner instances of violence against children

² Reported in *Helsingin Sanomat*, International Edition, 28 September 2007

³ Sariola, H. (2006), “Väkivaltaa ei mielletä väkivallaksi” jos uhri on lapsi”, *Lastensuojelun Keskusliitto*, Central Union for Child Welfare, reported in Husa, S. (2011), “Finland: Children’s Right to Protection”, in Durrant, J. E. & Smith, A. (eds) (2011), *Global Pathways to Abolishing Physical Punishment: Realizing Children’s Rights*, New York: Routledge, pp. 122-133

⁴ Ellonen, N., Kivivuori, J. & Kääriäinen, J. (2007), “Lapset ja nuoret väkivallan uhreina. Lapsiin ja nuoriin kohdistuva väkivalta tilastojen ja kyselytutkimusten valossa”, *Poliisiammattikorkeakoulun tiedotteita 64/2007*, reported in Husa, S. (2011), “Finland: Children’s Right to Protection”, in Durrant, J. E. & Smith, A. (eds) (2011), *Global Pathways to Abolishing Physical Punishment: Realizing Children’s Rights*, New York: Routledge, pp. 122-133

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.”

European Committee of Social Rights

(2007, Conclusions XVIII-1, vol.1)

The Committee recalls that the situation, which was found to be in conformity with the charter, has not changed. The Child Custody and Right of Access Act (No. 361/1983) provides that a child must not be subdued, corporally punished or otherwise humiliated.

European Committee of Social Rights

(1 January 2001, Conclusions XV-2 vol. 1, pages 169-172)

“The Committee recalls that the Child Custody and Right of Access Act 1984 prohibits the abuse of children and that this includes the corporal punishment of children and other humiliating treatment....”

European Committee of Social Rights

(1 January 1996, Conclusions XIII-3, pages 386-387)

“As regards measures taken to prevent the ill-treatment of children, the report stated that corporal punishment under any circumstances had been prohibited since 1984....”

Universal Periodic Review

Finland was examined under the Universal Periodic Review process in 2008. Full prohibition of corporal punishment was achieved in 1983.

Report prepared by the Global Initiative to End All Corporal Punishment of Children

www.endcorporalpunishment.org; info@endcorporalpunishment.org

June 2011