Equal Protection for Children in Northern Ireland

November 2026

- Evidence from the UK and around the world is clear that physical punishment is harmful: it damages children's wellbeing and is linked to poorer outcomes in childhood and adulthood.
- Evidence from countries which have already reformed their law shows there has been no significant increase in prosecutions, and there have been improvements in child outcomes.
- A legislative amendment can remove the legal defence of 'reasonable punishment' to give children equal protection from assault. We encourage the Committee and MLAs to consider this as part of the Sentencing Bill.

At present in Northern Ireland (NI) it is lawful for a parent or someone caring for or in charge of a child to use physical punishment. This means that children are afforded less protection from assault than adults.

The United Nations Committee on the Rights of the Child (UNCRC) has defined physical punishment as follows:

'"Corporal" or "physical" punishment as any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light.'[1]

There is clear evidence that physical punishment is ineffective in improving children's behaviour and in fact can have an adverse impact on children's wellbeing[2]. A vital opportunity was missed through amendment of the Justice Bill, which was introduced in September 2024. However, we are urging the Committee to consider how the scope of the Criminal Justice (Sentencing) Bill could allow for an amendment to be brought forward to remove the legal defence of 'reasonable chastisement'. This legal change is essential to ensure that children are afforded the same protection from assault as adults.

The current legal position

Most forms of physical punishment of children were prohibited in the United Kingdom by the end of the twentieth century. However, in NI, both common and statute law still permit the use of physical punishment by parents or those caring for a child, by enabling them to raise a relevant defence in court[3].

In NI, the Law Reform (Miscellaneous Provisions) (NI) Order 2006 provides for a defence of 'reasonable punishment'. However, the law states that battery of a child occasioning common assault, wounding, actual bodily harm and grievous bodily harm cannot be justified on the ground that it constituted 'reasonable punishment'.

The UNCRC, ratified by the UK in 1991, directs State Parties to take all measures to protect children from all forms of physical and mental violence, including physical punishment. The UN Committee made clear that children deserve protection from 'all forms of physical or mental violence' including 'any level of legalized violence'[4]. In addition, the Committee's most recent Concluding Observations to the UK[5] in June 2023 recommended 'the repeal of the "reasonable punishment" defence in England and NI' and strengthening 'awareness-raising campaigns for parents, teachers and other professionals'.

The UK and its devolved administrations have repeatedly been called upon by international human rights bodies to reform the law to prevent physical punishment but the NI Executive has, so far, failed to act.

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[1] United Nations Committee on the Rights of the Child (2006) Forty Second Session. General Comment No.8: The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment. Geneva: United Nations.
[2] Anja Heilmann et al (2021) Physical punishment and child outcomes: a narrative review of prospective studies, The Lancet.
[3] This is also the legal position in England currently.
[4] United Nations Committee on the Rights of the Child (2006) Forty Second Session. General Comment No.8, paragraph 18: The right of
the child to protection from corporal punishment and other cruel or degrading forms of punishment. Geneva: United Nations.
[5] UNCRC (2023) Concluding observations on the combined sixth and seventh periodic reports of the United Kingdom of Great Britain and Northern Ireland: UNCRC-Concluding-Observations.pdf (niccy.org).

In 2022, the Department of Health wrote to all Health and Social Care Trusts to ensure prospective adopters or fosterers' views on physical punishment are reported and assessed during the assessment stage and that they agree to using no physical punishment on any child placed in their care[6]. Furthermore, in September 2025, the Department of Health published its 'Healthy Child, Healthy Future' Framework for the Universal Child Health Promotion Programme in NI, with a major emphasis on parenting support and promotion of Positive Parenting. The document also recognises the progress that has been made in other jurisdictions on equal protection, noting the findings of the RCPCH report on the 'well documented effects of such practice on the physical and emotional wellbeing of the child and the impact on parent-child relationships[7]. This also formed part of the updated PHA Infant Mental Health Framework which was published in March 2026[8]. In effect, practice here is advancing before the law. We want to see such best practice expanded to protect all children via legal reform.

The need for change

Negative outcomes for children

Physical punishment has not been linked to any positive outcome for children[9]. In fact, an international literature review[10] on the impact of physical punishment on children found that:

- There is strong and consistent evidence that physical punishment increases aggression, antisocial behaviour, depression and anxiety in children, which may continue into their adult lives;
- Physical punishment carries with it the risk of escalation into physical abuse;
- Declines in the use of physical punishment are evident in countries which have instigated legal reform.

Research published in June 2026 also found physical punishment has no benefits. Instead, it found an association between:

- Repeated experience of physical punishment in early childhood (across ages 3, 5 and 7 years) and lower literacy scores at age 7; and
- Physical punishment in early childhood and lower attainment at GCSE level

[6] This came as a result of NSPCC engagement with the DOH Fostering & Adoption Team in light of the tragic death of Leiland-James Corkill in Cumbria in 2021. Leiland-James was murdered by his prospective adoptive parent aged 13 months old: Cumbria LCSPR Report - Leiland-James Michael Corkill.
[7] Department of Health, 'Healthy Child, Healthy Future: A Framework for the Universal Child Health Promotion Programme in NI' (2025), p.24
[8] PHA Infant Mental Health Framework 2026_0.pdf
[9] Anja Heilmann et al (2021) Physical punishment and child outcomes: a narrative review of prospective studies, The Lancet.
[10] Heilmann, A., Kelly, Y. and Watt, R.G. (2015) Equally Protected - A review of the evidence on the physical punishment of children. Edinburgh: Children and Young People's Commissioner Scotland, Children 1st, Barnardo's Scotland, NSPCC Scotland.

at age 15/16 (data available for England only).[11]

Disproportionate impacts on very young children

Despite this evidence, physical punishment is still a part of childhood for too many children. Published in 2024, a UCL research briefing[12] showed that more than one in five 10-year-old children in the UK experienced physical punishment in 2020/21. However, research shows the highest prevalence of physical punishment reported in the UK was for very young children (around the age of 3)[13]. Global estimates indicate that 63% of children aged 2 to 4 are regularly subjected to physical punishment by their caregivers[14]. It is concerning that evidence points to the prevalence of physical punishment being at its highest when children are very young and often at their most vulnerable.

Increasing incidents and referrals to police and social services

Between 2023 and 2024, there was a tripling of contacts made by adults across the UK to the NSPCC Helpline with concerns about a child being hit or slapped compared to the previous year. Forty-five per cent of all calls made during this period were serious enough to require a referral to social services or police. This was over three times higher than in the same period in 2022 and 2023.

Parents' attitudes and appetite for change

Attitudes towards physical punishment and the acceptability of hitting or smacking children are changing. NSPCC survey results published in 2026[15] found that in NI, the majority of parents (67%) and adults (65%) polled support a change in the law to provide children equal protection from physical assault. The majority of adults (72%) polled said they would be more likely to support a change in the law if they were assured that parents could still physically intervene to protect a child from immediate danger. This includes three out of four (75%) parents.

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[11] Heilmann A, Kelly Y, Lacey R, Pells K, Eager S, Hollingworth K, Jarvis R, Mindel, E, Sifaki M (2026): Physical punishment and child outcomes in the UK. London: University College London. Available at: Physical punishment and child outcomes final report Heilmann et al. 2026 .pdf

[12] UCL research briefing (2024) Physical Punishment of Children in the UK: Research Briefing https://www.ucl.ac.uk/epidemiology-health-care/sites/epidemiology_health_care/files/ucl_briefing_physical_punishment_april_2024.pdf

[13] *Ibid.*

[14] United Nations Children's Fund (2017) A familiar face: violence in the lives of children and adolescents. New York: UNICEF.

[15] As reported in NSPCC Northern Ireland (2026) Policy Briefing on Equal Protection: Prepared in support of the equal protection amendment due for selection and vote at Consideration Stage of the Justice Bill – May 2026. The survey commissioned by the NSPCC was based on 1050 interviews with the Northern Ireland general public aged 18+. The survey was conducted using an online panel methodology with results representative of the NI adult population. The survey had a margin of error of +/-3.1% (at most). Fieldwork was conducted between 2 December and 23 December 2025. The research was conducted in accordance with ISO20252 and Market Research Society protocols. The 2025 survey replicates 2022 polling commissioned by the NSPCC, which was based on questions previously developed, adapted and used by the Northern Ireland Commissioner for Children and Young People (NICCY) in 2017; NICCY (2017) Changing Perceptions: Equal Protection for Children. NICCY's work and survey results on attitudes to physical punishment. Belfast: NICCY. Changing Perceptions: (niccy.org).

Much-needed clarity for parents, carers and professionals

Legislative change will provide much-needed clarity for parents/carers, children and the wider public about the unacceptability of using physical punishment as a form of discipline. The NSPCC's most recent polling results[16] show that only 45% of parents were aware that the law allows a parent/carer to physically punish their child. Furthermore, a 2024 RCPCH report explained that as long as physical punishment remains lawful, it makes it difficult for healthcare professionals to distinguish between children who are routinely abused and children who are largely well cared for[17].

Positive case studies in other devolved contexts

Positive legal change to ensure equal protection for children has already been implemented in the Republic of Ireland, Wales, Scotland and Jersey. In December 2025 the Welsh Government released a report which stated the legislation is working as intended by clarifying the law and better protecting children and families[18] and calls for legislative reform in England have continued to be made. Children in NI are at risk of being less protected from assault than their peers across the rest of the UK and the Republic of Ireland. We cannot allow our most vulnerable to be left behind. It is clear legal reform is vital to reduce potential harm to children and the risk of escalation to abuse.

Looking ahead

The NI Executive should also re-commit to tangible action to support families, parents and carers and a greater focus on positive parenting. The Programme for Government 2024-2027 identifies the delivery of 'More Affordable, Accessible, High-Quality Early Learning Childcare', and 'Better Support for Children and Young People with Special Educational Needs' as an immediate priorities, noting that early years intervention provides the best long-term outcomes for our children[19]. However, a more holistic approach is required to fully support families with young children in NI. Demand for this is illustrated by one example from Parenting Focus, who report they were contacted by 2,233 parents seeking support with 'parenting children's challenging behaviour' in the period January 2022 to September 2024[20].

In 2026, over 250 organisations, professionals and individuals including doctors, academics, frontline workers signed an NSPCC-led open letter to MLAs on the need for legislative change, urging them to support the equal protection amendment that had been tabled to the Justice Bill as introduced in 2024. While this

[16] As above.
[17] RCPCH (2024) Equal protection from assault in England and Northern Ireland Policy Report rcpch-equal-protection-from-assault-england-ni_policy-report-2024-v1-2.pdf
[18] For more information, please see Wales' landmark law is protecting children and changing attitudes | GOV.WALES
[19] NI Executive, 'Our Plan: Doing What Matters Most Programme for Government 2024-2027'. Available at: Our Plan: Doing What Matters Most
[20] Service data provided by Parenting Focus, October 2024.

opportunity was missed, it is imperative that MLAs grasp the remaining opportunity within this Assembly mandate to follow through on legal reform.

Legislative reform also aligns with direction of the new Together for Families model announced in May 2026 which aims to provide early, joined-up support to prevent issues escalating for children and families.[21]

We must see a common-sense twin track approach to accompany existing Executive strategic commitments, protecting our most vulnerable in society through removing the 'reasonable chastisement' defence via legal reform while also offering more support to parents and carers.

The proposal

There remains an opportunity through the passage of the Criminal Justice (Sentencing) Bill, introduced in March 2026, to remove the legal defence of 'reasonable punishment'. We encourage the Committee of Justice to consider this in its scrutiny of the Bill. This legal change would ensure children are afforded equal protection from assault as adults. There would be no introduction of any new offence, but rather the removal of an existing legal defence.

The main aim of changing the law is educational and cultural, rather than punitive. While concerns have been historically raised that legal reform would criminalise loving parents, there is no evidence of an increase in criminal prosecutions of parents in countries which have amended their relevant legislation[22].

Rather, such a measure would help provide clarity and create a society which respects children's rights and supports positive parenting. The law, properly applied, is a most powerful tool in changing traditional social norms. There is strong evidence from other countries that the passage of legislation, in combination with public awareness and education campaigns, heralds a further change in public attitudes.

It is vitally important in keeping children safe and securing brighter futures for all our children that the defence of reasonable punishment is removed. Affording children equal protection from assault – as is the case with adults – and their peers in other parts of the UK and Ireland, will send out a clear message from our Government that physical punishment should no longer be an accepted part of childhood.

[21] Together for Families | Department of Health
[22] http://www.police.govt.nz/sites/default/files/resources/10-review-section-59.pdf