

Corporal punishment of children in Finland

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Child population 1,077,000 (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.

Prohibition of corporal punishment

Home

Finland achieved prohibition of all corporal punishment of children in 1983, when law reform resulted in prohibition in the home, alternative care settings and all forms of day care. 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. However, the reform was not enough to send a clear message that all corporal punishment is prohibited.

In 1983, the Child Custody and Right of Access Act was adopted; it came into force in 1984. Article 1.3 explicitly prohibits corporal punishment: “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 Child Welfare Act 2007 states that parents and guardians are responsible for the child’s well-being as specified in the Child Custody and Right of Access Act 1983 (art. 2) and provides for support for parenting as an element of preventive child welfare (art. 3).

Parents and others who inflict corporal punishment on children may be prosecuted for assault, aggravated assault and petty assault under the Penal Code 1889 (arts. 5 to 7). In 1992, the Supreme Court confirmed that article 7, which punishes petty assault, is applicable in cases of “disciplinary” corporal punishment within the home.¹ The article states: “If the assault, when assessed as a whole and with due consideration to the minor significance of the violence, the violation of physical integrity, the damage to health or other circumstances connected to the offence, is of minor character, the offender shall be sentenced for petty assault to a fine.

¹ KKO 26.11.1993:151, Decision of the Supreme Court

Alternative care settings

Corporal punishment is unlawful in alternative care settings under the Child Custody and Right of Access Act 1983 and the Child Welfare Act 2007 (see under “Home”).

Day care

Corporal punishment is unlawful in early childhood care and in day care for older children under the Child Custody and Right of Access Act 1983 and the Child Welfare Act 2007 (see under “Home”).

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 the Basic Education Act 1998, the Vocational Education and Training Act 1998 and the High School Act 1998.

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. It is not available as a sanction under the Penal Code 1889 and the Act concerning Young Criminal Offenders 1940.

Universal Periodic Review of Finland’s human rights record

Finland was examined in the first cycle of the Universal Periodic Review in 2008 (session 1). No recommendations were made concerning corporal punishment of children.

Examination in the second cycle took place in 2012 (session 13). In its national report, the Government drew attention, among other things, to its National Action Plan against Disciplinary Violence for 2010 to 2015 that 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.² During the review, the Government emphasised that corporal punishment is prohibited by law and there is “zero tolerance” to it in Finland.³ The following recommendation was made and was accepted by the Government:⁴

“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,

² 7 March 2012, A/HRC/WG.6/13/FIN/1, National report to the UPR, paras. 87 and 88

³ 5 July 2012, A/HRC/21/8, Report of the working group, para. 75

⁴ 5 July 2012, A/HRC/21/8, Report of the working group, para. 89(35)

as well as the promotion of positive and non-violent forms of discipline that do not affect the upbringing of these children (Uruguay)”

Finland was examined in the third cycle in 2017 (session 27). The following recommendation was extended:⁵

“Ensure full implementation of laws prohibiting corporal punishment in all settings, including through campaigns to raise awareness among adults and children, as well as the promotion of positive and non-violent forms of discipline that do not affect the upbringing of children (Uruguay)”

The Government accepted the recommendation.⁶

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(3 August 2011, CRC/C/FIN/CO/4, 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 through, inter alia, systematic awareness-raising among adults and children, promotion of appropriate positive, nonviolent forms of discipline and continuous monitoring – paying particular attention to parents of children requiring special support and 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 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.”

⁵ 5 May 2017, A/HRC/WG.6/27/L.6, Draft report of the working group, unedited version, para. 6(131)

⁶ 8 September 2017, A/HRC/36/8/Add.1, Report of the working group: Addendum, para. 96

European Committee of Social Rights

(January 2012, Conclusions 2011)

“The Committee notes that the situation which it has previously considered to be in conformity with the Charter has not changed.”

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....”

Prevalence/attitudinal research in the last ten years

A survey of 1,005 people conducted in 2016 for Finland's national public service broadcasting company found 71% of adults “don't accept at all” corporal punishment of children, with more women in disapproval (77%) than men (64%). Nearly a quarter (23%) said they would accept occasionally meting out physical discipline; just 5% said it was acceptable as a means of teaching children a lesson.

(Reported in “Study: More adults in Finland disapprove of corporal punishment”, *Yle Uutiset*, 15 August 2016, http://yle.fi/uutiset/study_more_adults_in_finland_disapprove_of_corporal_punishment/9096241)

A study carried out in 2011, which involved a survey of a representative sample of 4,609 15-80 year olds from Western Finland, found that the proportion of people who were slapped and beaten with an object during childhood decreased after corporal punishment was prohibited in 1983. The study found that experience of corporal punishment was associated with reporting indications of alcohol abuse, depression, mental health problems, and schizotypal personality and with having attempted suicide in the past year. The study examined the survey data in relation to data on murders of children and found that the decline in physical punishment was associated with a similar decline in the number of children who were murdered.

(Österman, K. et al (2014) “Twenty-Eight Years After the Complete Ban on the Physical Punishment of Children in Finland: Trends and Psychosocial Concomitants”, *Aggressive Behaviour*, 9999, 1-14)

A study by the Police College of Finland, which involved more than 3,000 parents of children under 13, found that almost all parents knew of the prohibition of corporal punishment and that parents were very negative about hitting children. Less than 1% of parents reported hitting their children with an object, punching them or kicking them; 20% said they had pulled their child's hair as a punishment.

(Ellonen, N. (2012), *Kurin alaiset : lasten ja vanhempien välisten ristiriitojen ratkaiseminen perheissä*, Tampere : Poliisiammattikorkeakoulu)

A series of six nationally representative surveys carried out between 1981 and 2014 show a consistent decline in adult acceptance of corporal punishment, from 47% in 1981 to 15% in 2014. In the 2012 survey, 10% of parents agreed that corporal punishment of children was acceptable and 97% were aware of the prohibition of corporal punishment.

(Sariola, H. (2012), *Violence against children and child sexual abuse in Finland*, presentation given at the Central Union for Child Welfare, Helsinki 30 August 2012; Central Union for Child Welfare (2012), *Attitudes to disciplinary violence*, Finland: Central Union for Child Welfare & Taloustutkimus Oy; reported by *Central Union for Child Welfare*, 9 April 2014)

In a survey of 1,044 students aged 12-16, 55.8% thought "a child should never be corporally punished"; 27% thought "a child can be corporally punished using mild forms of punishment (e.g. smacking)". However, 65.8% disagreed that "parents have a right to use mild forms of corporal punishment on their children (e.g. smacking)"; 87% agreed that "children must be protected from all forms of violence".

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

Studies on violence experienced by children in Finland examined the prevalence of corporal punishment in 1988 and 2008. The 2008 study, published by the Police College of Finland, involved over 13,000 children aged 12-15 and was designed to allow direct comparison with research carried out in 1988. In 1988, around a quarter of children had been "smacked" before age 14, and around two thirds had had their hair pulled. In 2008, around 10% had been "smacked" and around a third had had their hair pulled. The overall percentage of children who had experienced "mild" punitive violence from their parents declined from 72% in 1988 to 32% in 2008; the percentage of children who had experienced severe punitive violence dropped from 8% to 4%. There had been a clear reduction in all forms of corporal punishment and other parental violence against children in the past 20 years, with the most significant reduction in the "relatively mild forms of violence previously considered socially acceptable types of corporal punishment" (p. 160).

(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)