

Corporal Punishment of Children

In 1979, Sweden was the first country in the world to ban the corporal punishment of children, when the current regulations were written into the Code of Parenthood and Guardianship, which states, among other things, that children are to be treated with respect for their person and individuality, and must not be subjected to corporal punishment or any other degrading treatment. This resulted in a significant decrease in corporal punishment of children and a clear shift in attitude on the part of adults. But despite the ban on corporal punishment in Sweden, many children are still being beaten.

We are getting more and more signals that children are being subjected to corporal punishment. And, unfortunately, we have reason to believe that it may have increased a little again. Official figures of the number of reported cases of assault against children imply that there has been a significant increase, but this may be a result of a greater inclination to report such offences. We have also received a great many signals through our contacts with the social services, the police, prosecutors, and with people who work closely with children at school, in child care, and in health care. A number of studies have also been made regarding children's and adults' attitudes to corporal punishment of children. It is the opinion of the Children's Ombudsman that a new study is needed.

More information is also needed for parents and parents-to-be, to equip them better for their dealings with their children. Children must also be allowed to know that they have the right not to be subjected to corporal punishment or punishments like being locked in a room or being spoken to in a derogatory manner by their parents. We feel that it is high time to begin a dedicated information campaign against adults' violence towards children, in the same way that we spread information in the fight against women battering. It is parents who have the greatest responsibility for their children, and thus also a responsibility to seek help and support. Many mothers and fathers need support and help in their roles as parents –

somewhere to turn for help and advice in their dealings with children and teenagers.

It is important to remember that visible reinforcement of children's rights in our society is needed; children need adults who safeguard their rights and who dare to see and are capable of acting – in short, what we need is for adults to have the courage of their convictions. In Sweden, many personnel groups have an obligation to report their suspicions. It is important that personnel in schools and preschools take that obligation seriously. We need up-to-date figures that can show us the trend.

In order to reduce violence against children and child abuse, we need a well-developed system of support for parents, and for victims we need good school health services that can help those children who cannot go to their families for help because it may be family members who are responsible for the abuse.

Children who witness violence

Children who live in families where acts of violence occur, must be regarded as victims of a crime if they witness a brother or sister or parent being assaulted. Society must make it clear, and more distinctly than today, that it is a crime to subject a child to the degradation of, for example, witnessing the assault of another member of the family. We need legislation that regards the child as an injured party and not only a witness to a crime. Stricter legislation is also important to be able to change society's view of children's vulnerability when acts of violence take place within the family.

In recent years, [\(the Office of\)](#) the Children's Ombudsman has conducted several studies in order to highlight the need for a greater children's perspective in the judicial system.

“The most difficult task there is” is the title of a study of prosecutors' handling of suspected crimes against children aged 6 or below. The purpose of the study was to collect, by means of a questionnaire, prosecutors' own opinions and experience of how crimes of violence and sexual offences against very young children are handled. In the opinion of the Children's

Ombudsman, too few cases of crimes of violence and sexual offences against children are brought to court today. Our intention was therefore to determine what difficulties prosecutors encounter when a child aged 6 or below is suspected of being the victim of a crime of violence or a sexual offence.

The results show that there is enormous commitment with regard to these issues. Most of the prosecutors who answered our questionnaire feel that it is more difficult to conduct a preliminary investigation when a crime of violence or a sexual offence against a child aged 6 or below is suspected, than is the case when the same crime is suspected of having been committed against older children or adults. Many of the prosecutors who answered our questionnaire say that they are satisfied with their competence but that they need training and guidance.

It may take from one to two weeks from the time a suspected offence is reported until the child is interviewed, but several of the prosecutors say it may take even longer. The child's recollection of what happened may fade and any physical injury that may be evidence of the crime disappears as time passes. More competence and better resources are two prerequisites for improving the process.

“When security is at stake” is the title of another study that we made. One of the purposes was to find out whether courts award joint custody in cases where acts of violence within the family have been reported. We also studied whether courts award joint custody in cases where one of the parents has been convicted of a crime committed against a member of the family.

The material we collected tells us that courts award joint custody against one of the parent's wishes in approximately half of all cases where acts of violence within the family have been reported. Where one of the parents has been convicted of a crime against another member of the family, courts award joint custody in 43 per cent of cases.

In the opinion of the Children's Ombudsman, the principal rule should be that sole custody is to be preferred to joint custody where acts of violence have taken place within the family. An assessment of whether the child runs

the risk of coming to harm must always be made where acts of violence are reported in connection with disputes about child custody, visiting rights, and where the child is to live. This means that the court must make a thorough investigation of whether the child runs the risk of coming to harm, for example when visiting one of the parents.

One reflection that covers all of this and which the Children's Ombudsman wishes to emphasise, is that courts' and the social services' knowledge must be strengthened with regard to children who witness or are subjected to acts of violence within the family. It is quite clear from the existing studies and research findings that neither the social welfare committee's examiner nor the courts have any extensive knowledge of the link between violence against a parent and the risk that the child will come to harm, for example when visiting a parent.