



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

## **BRIEFING ON GERMANY FOR THE COMMITTEE ON THE RIGHTS OF THE CHILD, PRESESSIONAL WORKING GROUP – June 2013**

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**This briefing describes the legality of corporal punishment of children in Germany. In light of the Committee’s General Comment No. 8 on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment” and its previous recommendations to Germany on the issue, we hope the Committee will:**

- **in its List of Issues for Germany, raise the issue of corporal punishment of children, in particular asking what measures have been taken and are further planned to ensure that legislation prohibiting corporal punishment in all settings is fully implemented?**
- **in its concluding observations on the third/fourth report of Germany, welcome the prohibition of corporal punishment in all settings, including the home, and recommend that all measures are taken to ensure that the prohibiting legislation is fully implemented and enforced.**

### **1 Germany’s report to the Committee on the Rights of the Child**

1.1 The third/fourth state party report to the Committee on the Rights of the Child notes that in Germany children have a statutory right to a violence-free upbringing and that ensuring this happens is a central goal of state activity (CRC/C/DEU/3-4, para. 163). The report describes an awareness raising campaign accompanying the law change in 2000-2001 and research in 2005 showing a high awareness of the prohibition of corporal punishment, indicating that positive changes in public attitudes on the issue have continued in the years since (para. 164).

## **2 The legality of corporal punishment of children in Germany**

- 2.1 In Germany, corporal punishment is prohibited in all settings, including the home. A 2000 amendment to the Civil Code states (article 1631): “Children have the right to a non-violent upbringing. Corporal punishment, psychological injuries and other humiliating measures are prohibited.” German childcare law was amended to place a duty on authorities to “promote ways in which families can resolve conflict without resort to force”.
- 2.2 Before reform in 2000, corporal punishment had been unlawful in schools since the 1970s as well as in the penal system, but it had not been prohibited in all care settings.
- 2.3 Research evidence suggests that while the use and social acceptance of corporal punishment in childrearing is in decline, and while awareness of the law is relatively widespread, corporal punishment continues to be inflicted on children. For example, interview research with parents published in 2012 by opinion research centre Forsa found that four in ten admitted to smacking their children on the bottom, 10% on the face.<sup>1</sup> In comparative research in five European countries in 2007, 43% of German parents said they had “mildly” slapped their child on the face, 68% on the bottom; 13% had given their child a “resounding” slap on the face and 5.2% had beaten their child with an object.<sup>2</sup>

## **3 Recommendations by human rights treaty bodies**

- 3.1 *CRC*: The Committee on the Rights of the Child has examined Germany once since prohibition was achieved in 2000. In 2004, the Committee welcomed the achievement of prohibition but expressed concern at the lack of comprehensive data and information on the impact of the new law.<sup>3</sup>
- 3.2 *CAT*: In 2011, the Committee Against Torture expressed concern at the lack of information regarding ongoing public education and professional training on the prohibition of corporal punishment and recommended active promotion of positive, non-violent education and childrearing.<sup>4</sup>

*Briefing prepared by the Global Initiative to End All Corporal Punishment of Children*  
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March 2013

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<sup>1</sup> Reported in *DW.DE*, 13 March 2012

<sup>2</sup> Bussmann, K. D. (2009), *The Effect of Banning Corporal Punishment in Europe: A Five-Nation Comparison*, Martin-Luther-Universität Halle-Wittenberg

<sup>3</sup> 26 February 2004, CRC/C/15/Add.226, Concluding observations on second report, para. 40

<sup>4</sup> 12 December 2011, CAT/C/DEU/CO/5, Concluding observations on fifth report, para. 32