

Corporal punishment of children in Norway

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Child population 1,129,000 (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

Corporal punishment is prohibited in the home. The achievement of complete prohibition has involved a number of law reforms. With regard to parents and others with parental authority, the right to physically punish children was limited to “moderate” physical punishment in the Act on the Limitation of the Use of Corporal Punishment 1891. This Act was repealed in 1972 and the right to physically punish children removed from the General Civil Penal Code, but no clear prohibition of corporal punishment was enacted.

In 1987, article 30 of the Parent and Child Act 1981 was amended to state: “The child must not be subjected to violence or in any other way be treated so as to harm or endanger his or her mental or physical health.” This was interpreted as prohibiting all corporal punishment of children. However, in 2005, while upholding the conviction of a man under the Penal Code for smacking his stepsons on their bare bottoms with his hand, the Supreme Court stated that lighter smacks would be permitted.¹ Following a review of the law, further amendments to legislation were passed in 2010 that confirm prohibition of all corporal punishment. Article 30(3) of the Parent and Child Act, as amended in 1987 and again in 2010, now states: “The child must not be subjected to violence or in any other way be treated so as to harm or endanger his or her mental or physical health. This shall also apply when violence is carried out in connection with upbringing of the child. Use of violence and frightening of annoying behaviour or other inconsiderate conduct towards the child is prohibited.” Violations of the prohibition are punishable by fine or imprisonment under the Penal Code provisions on assault and the causing of injury (arts. 228 to 232).

Alternative care settings

Corporal punishment is unlawful in alternative care settings under the Parent and Child Act 1981 as amended in 1987 and 2010 (see under “Home”).

¹ 30 November 2005, HR-2005-01865-A

Day care

Corporal punishment is unlawful in alternative care settings under the Parent and Child Act 1981 as amended in 1987 and 2010 (see under “Home”). The Kindergarten Act 2005 states that the Kindergarten shall be based “on fundamental values in the Christian and humanist heritage and tradition, such as respect for human dignity” (s1).

Schools

Corporal punishment has been unlawful in schools since 1936. It is explicitly prohibited in sections 2.9 and 3.7 of the Education Act 1998,² amended 2008: “Corporal punishment or other humiliating forms of treatment must not be used.”

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 the General Civil Penal Code 1902.

Universal Periodic Review of Norway’s human rights record

Norway was examined in the first cycle of the Universal Periodic Review in 2009 (session 6). No recommendations were made concerning corporal punishment of children.

Examination in the second cycle took place in 2014 (session 19). No recommendations were made on corporal punishment of children.

Third cycle examination took place in 2019 (session 33). No recommendations were made on corporal punishment of children.

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(1 June 2018, CRC/C/NOR/CO/5-6 Advance unedited version, Concluding observations on fifth/sixth report, para. 16)

“While noting with appreciation the many legislative and policy measures by the State party to prevent and address violence against children, the Committee, with reference to its general comment No. 8 (2006) on corporal punishment and target 16.2 of the Sustainable Development Goals on ending abuse, exploitation, trafficking and all forms of violence against and torture of children, recommends that the State party:

² Act of 17 July 1998 No. 61 relating to Primary and Secondary Education and Training

- (a) Increase efforts to promote positive, non-violent and participatory forms of child-rearing and discipline, with the cooperation of the media and by offering information sessions for parents and parents to be on this topic, and on the illegality of violence against children;
- (b) Ensure that children have access to a 24/7 helpline, as well as to other reporting avenues, such as specially designated and trained staff, like school nurses who can be approached confidentially, and special desks at municipality level, and ensure that children are informed about these reporting avenues;
- (c) In light of information before the Committee that students have on occasions been subjected to violence from adults in school, investigate the occurrence of violence and threats by teaching and school staff and develop and implement a zero-tolerance policy with a view to ensuring that each allegation of violence is duly investigated;
- (d) Ensure that child victims of violence and abuse are provided with adequate support at municipality level and strengthen the capacities of municipalities in this regard.”

Committee on the Rights of the Child

(21 September 2005, CRC/C/15/Add.263, Concluding observations on third report, paras. 27 and 28)

“The Committee is concerned that children who are exposed to violence within the family do not always receive sufficient care and assistance.

“The Committee recommends that the State party continue to strengthen its efforts to provide adequate assistance to children who are exposed to violence within the family or whose parents are psychiatric patients and/or drug abusers, including through: ...

d) public education campaigns about the negative consequences of ill-treatment and preventive programmes, including family development programmes promoting positive, non-violent forms of discipline.”

Human Rights Committee

(18 November 2011, CCPR/C/NOR/C, Concluding observations on sixth report, para. 3)

“The Committee welcomes the following legislative and institutional steps taken by the State party:

a) the amendments to the Children Act in 2010 to proscribe light forms of corporal punishment....”

European Committee of Social Rights

(January 2016, Conclusions 2015)

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

European Committee of Social Rights

(January 2012, Conclusions 2011)

“The Committee notes that the situation which it has previously found to be in conformity with the Charter has not changed. It further notes from another source that corporal punishment is prohibited in the home, in schools as well as in alternative care settings.”

European Committee of Social Rights

(Conclusions 2005, vol. 2, page 560)

“Protection of children from ill treatment and abuse

The Committee notes that the situation which it has previously considered to be in conformity with the Charter, i.e. all forms of violence against children are prohibited, has not changed.”

European Committee of Social Rights

(1 January 2001, Conclusions XV-2 vol. 2, pages 398-400)

“Section 30 of the Children’s Act prohibits corporal punishment in connection with child rearing.”

Prevalence/attitudinal research in the last ten years

A survey of 1,199 students aged 12-16 found that 82.4% thought “a child should never be corporally punished”; 8% thought “a child can be corporally punished using mild forms of punishment (e.g. smacking)”; 86% disagreed that “parents have a right to use mild forms of corporal punishment on their children (e.g. smacking)”, and 91.9% agreed that “children must be protected from all forms of violence”.

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

In a study on gender equality, which involved 2,805 women and men, participants were asked if they had been physically punished or witnessed violence in their family as a child: 15% answered “yes” and 12% “partly”. The results showed a decline in experience of corporal punishment and witnessing violence in the home since the 1970s, with 16.3% of 17-24 year olds answering “yes” or “partly”, compared to 33.3% of 65-79 year olds. Physical punishment by parents was associated with gender-unequal decision-making in the home: 27% of respondents who said their father made the decisions at home reported physical punishment or witnessing violence at home, compared to 17% where the mother made the decisions and 10% of those whose parents made decisions on an equal basis. The study found that experiencing physical punishment or witnessing violence at home during childhood strongly reduced the chance of good quality of life as an adult: it was associated with increased feelings of aggression, anger, anxiety and depression, increased risk behaviour and increased involvement in traffic accidents. Those who had experienced physical punishment or witnessed violence in the home were more likely to be teased and bullied outside the home, be exposed to violent environments as an adult and be involved in violence and conflicts in their relationships and in the workplace.

(Holter et al (2009), *Gender Equality and Quality of Life: A Norwegian Perspective*, Nordic Gender Institute)

A 2007 study found that one quarter of 18 year olds had experienced at least “mild” violence from one of their parents, and 8% reported “serious” violence from one of them.

(Mossige, S. & Stefanson, K. (eds) (2007), *Violence and abuse against children and young people: A self-reporting study among last year pupils in high school*, Oslo: NOVA Rapport 20, cited in Durrant, J. & Smith, A. (2011), *Global Pathways to Abolishing Physical Punishment: Realizing Children’s Rights*, NY: Routledge)