

Corporal punishment of children in the Faroe Islands

LAST UPDATED October 2017

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Child population 12,586 (Faroe Islands Government, 2017)



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 Faroe Islands is a self-governing country within the Kingdom of Denmark.

Prohibition of corporal punishment

Home

Corporal punishment is unlawful in the home. A 1997 amendment to the Danish Parental Custody and Care Act 1995 states explicitly that the child “may not be subjected to corporal punishment or any other degrading treatment”. The Act entered into force in the Faroe Islands in 2007. In Denmark, the Act has been replaced by the Act on Parental Responsibility 2007, which reiterates the prohibition. In reporting to the Human Rights Committee in 2015, the Government of Denmark confirmed that the 2007 Act on Parental Responsibility applied in the Faroe Islands.¹

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 early childhood care and in day care for older children. 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.

¹ 10 November 2015, CCPR/C/DNK/6, Sixth report, paras. 235-236

Schools

Corporal punishment is prohibited in schools though we have yet to identify the prohibiting legislation. Government Circular No. 1 on School Discipline of 12 January 1994 states that corporal punishment must not be used in schools.

Penal institutions

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

Sentence for crime

Corporal punishment is unlawful as a sentence for crime. There is no provision for judicial corporal punishment in criminal law.

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)”

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

Note: It appears the Convention on the Rights of the Child, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination Against Women and the Convention on the Rights of Persons with Disabilities all apply in the Faroe Islands, as they do in Denmark. The European Social Charter does not apply.

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

³ 1 February 2016, A/HRC/WG.6/24/L.7 Unedited Version, Draft report of the working group, para. 118

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 of Denmark, 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 of Denmark, 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.”

Prevalence/attitudinal research in the last ten years

None identified.