

**BRIEFING FROM GLOBAL INITIATIVE
TO END ALL CORPORAL PUNISHMENT OF CHILDREN**

**BRIEFING ON GERMANY FOR THE COMMITTEE AGAINST TORTURE
STATE EXAMINATION – October/November 2011**

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GERMANY (fifth report – CAT/C/DEU/5)

Corporal punishment of children in Germany

Corporal punishment is prohibited in all settings in Germany, 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”. Research has generally found an increasing awareness of the law among parents.¹ However, in a survey of 1,000 parents in 2007, 43% said they had “mildly” slapped their child on the face and 68% had slapped their child on the bottom; 13% had given their child a “resounding” slap on the face and 5.2% had beaten their child with an object.² Government research in 2001 found that around 28% of parents “as far as possible” did not use corporal punishment, 54% frequently used “minor” corporal punishment, and 17% frequently used “serious” corporal punishment, including beatings and spankings, as well as psychological punishments.³

Germany’s reply to the question about corporal punishment in the List of Issues

In the List of Issues adopted by the Committee Against Torture, the Committee asks the state party to provide information “on measures taken by the State party to ensure that laws prohibiting corporal punishment are fully implemented in all settings, including through appropriate and ongoing public education and professional training on positive, participatory and non-violent forms of education and childrearing” (Question 32).

In its written reply (12 September 2011, CAT/C/DEU/Q/5/Add.1), the Government confirms that corporal punishment is prohibited in all settings and asserts that “ongoing public campaigns” are conducted, but gives no details, stating that these will be provided “in the appropriate fora, e.g. the Committee on the Rights of the Child”.

Recommendations by human rights treaty bodies

In its concluding observations on the state party’s second report in 2004, the **Committee on the Rights of the Child** welcomed the prohibition of corporal punishment but expressed concern at the lack of comprehensive data and information on the impact of the new law (CRC/C/15/Add.226, para. 40).

¹ Bussmann, K.-D. (2007), reported in Bussmann, K.-D. (2011), “Germany: Background and Legal Consequences of the Right to be Raised Without Violence”, in Durrant, J. E. & Smith, a. B. (eds) (2011), *Global Pathways to Abolishing Physical Punishment: Realizing Children’s Rights*, New York: Routledge, pp. 134-145

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

³ Federal Ministry of Justice & Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (2003), *Violence in upbringing: An assessment after the introduction of the right to a non-violent upbringing*

We hope the Committee Against Torture will confirm that measures taken to implement the prohibition of corporal punishment do indeed come under the remit of the Committee and recommend that the German Government ensure comprehensive and sustained awareness raising on the law and the promotion of positive, non-violent discipline in childrearing.

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

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