

Corporal punishment of children in Denmark

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Child population 1,167,000 (UNICEF, 2015)



GLOBAL INITIATIVE TO

**End All Corporal
Punishment of Children**

Law reform has been achieved. Corporal punishment is unlawful in all settings, including the home.

Note: The Kingdom of Denmark is a unitary state, but in 1948 autonomy was granted to the Faroe Islands and in 1979 to Greenland. These both previously had the status of counties but are now Self-Governing Territories of Denmark which effectively have control over their own internal affairs. See separate country reports for Greenland and the Faroe Islands.

Prohibition of corporal punishment

Home

Denmark achieved prohibition of all corporal punishment of children in 1997, when prohibition was finally achieved in the home. In 1985, the Custody and Care Act was amended to state that parents should protect their children from violence: “Parental custody implies the obligation to protect the child against physical and psychological violence and against other harmful treatment.” However, this was found to be inadequate in prohibiting corporal punishment and further explicit prohibition considered necessary.

In 1997, the Parental Custody and Care Act 1995 was amended to state explicitly that the child “may not be subjected to corporal punishment or any other degrading treatment”. This provision is reiterated in the Danish Act on Parental Responsibility 2007, which states in article 2(2): “Children have the right to care and security. Children must be treated with respect for their person and must not be exposed to corporal punishment or other humiliating treatment.” The prohibition is applicable to all persons with parental authority, including not only the family home but also alternative care settings and all forms of day care.

Chapter 25 of the Danish Criminal Code (Consolidated Act No. 1028 of 22 August 2013) punishes crimes against life and body, including the violation or otherwise attacking of someone else’s body, which is punishable by a fine or imprisonment up to 3 years (art. 244).

Alternative care settings

Corporal punishment is unlawful in alternative care settings. The prohibition of corporal punishment in the Danish Act on Parental Responsibility 2007 (see under “Home”) applies to all persons with parental authority over children.

Day care

Corporal punishment is unlawful in day care settings. The prohibition of corporal punishment in the Danish Act on Parental Responsibility 2007 (see under “Home”) applies to all persons with parental authority over children.

Schools

Corporal punishment in schools was prohibited in 1967 under Danish Order No. 276 Concerning the Promotion of Order in the Schools.

Penal institutions

Corporal punishment has been unlawful as a disciplinary measure in penal institutions since 1933. The Sentence Enforcement Act 2001 (amended 2012) provides for disciplinary punishment and does not include corporal punishment.¹

Sentence for crime

Corporal punishment was abolished as a sentence for crime in 1911. There is no provision for judicial corporal punishment in the Criminal Code.

Universal Periodic Review of Denmark’s human rights record

Denmark was examined in the first cycle of the Universal Periodic Review in 2011 (session 11). No recommendations were made specifically concerning corporal punishment of children. However, the following recommendation was made and was accepted by the Government:²

“Continue its efforts to combat domestic violence, especially against vulnerable groups such as women and children (Republic of Korea);

“Establish specific mechanisms and formulate specific programmes geared to addressing the issue of violence against women and children, including by harmonizing national legislation with international human rights standards (Indonesia)”

¹ Rentzmann, W. [Director-General of the Danish Prison and Probation Service], “Prison policy, prison regime and prisoners’ rights in Denmark”, www.internationalpenalandpenitentiaryfoundation.org/Site/documents/Stavern/15_Stavern_Report%20Denmark.pdf, accessed 21 January 2016

² 11 July 2011, A/HRC/18/4, Report of the working group, paras. 106(83) and 106(86)

Examination in the second cycle took place in 2016 (session 24). No recommendations were made specifically on corporal punishment of children. The Government informed the UPR that prohibition was expected to be achieved in Greenland in 2016.³

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(29 September 2017, CRC/C/DNK/CO/5, Concluding observations on fifth report, Advance unedited version, para. 18)

“While noting with appreciation that corporal punishment is unlawful, the Committee, in view of reports that violence against children within the family continues to occur, draws the State party’s attention to its general comment No. 8 (2006) on corporal punishment and recommends that the State party:

- (a) Increase its efforts to raise awareness about the unlawfulness of violence against children, including corporal punishment, and adequately implement this prohibition, and, in collaboration with the media and the education sector, ensure that children are informed about their right to be free from violence;
- (b) Promote positive, non-violent and participatory forms of child-rearing and discipline and provide support to parents who have problems with their childrearing duties.”

Committee on the Rights of the Child

(7 April 2011, CRC/C/DNK/CO/4, Concluding observations on fourth report, paras. 38 and 39)

“The Committee notes with concern that corporal punishment is lawful in the home and in alternative care settings in the Faroe Islands and that, although Government Circular No. 1 on School Discipline (12 January 1994) states that corporal punishment should not be used, there is no explicit prohibition in law.

“The Committee urges the State party to take measures to ensure that corporal punishment is prohibited in all settings and throughout its territory and to conduct awareness-raising and public education programmes with a view to encouraging the use of alternative disciplinary measures in line with the inherent dignity of the child, while taking due account of the Committee’s general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment.”

Committee on the Rights of the Child

(10 July 2001, CRC/C/15/Add.151, Concluding observations on second report, para. 6)

“The Committee notes with satisfaction that in 1997, the right of parents to use corporal punishment on their children was abolished by law. The Committee expresses further satisfaction at the nationwide awareness raising campaign undertaken to inform parents about the new legislation. The Committee notes the efforts to include material in minority languages as a follow-up to the campaign.”

³ 13 April 2016, A/HRC/32/10, Report of the working group, para. 62. Prohibition was achieved in Greenland in 2016.

Committee on Economic, Social and Cultural Rights

(6 June 2013, E/C.12/DNK/CO/5, Concluding observations on fifth report, para. 14)

“The Committee is concerned that corporal punishment of children is not explicitly prohibited in Greenland regarding the home and other care settings (art. 10).

The Committee recommends that the State party take steps to ensure that corporal punishment is prohibited in all settings in Greenland.”

European Committee of Social Rights

(March 2020, Conclusions 2019)

“The Committee notes that the situation which it has previously considered to be in conformity with the Charter, has not changed. Corporal punishment is prohibited in all settings, including in the home.

“According to the report in 2017, ‘The Children’s Rights package’ allocated DKK 24 million over a four-year period to enhance the protection of children’s rights and prevent ill-treatment and abuse of children. Initiatives under the package include the strengthening of early detection of and rapid reaction to cases of ill-treatment with a specific focus on young children aged 0-6 years old. Children’s knowledge of their own rights with a particular focus on the right to be protected from abuse will also be strengthened.”

European Committee of Social Rights

(January 2016, Conclusions 2015)

“The Committee notes that the situation which it has previously considered to be in conformity with the Charter has not changed. Corporal punishment is prohibited in all settings, including in the home.”

European Committee of Social Rights

(January 2012, Conclusions 2011)

“The Committee notes from another source that corporal punishment is prohibited in the home, in schools and in child care institutions.”

European Committee of Social Rights

(1 January 2001, Conclusions XV-2 vol. 1, pages 139-142)

“The Committee notes with satisfaction that Act No. 416/1997 abolished corporal punishment in the home; a child may not be punished corporally or exposed to other degrading treatment.”

Prevalence/attitudinal research in the last ten years

A survey of 1,008 students aged 12-16 found that 9.6% thought “a child can be corporally punished using mild forms of punishment (e.g. smacking)”. However, 81.8% thought “a child should never be

corporally punished”; 83% disagreed that “parents have a right to use mild forms of corporal punishment on their children (e.g. smacking)” and 89% agreed that “children must be protected from all forms of violence”.

(UNICEF (2011), *Nordic Study on Child Rights to Participate 2009-2010*, Innolink Research)

A 2010 study involving nearly 3,000 young people in Denmark found that 20% had been pushed, pulled, had their hair pulled, been hit with a flat hand, fist or an object or been kicked by a parent in the past year; 8% had experienced this once, 12% more than once.

(Korzen, S. et al (2010), *Vold mod Unge i Danmark*, SFI - Det Nationale Forskningscenter For Velfærd)