

Dear Kathy,

I trust you are keeping well.

During NICCYs evidence session with the Committee on the Justice Bill, and in further correspondence to the Committee, we stated that we would be publishing a report on equal protection in other jurisdictions. The Committee had also requested information on the effect that the removal of the defence of reasonable chastisement has had in other jurisdictions, including any impact in terms of the criminalisation of parents.

On behalf of the Commissioner, I am issuing you with a copy of NICCY's report, published today, on equal protection and some learnings from Europe '*Closing the Legal Gap: Learning from Europe – Strengthening the Case for Equal Protection from Assault in Northern Ireland*'.

It is also available on our website at: [Closing the Legal Gap: Learning from Europe – Strengthening the Case for Equal Protection from Assault in Northern Ireland - Niccy](#)

I trust the Committee will find this useful, and as always, NICCY are happy to discuss this, and any other matter on their work relating to the rights of children and young people with the Committee.

Yours sincerely,

Rachel

Rachel Woods

Interim Head of Policy





Northern Ireland Commissioner for Children and Young People

Equality House, 7-9 Shaftesbury Square, Belfast, BT2 7DP



INVESTORS IN PEOPLE®
We invest in people Silver

We did it!
Officially accredited by Investors in People.
Because we make work better.

This email and any attachments are confidential, may be subject to legal privilege, and are intended for the addressee only.

If you are not the intended recipient, you must not use, disclose, copy, or store the contents of this email.

Please note that any opinions presented in this email are solely those of the author and do not necessarily represent those of NICCY.

For information about how we process data and monitor communications, please see our [Privacy Notice](#).

CLOSING THE LEGAL GAP: LEARNING FROM EUROPE

**STRENGTHENING
THE CASE FOR
EQUAL PROTECTION
FROM ASSAULT IN
NORTHERN IRELAND**

Closing the legal gap: learning from Europe

Strengthening the case for equal protection from assault in Northern Ireland

Contents

Introduction	2
Children and young people's rights	2
The recent case for Equal Protection in NI.....	5
ENOC survey 2025 - what happens in other countries?	9
Belgium Flanders.....	9
Cyprus.....	10
Denmark.....	11
Finland	12
Georgia	13
Iceland	14
Ireland	15
Kosovo.....	17
Latvia.....	19
Montenegro.....	20
Poland	21
Sprska	23
Sweden.....	24
Ukraine	26
Wales	27
Other UK examples	28
Scotland	28
England	29
Conclusion.....	30

Introduction

The Office of the Commissioner for Children and Young People (NICCY) was created in accordance with 'The Commissioner for Children and Young People (Northern Ireland) Order' (2003) to safeguard and promote the rights and best interests of children and young people in Northern Ireland (NI). Under Articles 7(2)(3) of this legislation, NICCY has a mandate to keep under review the adequacy and effectiveness of law, practice and services relating to the rights and best interests of children and young people by relevant authorities.

The remit of the office is children and young people up to 18 years, or 21 years, if the young person is disabled or was in the care of social services. In determining how to carry out these functions, the paramount consideration is the rights of the child and the Commissioner is required to base all his work on the United Nations Convention on the Rights of the Child (UNCRC).

Children and young people's rights

The UNCRC is clear that children should be protected from all forms of violence and have the same protection under the law as adults from all forms of assault, hitting and smacking. Article 19 of the UNCRC unambiguously, outlines the right of children and young people to be protected from all forms of violence and requires states to take appropriate measures to ensure this protection is in place. States are required to take:

'All appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.'

*Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.'*¹

Article 37 also requires States to ensure that no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment.²

The UN Convention recognises that the family is the natural environment in which a child should grow and develop in an atmosphere of happiness, love and understanding. As such, the Convention states that the family must be afforded the protection and

¹ UN Committee on the Rights of the Child, (Available at: [Convention on the Rights of the Child | OHCHR](#), accessed on 05.08.25)

² *Ibid.*

assistance necessary to fulfil this role and places an obligation on Government to support parents and carers in their child rearing responsibilities (Article 18).

The UNCRC's General Comment No. 8 is explicit in its position relating to the punishment of children and young people and the compatibility with UNCRC rights (which included punishment in the home):

*'There is no ambiguity: "all forms of physical or mental violence" does not leave room for any level of legalized violence against children. Corporal punishment and other cruel or degrading forms of punishment are forms of violence and States must take all appropriate legislative, administrative, social and educational measures to eliminate them.'*³

Through this detailed guidance, the Committee on the Rights of the Child (the Committee) has been explicit that the use of 'moderate' or 'reasonable' chastisement directly conflicts with children's human dignity and cannot be justified. They define physical punishment as the use of physical force with the intention of causing discomfort or pain and note it can include hitting, smacking, slapping with a hand or implement, pinching, scratching, biting, pulling hair or boxing ears. The Committee have explicitly stated that:

*The distinct nature of children, their initial dependent and developmental state, their unique human potential as well as their vulnerability, all demand the need for more, rather than less, legal and other protection from all forms of violence.'*⁴

In the February 2023 the 'Concluding Observations on the combined 6th and 7th periodic reports of the United Kingdom of Great Britain and NI', were published, the main indicators of the progress achieved by UK State Party, including the Committee's main areas of concern and recommendations to improve the implementation of the UNCRC and the optional protocols. In this report, the Committee previous recommendations that the UK and devolved Governments, including NI, repeal the legal defence of 'reasonable chastisement' and prohibit all corporal punishment in the family. The Committee also called for Government to strengthen efforts to promote positive and non-violent forms of discipline including awareness-raising campaigns for parents, teachers and other professionals working with and for children to promote positive, non-violent and participatory forms of child-rearing.

³ UN Committee on the Rights of the Child, 'General Comment No. 8: The Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment' (2007) (Available at: [General comment No. 8 \(2006\): The Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment \(Arts. 19; 28, Para. 2; and 37, inter alia\) | Refworld](#), accessed on 17.07.25), p.6

⁴ UN Committee on the Rights of the Child, 'General Comment No. 8: The Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment' (2007) (Available at: [General comment No. 8 \(2006\): The Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment \(Arts. 19; 28, Para. 2; and 37, inter alia\) | Refworld](#), accessed on 17.07.25), paragraph 21

The European Convention for the Protection of Human Rights (ECHR) also protects children and young people. Articles 3 and 8 specifically relate to the rights of children facing corporal punishment, and there has been a wealth of case law relating to this, including taken against the UK Government.⁵ There have continued to be clear calls made to the Human Rights Council and other UN Bodies on the need to legislate further to remove the defence of reasonable chastisement in NI.

In the most recent Universal Periodic Review (UPR) of the United Kingdom of Great Britain and NI (4th Cycle - 41st Session) in 2023, five recommendations were made to the State Party relating to the ending of corporal punishment of children in every setting, including the home, which the UK has 'noted'.⁶ Previous UPRs (2008, 2012 and 2017) have also made recommendations to the UK relating to corporal punishment of children and young people, which were also 'noted'.⁷ Despite clear calls, there has been no Government legislation brought forward to enact these recommendations.

Calls have also been made within the UK Parliamentary structures advising Government on the need to legislate on equal protection. The Joint Committee on Human Rights stated over 20 years ago, in 2005 that:

*'...the time has come for the Government to act upon the recommendations of the UN Committee on the Rights of the Child concerning the corporal punishment of children and the incompatibility of the defence of reasonable chastisement with its obligations under the Convention. We do not accept that the decision of the Government not to repeal or replace the defence of reasonable chastisement is compatible with its obligations under the Convention on the Rights of the Child.'*⁸

The then Joint Committee also concluded that in their view, there was no reason rooted in considerations of disproportionate interference with family life which should prevent implementation of the recommendation of the UNCRC that the reasonable chastisement defence be abolished.⁹

The continued legal loopholes on reasonable chastisement in UK law has also been raised as problematic by the European Committee of Social Rights, monitoring compliance of member States of the Council of Europe with the European Social Charter and Revised Social Charter, has found that compliance with the Charters requires prohibition in legislation against any form of violence against children, whether at school, in other institutions, in their home or elsewhere.¹⁰ The Council of Europe have

⁵ For example: *A v. UK* (1999) 27 EHRR 611.

⁶ United Nations, 'UPR of United Kingdom of Great Britain and Northern Ireland (4th Cycle - 41st Session) Thematic list of recommendations' (2023) (Available at: [UPR41_United Kingdom_Thematic_List_of_Recommendations.doc](#), accessed on 17.07.25)

⁷ See [Universal Periodic Review - United Kingdom of Great Britain and Northern Ireland | OHCHR](#) (accessed on 06.08.25)

⁸ See: [Joint Committee On Human Rights - Nineteenth Report](#) (accessed on 06.08.25)

⁹ *Ibid.*

¹⁰ UN Committee on the Rights of the Child, 'General Comment No. 8: The Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment' (2007) (Available at:

also called for a legal prohibition of corporal punishment of children in law and in practice. They have stated that corporal punishment conveys the wrong message to children and can cause serious physical and psychological harm to a child. The Council of Europe's Parliamentary Assembly, which brings together representatives from all member states' parliaments, adopted Recommendation 1666 calling for Europe to become a 'corporal punishment-free zone'.¹¹

The recent case for Equal Protection in NI

NICCY has been consistently providing advice to Government and political parties in NI on the need to legislate on equal protection and remove the defence of reasonable chastisement, in line with their rights under the UNCRC.

Following the publication of the 'Equally Protected: A review of the evidence on the physical punishment of children' report and the 2016 recommendations from the UN Committee on the Rights of the Child, NICCY was keen to explore current views towards physical punishment in NI and commissioned a small number of public opinion survey questions on this issue.¹² 'Changing Perceptions: Equal Protection for Children' was published in 2017, which involved a survey of a representative sample of adults who were asked a number of questions on parenting and bringing up children including: awareness of the current law on physical punishment; views on legal reform; attitudes to different forms of discipline; and parents were asked about access to positive parenting information.

To mark the report launch in 2017, NICCY hosted a seminar on Equal Protection which included presentations on progress made in Scotland and the Republic of Ireland. In 2019, NICCY joined with the NI Human Rights Commission (NIHRC) and the Global Initiative to End All Corporal Punishment of Children in a united call to end the physical punishment of children. This included the production of an animation to explain what Equal Protection means and why NICCY believes that other, more positive ways of parenting work better when dealing with difficult and stressful situations.¹³

Further to the Assembly election in 2022, the NI Executive and Assembly did not reconvene until 2024, however, NICCY continued to advise Government on the need for legislative change, as well as the introduction and resourcing of, a Family and Parenting Strategy.

[General comment No. 8 \(2006\): The Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment \(Arts. 19; 28, Para. 2; and 37, inter alia\) | Refworld](#), accessed on 17.07.25), p.7

¹¹ Council of Europe, 'Corporal Punishment' (Available at: [Corporal punishment - Children's Rights](#), accessed on 05.08.25)

¹² Heilmann A., et al., 'Equally Protected? A Review of the Evidence on the Physical Punishment of Children, Children and Young People's Commissioner Scotland, Children 1st, Barnardo's and NSPCC' (2015) (Available at: [Equally Protected? a review of the evidence on the physical punishment of children](#), accessed on 08.07.25). The UN Committee on the Rights of the Child's 2016 Concluding Observation are available at: [Concluding observations on the 5th periodic report of the United Kingdom of Great Britain and Northern Ireland](#) :, accessed on 10.8.25.

¹³ The animation is available to watch at this link: [Achieving Equal Protection for Children - Niccy](#)

Progress towards equal protection from assault for children progressed further than it had ever done in 2020-2022 mandate. Alongside many other NGOs and civic society organisations, a joint position paper was published and submitted to the NI Assembly and Executive on the need for legislative change. NICCY, like many others, were disappointed that despite attempts, it was unable to be included as part of the Justice (Trafficking Victims and Sexual Offences) (NI) Act 2022.

With the introduction of the Justice Bill in September 2024, there has been a renewed impetus for legislative change in NI, given the scope and purpose of the Bill includes children and young people, and that it is, in its essence, ‘miscellaneous’, allowing for amendment.

NICCY welcomed the opportunity to give oral evidence to the Committee of Justice in March 2025, alongside the submission of a written briefing on all Parts of the Bill, highlighting a number of ‘gaps’ within NI’s youth justice legislation that could be filled via amendments.¹⁴ In July 2025, NICCY issued advice to government on the seven known Ministerial amendments, to which have been made public by the Committee of Justice, on proposed changes to the Vagrancy Acts in NI, on biometrics contained in Part 1 of the Bill, new offences of serious organised crime, amongst others.¹⁵ This advice was issued in line with the UNCRC and with the best interests of the child at the centre.

NICCY urged the Committee to consider legislating on Minimum Age of Criminal Responsibility (MACR), banning the use of ‘spit and bite guards’ by the PSNI, introducing new system for minors who settle ‘out of court’, close gaps within the ‘abuse of trust’ provisions alongside equal protection from assault, and many other areas. These issues have also been raised to the UK State Party, including NI, by the UN Committee on the Rights of the Child in their 2023 Concluding Observations.¹⁶

The NI Executive published its Programme for Government, 2024-2027 in 2025, outlining a shared goal of improving the wellbeing of everyone living and working here, delivering across nine priorities.¹⁷ NICCY were disappointed that a specific priority relating to the wellbeing of children was not included, in keeping with the statutory duties set out in the Children’s Services Cooperation Act (NI) 2015. There was also no commitment included in the Programme for Government specifically on equal protection or on the need for a family and parenting strategy.

¹⁴ NICCY’s submission to the Committee for Justice call for evidence on the Justice Bill in March 2025 is available at: [Justice Bill Briefing March 2025 - Niccy](#)

¹⁵ NICCY’s submission to the Committee for Justice call for evidence on the planned Ministerial amendments to the Justice Bill is available at: [NICCY Submission to Committee of Justice - June 2025 - Niccy](#)

¹⁶ UN Committee on the Rights of the Child, ‘Concluding observations on the combined 6th and 7th periodic reports of the United Kingdom of Great Britain and Northern Ireland’ (2023) (Available at: [Concluding observations on the combined 6th and 7th periodic reports of the United Kingdom of Great Britain and Northern Ireland](#) : , accessed on 17.07.25)

¹⁷ NI Executive, ‘Our Plan: Doing What Matters Most Programme for Government 2024-2027’ (2025) (Available at: [Our Plan: Doing What Matters Most](#), accessed on 12.08.25)

The Children's Services Cooperation Act (NI) 2015 was a significant legislative development which aimed to improve the well-being of children and young people in a manner which realises their rights. The obligations under the Act should inform all of the work which Government Departments and agencies undertake to improve the lives of children and young people in NI. The Act placed a statutory obligation on Government to adopt a Children and Young People's Strategy and places further obligations on departments and agencies to co-operate with each other in order to contribute to the improvement of outcomes for children and young people. Eight areas are set out which define the well-being of children and young people and these include 'physical and mental health', 'living in safety and with stability' and 'living in a society which respects their rights'.¹⁸ It also states that in determining the meaning of well-being for the purposes of this Act, regard is to be had to any relevant provision of the UNCRC. The first Strategy under the Act was adopted by the Executive in 2020, in place until 2030, and a three-year Delivery Plan was published in 2021, outlining a number of key outcomes and actions. No mention of ensuring equal protection of assault in the home, or removing the defence of reasonable chastisement was mentioned. Contained within this, a commitment was given to the development of a new cross-Departmental Family and Parenting Support Strategy which has not been progressed to date.

Trauma informed practice and the understanding of Adverse Childhood Experiences (ACEs) is included within the Children and Young People's Strategy Delivery Plan but there is no reference to physical harm of children and young people in the home.¹⁹ In line with the findings of the Royal College of Paediatrics and Child Health, physical punishment of children should be considered an ACE and addressed in efforts to prevent violence.²⁰

However, in September 2025, the Department of Health published its 'Healthy Child, Healthy Future' Framework for the Universal Child Health Promotion Programme in NI. This framework sets out a universal public health programme that offers every family with children access to assessments, screenings, surveillance, immunisations, developmental reviews, information, and guidance to support parenting and healthy choices. It has a major emphasis on parenting support and promotes Positive Parenting, 'where babies, children and young people have been impacted by childhood adversity and in particular problematic parental substance use (hidden harm)'.²¹ Contained within

¹⁸ Children's Services Co-Operation Act (NI) 2015 (Available at: [Children's Services Co-operation Act \(Northern Ireland\) 2015](#), accessed on 12.08.25)

¹⁹ See: Northern Ireland Executive, 'Children and Young People's Strategy 2020-2030 Delivery Plan April 2021 – March 2024' (Available at: [Children & Young Peoples Strategy Delivery Plan 2021 - 2024.docx](#), accessed on 12.08.25)

²⁰ RCPCH, 'Equal protection from assault in England and Northern Ireland: The health, education and legal case for legislative change to remove the "reasonable punishment" defence and to prohibit all physical punishment of children' (2024) (Available at: [rcpch-equal-protection-from-assault-england-ni_policy-report-2024-v1-2.pdf](#), accessed on 12.08.25), p.14

²¹ Department of Health, 'Healthy Child, Healthy Future: A Framework for the Universal Child Health Promotion Programme in NI' (2025) (Available at: [Healthy Child, Healthy Future - A Framework for the Universal Child Health Promotion Programme in Northern Ireland](#), accessed on 29.9.25), p.23

this framework is an acknowledgement of ACEs and that by adopting a trauma informed whole system approach this will ensure that the right support is in place at the right time for babies, children, young people and families impacted by trauma. The document then goes on to recognise the progress that has been made in other jurisdictions on the banning of physical punishment of children 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.’²²

Internationally, children are now protected from corporal punishment in 68 countries, with Thailand becoming the latest country to prohibit it in all settings in 2025, including in the home.²³ In 2025, the Executive Board of the World Health Assembly (WHA) presented their first statement on the corporal punishment of children. The statement, made by the Government of Kenya, and supported by Armenia, Benin, Romania, Sierra Leone, Costa Rica, Finland, Thailand, Spain, Brazil, Colombia and Moldova, made a clear and compelling case for ending corporal punishment, outlined a public health concern over the continuing need for it to be abolished.²⁴ This builds from the announcement made by the governments of Kenya, Benin, Uganda and Nigeria to pursue an historic WHA resolution on the issue, at the first Global Ministerial Conference on Ending Violence Against Children hosted in Colombia in November 2024.²⁵

It is on this basis that NICCY has produced this report with the aim of assisting policy makers and elected representatives to repeal the defence of reasonable chastisement, in line with the UNCRC, and implement further family and parenting support.

This report’s methodology focused on two main parts. Firstly, a desk-based review of relevant materials and available information from Government and civic society, secondly, engagement with members of the European Network of Ombudspersons for Children (ENOC) during Spring 2025 (March to May). This included issuing a survey to all countries represented in ENOC containing five questions, a copy of which is available at *Appendix A*. A list of countries that provided a response to the questions is available at *Appendix B*. Information relating to Scotland and England has been provided through desk-based research.

NICCY wishes to thank those members who engaged and provided a written response.

²² *Ibid*, p. 24

²³ End Corporal Punishment, ‘Country Report for Thailand’ (2025) (Available at: [Thailand - End Corporal Punishment of Children](#), accessed on 17.07.25)

²⁴ See: [Executive Board of the World Health Assembly presented with first ever statement on corporal punishment of children - End Corporal Punishment of Children](#) (accessed on 06.08.25)

²⁵ See: [Ministerial Conference is landmark in global commitment to ending violence against children - End Corporal Punishment of Children](#) (accessed on 06.08.25)

ENOC survey 2025- what happens in other countries?

The European Network of Ombudspersons for Children (ENOC) is a not-for-profit association of independent children's rights institutions (ICRIs). More specifically, ENOC links ICRIs offices established in the Council of Europe to promote children's fundamental rights. Its mandate is to facilitate the promotion and protection of the rights of children, as formulated in the UNCRC.²⁶

NICCY has been a member of ENOC since 2007, and utilising this network, requested information from members on the operation of equal protection in their respective country or state in February 2025. A copy of the questions asked to members is available in Appendix 1. NICCY received a total of 15 responses from the 44 ENOC members in March to May 2025.

Additional examples of the systems in place in other countries have also been provided as part of this report, information on which has been gathered by desk-based research and is indicated as such.

Belgium Flanders

Belgium is one of the last countries in Europe where a right to a non-violent education for children has still not been written into law and corporal punishment remains legal in the home, alternative settings and day care. A Constitutional amendment in 2000 (art. 22bis) provides for the protection of the child's moral, physical and sexual integrity but does not explicitly prohibit all corporal punishment. Provisions against violence and abuse in the Penal Code as amended by the Law Concerning the Penal Protection of Minors 2000 are not interpreted as prohibiting all corporal punishment in childrearing.²⁷ In March and April 2021, two Bills were respectively introduced to the Parliament to amend the Civil Code and prohibit corporal punishment by adults in all settings. As of July 2024, both bills had yet to be passed. In 2023, Defence for Children International took a legal action against the Belgian State and the Minister of Justice for their failure to enact a legislation to prohibit corporal punishment in all settings. Regarding other settings, legally there are differences in protection of children in different communities such as alternative care.

According to information issued to NICCY by the Kinderrechtencommissariaat (Children's Commissioner), a survey was conducted in March 2020 in Belgium with a representative sample of 2,013 Belgians aged between 18 and 75. The main findings showed that punishments (psychological and physical) are part of the habits of the majority of parents, yet the majority do not consider them beneficial. A correlation between personal experience of violence and the perception of the appropriateness of child-rearing violence was found within the results. The survey found that a majority of the population was favour of adopting a law (educational rather than punitive). The

²⁶ For more information about ENOC, see: [European Network of Ombudspersons for Children - ENOC](#) (accessed on 06.08.25)

²⁷ Information provided to NICCY by the Kinderrechtencommissariaat is available at End Corporal Punishment: [Country report](#) (accessed on 12.08.25)

impact of Covid-19 on child safety in the home was also raised, with children and young people reporting an increase of violence after the pandemic, than before.²⁸

Cyprus

According to the Commissioner for Children's Rights, the prohibition of corporal punishment – as addressed in the General Comment No. 8 of the Committee for Children's Rights of the Child - practiced by parents is not *expressis verbis* enforced in Cyprus.

In terms of legislation, the Violence in the Family (Prevention and Protection of Victims) Law 2000 prohibits any form of violence against minors, where violence is defined as follows:

'[3(1)] Violence, for the purposes of this Law, means any act, omission or conduct by which physical, sexual or mental harm is caused to any family member by another family member and includes violence committed with the aim of achieving sexual intercourse without the consent of the victim, as well as restricting his or her freedom. (...)

[3(3)] An act or conduct constituting violence under subsections (1) and (2) of this section or an offence under Articles 174, 175 and 177 of the Penal Code when committed in the presence of a minor family member shall be considered violence against that minor if it is likely to cause him or her mental harm. Such act or conduct shall constitute an offence punishable under subsection (4) of this section'.²⁹

Through the Operation of Public Primary Schools Regulations 2024, the practice of any form of psychological, verbal and physical violence in schools, especially by adults, is expressly and categorically prohibited.³⁰ The deployment of pedagogical measures or consequences is also suggested by the above law for teachers.

No law refers to 'reasonable chastisement' in Cyprus and there is no data available on any impact that this has had on cases being taken against parents for assault, including if criminal cases have increased against parents/care givers for 'assault' by their children.

There has been no recent research/survey conducted in Cyprus relating to the attitude of parents/carers in your country regarding corporal punishment of children, if corporal punishment generally accepted/not accepted in society, including by political parties and representatives.

A research article was published in 2012 relating to the physical and emotional abuse of primary school children by teachers with the aim of investigating abuse in the school

²⁸ The survey was conducted on behalf of Defence des enfants Belgium, which was carried out in 2020. The survey results are not available in English but are available on request from NICCY.

²⁹ The translation of this legislation was provided by the Commissioner for Children's Rights Cyprus office as part of their submission to NICCY in March 2025.

³⁰ See: [\(K.Δ.Π. 168/2024\)](#)

environment and the effects of the gender and school grade of pupils, as well as the gender of teachers on the various forms of abuse, including physical.³¹

There are no specific measures or strategies in place to be taken by the State when corporal punishment of children by parents has taken place in Cyprus however there are references to strategies within the Violence in Family Law of 2000 in cases of family violence. A Family Counsellor can be appointed by a Minister, who exercises responsibilities including the ability to receive complaints about possible violence and conducts the necessary investigations; advises, guides and mediates in order to alleviate family problems that may have led or may lead to violence; lodging a complaint to the police to investigate any criminal offence, and is involved in potential exclusion orders on instruction by the courts. In case of information or complaint about the commission of an offence of violence against a minor, the Family Counsellor may, if he deems it appropriate depending on the seriousness of the complaint or information, may make a report to the Social Welfare Services with the advice of a multi-disciplinary group of child psychiatrists, pediatricians, social workers and clinical psychologists.³²

The Advisory Committee for the Prevention and Combating of Violence in the Family (ACPCVF) was established in 1996 by decision of the Council of Ministers, with the aim of effective prevention and total elimination of violence in the family. The membership of the ACPCVF includes the Ministry of Health, Ministry of Justice and Public Order, Ministry of Education, Culture, Sports and Youth (Educational Psychologist), Social Welfare Services (Ministry of Labour, Welfare and Social Insurance), the Legal Service and the Police.

Denmark

In Denmark, the legal ban on corporal punishment is outlined in the Act on Parental Responsibility, 1997. It is also included in the country's criminal law's articles on violence, and violence against children. According to the National Children Council, the Parental Responsibility Act states that the child has the right to care and security. The child must be treated with respect for their person and must not be subjected to corporal punishment or other degrading treatment.³³ There is no availability of the defence of reasonable chastisement, or similar defence in Denmark.

The Child Act regulates, among other things, the municipalities' work concerning violence and sexual abuse. For example, the law obliges the municipal council to develop and revise a contingency plan for violence and sexual abuse against children. In addition, the law regulates the requirement that anyone must notify the municipality

³¹ See: [Physical and emotional abuse of primary school children by teachers - ScienceDirect](#) (accessed on 06.08.25)

³² The translation of this legislation was provided by the Commissioner for Children's Rights Cyprus office as part of their submission to NICCY in March 2025. Summary of the legislative purposes drafted by NICCY.

³³ The translation of this was provided by the National Children's Council to NICCY as part of their submission in March 2025. The Danish version is available at <https://www.retsinformation.dk/eli/lta/2020/1768>

when they have knowledge that a child is subjected to abuse, and that the municipality must carry out a child welfare assessment when there is reason to believe that a child has been exposed to violence and/or sexual abuse. This law also governs the municipalities' use of the regional 'Children's Houses', also known as Barnahus.³⁴ The municipality is also obliged to explore the child's needs and make sure the appropriate support such as therapy and support is put into place according to the legislation.

Danish Criminal law covers a wide range of offences concerning violence and sexual abuse against children. Specific aggravators are available to the criminal justice system should the crime was committed against a child or in the presence of a child — for example, in cases of violence for the purposes of sentencing. In 2019, the Danish Parliament criminalised psychological violence in close relationships which also covers children and young people.³⁵ Additionally, the Social Services Act obliges municipalities to offer persons who have been exposed to violence in close relationships temporary accommodation in shelters or facilities for this target group. These individuals may be accompanied by children. All children accompanying a parent during their stay in such facilities are offered psychological treatment.³⁶

The Health Act aims to ensure that each individual's development, health, and well-being are promoted, and that sufficient access is provided to medical, psychological, and other professional support. The interdisciplinary group includes one or more representatives from the municipal health service.³⁷

According to the National Children's Council, violence and corporal punishment is not generally accepted in Danish society, the number of children exposed to domestic violence has remained roughly the same over the past 15 years. The exact reasons for this remain unknown.

The Children's Council stated that whilst corporal punishment is not accepted in the community, by caregivers, or by political parties, there seems to be an exception relating to children placed outside their homes. The caregivers for these children have broader frameworks for using force towards them, even though there are strict regulations on the use of force. The Danish government is currently exploring the possibility of allowing the use of force in schools, similar to the rules for children placed outside the home. The National Children's Council have shared that this is of great concern to them, and to their knowledge, no research has been done on this specific topic.

Finland

In Finland, corporal punishment of children has been explicitly prohibited since 1984. Section 1 of the Child Custody and Right of Access Act which states, among other

³⁴ As above, the Danish version available at <https://www.retsinformation.dk/eli/lta/2025/282>

³⁵ The Danish version is available at: <https://www.retsinformation.dk/eli/lta/2024/1145>

³⁶ Translation provided to NICCY by the National Children's Council with the Danish version of the information available at: <https://www.retsinformation.dk/eli/lta/2025/155>

³⁷ As above, with the Danish version available at: <https://www.retsinformation.dk/eli/lta/2025/275>

things, that ‘a child shall be protected from all forms of physical and mental violence, maltreatment and exploitation. A child shall be brought up with understanding, security and affection. A child must not be subdued, corporally punished or treated offensively in any other way.’³⁸

The law does not specify which acts are classified as corporal punishment, but all violence inflicted on a child for disciplinary purposes is prohibited. There have been court cases where actions such as pulling a child’s hair and flicking a child’s forehead have been classified as assault.

In 2010, an amendment was made to the Criminal Code, which made petty assaults on minors subject to public prosecution. In the preparatory work for this change, reports found that corporal punishment of children and young people by their parents had decreased significantly during the period from 1988 to 2008. The result is the same for both mothers and fathers in their use of physical violence towards their children.

Despite this, according to the Office of the Ombudsman for Children, the most common form of domestic violence is violence by parents towards their children. The increase in police-reported domestic violence is believed to be due to increased willingness to report, as national victim studies, such as women’s victim studies, and child victim studies do not show a corresponding rise.

Georgia

In September 2019, Georgia adopted the Code on the Rights of the Child, which entered into force on September 1, 2020. Within this legislation, Georgia became the 58th country worldwide to explicitly prohibit all forms of violence against children, including corporal punishment in all settings — home, schools, alternative care, and institutional facilities. According to the Office of the Public Defender (Ombudsman) of Georgia, the Parliament passed the Code with broad consensus, and it aligns with their international commitments, including the UN Convention on the Rights of the Child.³⁹ Georgia’s legal framework does not provide for a defence of ‘reasonable chastisement’ as the law prohibits all corporal punishment outright and treats such acts as violations, subject to state intervention and legal consequences.

In 2024, criminal prosecution was initiated against 2,172 individuals, and 608 children were recognized as victims on the grounds of domestic violence.⁴⁰ However, there are still no updated or comprehensive statistics specifically related to corporal punishment

³⁸ The unofficial English translation was provided by the Office of the Ombudsman for Children, originally available here: <https://finlex.fi/api/media/statute-foreign-language-translation/372359/mainPdf/main.pdf?timestamp=1983-04-08T00%3A00%3A00.000Z>

³⁹ The English version of the law (non-consolidated) is available here: <https://matsne.gov.ge/en/document/view/4613854?publication=4>

⁴⁰ Public Defender of Georgia, ‘Annual report on the situation of human rights and freedoms in Georgia – 2024’ (2025) (Available at: <https://ombudsman.ge/res/docs/2025040121291438156.pdf>, accessed on 12.08.25) Please note the 2024 Annual Report of the Public Defender of Georgia is currently available only in Georgian. An English version has not yet been published. Translation provided to NICCY by the Public Defender’s Office via email communication in May 2025.

of children in Georgia. The Public Defender's Office (PDO) has noted that the insufficient availability of disaggregated and comprehensive data on all forms of violence against children remains a significant challenge in the area of children's rights. This limitation continues to hinder the development of evidence-based policies and effective interventions.

Regarding public attitudes, no recent research has been conducted specifically to assess societal views on corporal punishment. However, a 2018 study by UNICEF Georgia indicated that although a relatively small proportion of caregivers supported the use of physical punishment, the practice of violent discipline remained widespread. The study found that one out of five children experienced a specific form of physical punishment during the reported period, such as hitting or slapping during the research period, aged between 1 and 14 years old.⁴¹ The UNICEF report recommended that current efforts relating to physical punishment should be consolidated around shifting public norms towards condemning specific violent forms of child discipline and building public awareness on specific effective methods of child rearing. Parental education in positive parenting should become a state priority, and informational and educational programmes should be utilised.

According to the casework experience of the Public Defender's office, implementing positive parenting approaches remains challenging, underlining the need for broader awareness-raising initiatives and support programs for parents and caregivers.⁴²

Iceland

Iceland prohibited corporal punishment of children through legislative measures in 1995 through amendments to the Icelandic Constitution, which included a revision of the human rights chapter. One of the amendments introduced a new provision in Article 76(3), stating that children shall be guaranteed by law the protection and care necessary for their well-being.

According to the Ombudsman for Children in Iceland, two further legislative amendments to the Child Protection Act No. 80/2002 in 2009 which followed a controversial ruling by a district court in Iceland in 2008, where a man had been accused of spanking his stepsons, then four and six years old. The man was found not guilty. The judge appeared to consider that the provision did not apply in cases where the parents consented to the use of violence. From the ruling, it could be inferred that the consent and responsibility of the guardians were deemed sufficient to permit the use of corporal punishment on children.

The ruling provoked significant public outrage, leading both the Ombudsman for Children in Iceland and Save the Children Iceland to issue statements expressing strong criticism of the court's decision. The Ombudsman was clear that interpreting Icelandic

⁴¹ UNICEF Georgia, 'Child disciplinary practice in Georgia' (2018) (Available at: https://www.unicef.org/georgia/media/5511/file/Discipline_Report_ENGLISH.pdf, accessed on 12.08.25), p.25

⁴² Information received by NICCY from the the Office of the Public Defender (Ombudsman) of Georgia in May 2025.

law in such a way that allows parents to subject their children to violence or permit others to do so would constitute a violation of Article 19 of the Convention on the Rights of the Child. Subsequently, two provisions were added to the Child Protection Act No. 80/2002 to clarify and strengthen the ban on corporal punishment. Article 1(2) states that all those responsible for the upbringing and care of children shall treat them with respect and affection, and that it is absolutely prohibited to subject children to violence or any other degrading treatment. Parents are required to treat their children with care and sensitivity and to fulfil their custodial and upbringing duties in a manner that best serves the children's interests and needs. They must provide their children with acceptable conditions for their upbringing and safeguard their well-being in every respect.⁴³

Furthermore, Article 99(1) of the Child Protection Act No.80 2002 provides that anyone who subjects a child to mental or physical punishment, threats, intimidation, or other degrading behaviour shall be subject to fines or imprisonment for up to three years.

Ireland

Ireland has abolished the defence of reasonable chastisement through Section 28 of the Children First Act 2015, becoming the 47th country to do so, in all settings.⁴⁴ The defence was in common law until then, under the Children Act 1908. The 1908 Act was then repealed by the Children Act 2001 which, while it did not include the right to administer punishment, it did not explicitly repeal it.⁴⁵ Corporal punishment was already prohibited outside the family home, in schools, in care settings, in penal institutions and in foster care at separate times, prior to the 2015 legislation through various Acts.⁴⁶

The corporal punishment of a child carries the same punishment as assault in Ireland which is under Section 2 of the Non-Fatal Offences Against the Person Act 1997 (as amended).⁴⁷ It outlines the offence alongside the summary conviction of a fine not exceeding £1,500 or to imprisonment for a term not exceeding 6 months or to both, available to the courts. Due to a lack of data, it is unclear whether all cases involving corporal punishment are dealt with through criminal proceedings or through involvement with Tusla, Ireland's Child and Family Agency.

⁴³ Ministry of Welfare, 'Child Protection Act, No. 80/2002, as amended by Act No. 62/2006, No. 88/2008, No. 52/2009, No. 162/2010, No. 80/2011, No. 85/2011, No. 126/2011, No. 138/2011, No. 58/2012, No. 134/2013, No. 85/2015 and No. 80/2016' (Available at: [Child Protection Act, No. 80/2002](#), accessed on 07.08.25)

⁴⁴ The Children First Act 2015 is available at: [Children First Act 2015](#). The common law defence of reasonable chastisement was abolished under Section 28 of the Children First Act 2015, which inserted a new clause 24A into the Non-Fatal Offences Against the Person Act 1997, available at: [Non-Fatal Offences Against the Person Act 1997](#)

⁴⁵ See: [Children Act 2001](#)

⁴⁶ For more information on the legislative changes in Ireland relating to corporal punishment, see Van Turnhout, J. (2023) "'Why didn't we do this years ago?': Ireland's Journey to Prohibiting All Corporal Punishment of Children' (Available at: ["Why didn't we do this years ago?": Ireland's Journey to Prohibiting All Corporal Punishment of Children | Canadian Journal of Children's Rights / Revue canadienne des droits des enfants](#), accessed on 05.08.25)

⁴⁷ See: Non-Fatal Offences Against the Person Act 1997 (Available at: [Revised Acts](#), accessed on 05.08.25)

In terms of data availability to see if the repeal of the legislation increased against legal processes against parents/care givers for 'assault' by their children since the change, there is limited. Recorded crime victims of assault data by age and sex can be accessed, but there is no data on the perpetrators e.g. whether they were parents.⁴⁸ The Central Statistics Office have reported that between Q3 2021 and Q3 2022, 13% of assaults were committed by blood relatives.⁴⁹

Physical punishment of children also falls under the category of physical child abuse in Ireland. The State of the Nation's Children Report 2024, published by the Department of Children, Equality, Disability, Integration and Youth, noted that out of the 22,752 child welfare and protection referrals to Tusla in Q4 2023, 2,255 related to physical abuse. In 2018 Q4, out of 13,823 child protection and welfare referrals to Tusla, 1630 related to physical abuse.⁵⁰

Previous State of the Nation's Children Reports, published prior to the abolition of the defence of reasonable chastisement, show increased rates of physical abuse. In 2008, out of 24,668 child welfare and protection referrals to Tusla, 2,399 related to physical abuse. In 2013, out of 41,599 referrals, 4,330 referred to physical abuse.⁵¹ In 2023, 24% of child protection referrals related to physical abuse.

The Ombudsman for Children's Office stated that child abuse is underreported in Ireland. While there is no available data surrounding parental assault on children, and the prevalence of cases such as these, a report published in 2021 found that Ireland has a relatively high acceptance of corporal punishment, in comparison to other countries.⁵²

In relation to attitudes, the 2021 study conducted by University College Cork (UCC) found that Ireland has a relatively high acceptance of corporal punishment, in comparison to other countries, which considered survey data from Austria, Estonia, Norway, Spain and Ireland.⁵³ 67.5% of Irish respondents to the survey question relating to the hypothetical question posed, indicating that despite legislative change, there is a relatively high acceptance of corporal punishment. A 2010 government-commissioned study showed that almost 30% of parents believed that smacking is wrong and should

⁴⁸ CSO, [Recorded Crime Victims of Assault by Age and Sex Recorded Crime Q2 2023 - Central Statistics Office](#) (accessed on 06.08.25)

⁴⁹ CSO, [Relationship Between Victims and Reported Suspects for Sexual and Assault Offences, Q3 2021-Q3 2022](#) (accessed on 06.08.25)

⁵⁰ Department of Children, Equality, Disability, Integration and Youth, 'State of the Nation's Children Report 2024' (Available at: [State of the Nation's Children](#), accessed on 05.08.25)

⁵¹ Previous State of the Nation's Children's Reports are available at: [State of the Nation's Children Reports](#) (accessed on 05.08.2025)

⁵² Teachers were the most common source of referrals of physical abuse accounting for more than one in four referrals (27%; 2,264) and more than double the next most common source, social workers (13%; 1,054). Burns, K. et al, 'Corporal punishment and reporting to child protection authorities: An empirical study of population attitudes in five European countries' (2021) (Available at: [Corporal punishment and reporting to child protection authorities: An empirical study of population attitudes in five European countries](#), accessed on 05.08.25)

⁵³ *Ibid.*

never be used, while 58% disagreed. Almost half of parents (49%) agreed that smacking is necessary as a last resort, while 40% disagreed.⁵⁴

The Office of the Ombudsman for Children highlighted the 2017 guidance, ‘Children First: [Ireland’s National Guidance for the Protection and Welfare of Children](#)’, which holds that it ‘is everyone’s responsibility to protect children and young people and to do our best to keep them safe’. The guidance also defines physical abuse which also refers to the Children First Act 2015.⁵⁵

Under this, where a child is at immediate risk of harm, Tusla and An Garda Síochána (Gardaí) will work together to ensure the safety of the child. If a member of the Gardaí has reasonable grounds for believing that there is an immediate and serious risk to the health or welfare of a child, and it would not be sufficient for the protection of that child to await the making of an application for an emergency care order by Tusla, they may, under Section 12 of the Child Care Act 1991, remove the child from danger and bring them to a place of safety. The child is then delivered to the care of Tusla as soon as possible.⁵⁶

Kosovo

In Kosovo, corporal punishment is prohibited by several different laws and provisions, which aim to protect human dignity and rights, as well as guarantee the rights of children. Article 50 of the Constitution of the Republic of Kosovo, has determined that every child has the right to be protected from violence, mistreatment and exploitation. Law No. 06/L-084 on Child Protection (LCP), aims, among others ‘to protect the child from all forms of physical and mental violence, abuse, misuse, exploitation, neglect or any other form that endangers the life, safety, health, education, upbringing and development of the child’. Article 38 of the LCP specifically prohibits corporal punishment, which includes the family home environment:

‘Corporal punishment and disciplinary measures that undermine and undermine the human dignity of the child, including forms of physical and mental violence, as well as conduct that degrades, humiliates and puts the child in a vulnerable position, are prohibited in every environment, including the home and family, educational institutions, care institutions, law enforcement agencies and the justice system, work and community settings.’

Kosovo’s Criminal Code also outlines the issue of child abuse and abandonment, which contains provisions for parents or those acting in, or exercising parental authority over a child, who abuses such a child by using physical or mental measures or violates his

⁵⁴ Halpenny, A. M., et al. (2010), ‘Parenting styles and discipline: parents’ perspectives on parenting styles and disciplining children’ (Available at: [Parenting styles and discipline: parents’ perspectives on parenting styles and disciplining children](#), accessed on 05.08.25)

⁵⁵ Available at: [Children First National Guidance 2017.pdf](#) (accessed on 06.08.25)

⁵⁶ Tusla and the Gardaí have a Joint Working Protocol which is accessible here: https://www.tusla.ie/uploads/content/CF_Joint_Protocol.pdf. The Child Care Act 1991 is available here: <https://revisedacts.lawreform.ie/eli/1991/act/17/front/revised/en/html> (accessed on 06.08.25)

obligation to care for and educate the child, can receive imprisonment between six months to three years. This also includes conscious negligence, abandonment, or endangers his or her life.⁵⁷

Overall, Kosovo's legislative framework has prohibited corporal punishment, and this prohibition is part of the country's commitment to the protection of human rights and the advancement of the well-being of children. Legislation in Kosovo does not allow for the defence of 'reasonable chastisement' for the purposes of discipline. There is no information available showing impact that legislation to this effect has had on cases being taken against parents for assault, or if criminal cases increased against parents/care givers for 'assault' by their children.

The 2019–2020 Kosovo Multiple Indicator Cluster Surveys (MICS), conducted by the Kosovo Agency of Statistics with UNICEF support, revealed trends in child discipline. While 24% of children aged 1–14 in Kosovo experienced only non-violent discipline, 72% were subjected to some form of violent discipline. Physical punishment affected 30% of children in the general population, with 6% facing severe forms. Violent discipline was more common among children whose mothers had lower education levels and among poorer households. Children aged 2–14 with functional difficulties were more likely to face violent discipline (82%) compared to those without (72%), though the trend was reversed in minority communities. Additionally, one in seven caregivers in the general population, and one in three in Roma, Ashkali, and Egyptian communities, believed physical punishment is necessary for raising or educating a child.⁵⁸

According to the Ombudsperson Institution of Kosovo, the law has set procedures on how institutions must react when children are mistreated or subjected to violence. There are general procedures regarding use of violence according to the Criminal Code and there are specific instructions which aim to educate parents, caretakers and educators regarding corporal punishment. For example, Article 63 of the Law on Child Protection foresees that the Ministry for Education Science and Technology provides programs that promote education, raise awareness regarding the degrading consequences of bodily punishment and parental programs that promote non-violent methods of discipline in the family and school, as well as child protection from violence and abuse.

Moreover, Regulation No. 21/2013 on the protocol for the prevention and referral of violence in pre-university education institutions defines the obligations, clarifies the roles and procedures of institutions for the prevention, identification, data collection, referral, treatment, reporting of violence against children in pre-university education institutions, and strengthens inter-institutional and multidisciplinary cooperation to

⁵⁷ Contained within Article 243 of the Criminal Code No. 06/l-074 of the Republic of Kosovo, which regulates the issue of child abuse or abandonment.

⁵⁸ MICS findings, provided to NICCY by the Ombudsperson Institution of Kosovo, available at: <https://www.unicef.org/kosovoprogramme/reports/mics-2020-key-findings-snapshots> (accessed on 06.08.25)

protect the rights of the child and to protect children from violence.⁵⁹ Parents are also offered advice on positive parenting. Primary social services offer ‘parental education that aims to help parents acquire greater knowledge and awareness about the stages of child development, effective family communication techniques and positive disciplines’, a duty which is outlined in law.⁶⁰

If the mistreatment is severe and the provisions of the Criminal Code on child abuse or abandonment are triggered, criminal proceedings are initiated. In such cases, the Criminal Procedure Code applies in conjunction with the provisions for the protection of child victims under the Juvenile Justice Code. There is no data available on the effectiveness of these proceedings in cases of corporal punishment.

Latvia

The prohibition of corporal punishment is stipulated in Law on the Protection of the Children's Rights Article 9(2) which holds that ‘a child shall not be treated cruelly, tortured, or physically punished, and his or her dignity and honour shall not be violated’.⁶¹ Legislation banning corporal punishment has been in place in Latvia since 1998 and no data is available on any impact that this has had on cases being taken against parents for assault. The law therefore does not allow for the defense of ‘reasonable chastisement’ for the purposes of discipline however, recent survey data issued to NICCY showed that around 30% use corporal punishment to their children.⁶² It is noteworthy that more than half (54%) of those surveyed did not know that corporal punishment of a child in Latvia is already prohibited by law.

In relation to the State reaction when corporal punishment of children by parents has taken place, the Republic of Latvia Ombudsman's Office stated that there were different ways in which punishment would be considered. If the particular type of corporal punishment did not cause serious injuries to the child and is not of a nature that could cause such injuries (for example, spanking), it would not be considered physical violence but rather emotional violence. There is no difference in penalties for physical or emotional violence. However, if physical or emotional violence causes suffering to the child, it can lead to criminal liability. If it is casual, it will result in administrative liability.

In cases when physical or emotional abuse is suspected in the family, the custody court and police would be involved. If the physical or emotional violence can cause harm to the child's health and development, the custody court can temporarily terminate parental rights and place child in care of other persons or in rehabilitation centre. The child who is victim of abuse is entitled to have state financed social rehabilitation. The parents can be asked by custody court or social services to attend special courses for

⁵⁹ Regulation on the protocol for the prevention and referral of violence in pre-university education institutions, at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=10292> (accessed on 06.08.25)

⁶⁰ Law no. 08/L-255 on Social and Family Services, at: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=85111>, (accessed on 06.08.25)

⁶¹ Available at: [Law on the Protection of the Children's Rights](#) (accessed on 05.08.25)

⁶² Available at: [Survey: 32% of parents in Latvia use corporal punishment in raising their children - Centrs Dardedze](#) (accessed on 05.08.25)

non-violent parenting. This can be asked of or advised to the parents whose parental rights are not terminated.

Under the Law on the Protection of the Children's Rights, Article 26 stipulates that municipalities assist families in raising children and under Article 66(2)(5) municipalities also organise parental education.⁶³

In 2022/2023 the Republic of Latvia Ombudsman's office carried out a study on the availability of training for parents on non-violent child discipline methods in local municipalities.⁶⁴ The results of the study showed that most municipalities do not consider providing assistance in child-rearing as one of their mandatory functions, as defined by the law. Nevertheless, in most municipalities, various activities are taking place or are planned to help parents with raising children.

The study found that overall, parenting courses are available free of charge in all municipalities, but often the target audience is more for 'socially at-risk' families. The opportunity for any parent to receive education is much more limited, often due to a lack of spaces or the non-existence of such courses. The Republic of Latvia Ombudsman's Office stated that for educational activities to be effective in a preventive way, they must be freely accessible to any parent, regardless of whether they have faced difficulties in raising their child. This would help prevent or reduce problems related to child behavior in the future.⁶⁵

Montenegro

A ban on corporal punishment is prescribed under Article 9(a) of the 2016 Family Code which holds that a 'child must not be subjected to corporal punishment or any other cruel, inhuman or degrading treatment or punishment'. This applies to parents, guardians and all other persons who take care of the child or come into contact with the child and have obligations to protect the child from such behaviour, outlined under Article 9(b) and (c).⁶⁶

Punishment for disciplinary purposes is not allowed for in Montenegro. However, NICCY were informed that there are no sanctions in that law if a child is physically punished by their parents. They stated that in practice, if a report is filed for this type of act, it is considered as domestic violence and there are available penalties to the court ranging from fines to imprisonment which may be imposed.

The 2010 law on Protection from Domestic Violence stipulates under Article 8 that:

'A threat to the physical, psychological, sexual or economic integrity, mental health and tranquillity of another family member is considered especially if the

⁶³ Available at: [Law on the Protection of the Children's Rights](#) (accessed on 05.08.25)

⁶⁴ Republic of Latvia Ombudsman, '2022/2023 study: Access to learning for parents on non-violent methods of disciplining a child in local governments' (2023) (Available at: [Study: Access to training for parents on non-violent methods of disciplining a child](#), accessed on 05.08.25)

⁶⁵ Response to NICCY from the Republic of Latvia Ombudsman, March 2025.

⁶⁶ See: [FAMILY LAW | Montenegro | Paragraph.](#) (accessed on 06.08.25)

family member...use[s] physical force, regardless of whether another family member was physically injured.’⁶⁷

Article 36(1) outlines the type of sentencing available – from a fine to imprisonment should physical force be used, regardless if the family member is physically injured.

The Ombudsman’s Office have stated that there were cases of parents being punished for corporal punishment of children (by hitting the child with a rod or other object) but did not provide specific data.

There are some courses on positive parenting available, but there is no analysis of their effects available. The Parenting School, organised by the Health Center of the Capital City of Podgorica, is guided by the principle of ‘from healthy parents to healthy offspring’. Psychological and paediatric workshops intended for pregnant women and their partners are available, which aims to prepare future parents for parenthood. Education is also available on common issues and misconceptions, as well as provision of relevant information about the health of pregnant women, mothers, babies and children. The workshops cover topics such as pregnancy, childbirth, nutrition, psychomotor development of the baby, psychological development of children, and others through interactive work and the exchange of experiences.

Poland

Within Article 40 of the 1997 Constitution of Poland, corporal punishment is explicitly prohibited to the penal system, in schools and institutions but did not effectively cover children and young people in the home. However, as of 2010, with an amendment to the Family and Guardianship Code 1964 which stated that those with parental authority and those exercising the function of guardian over a minor are prohibited from using corporal punishment. There is no defence of reasonable chastisement available in Poland.

There is no information available to suggest that any impact that this legislative change has had on cases being taken against parents for assault, or if criminal cases increased against parents/care givers for ‘assault’ by their children.

According to the Office of the Ombudsperson in Poland, since 2010, there has been a steady increase (from 34% to 59%) in the percentage of people who believe that corporal punishment of children should never be used. Since 2017, the proportion of people conditionally accepting such methods has declined. Since 2005, there have also been slight fluctuations in the percentage of those who believe that a parent may physically discipline their child if they consider it effective. Between 2010 and 2017, the percentages of supporters and opponents of the legal ban on corporal punishment changed only slightly. However, between 2017 and 2022, there was a significant increase in the number of people supporting such regulations (from 52% to 70%). When examining specific forms of corporal punishment, the Office has observed an increase in support for the legal ban on disciplining children through spanking (from 34% in 2017

⁶⁷ See: gov.me/dokumenta/072eb204-b885-43e2-8d30-3931bda88cef, (accessed on 06.08.25)

to 50% in 2022). In contrast, for other forms, such as hitting hard with a hand, hitting with a belt or other object, slapping the face, shaking or pushing, and pulling hair or ears, there has been a decline in the number of people supporting their prohibition.⁶⁸

In terms of state reaction to instances of corporal punishment, Polish authorities undertake a range of systemic actions aimed at protecting children from physical violence by their parents. These actions can include legal regulations, institutional procedures, as well as preventive and therapeutic strategies that support families in addressing parenting challenges without resorting to violence.

In cases involving more severe forms of physical or psychological violence, relevant provisions of the Penal Code may also be applied. Their Penal Code addresses physical or psychological abuse and stipulates that anyone who abuses a close relative physically or mentally is subject to a penalty of imprisonment ranging from 3 months to 5 years. Violation of bodily integrity is also covered, and states that anyone who strikes another person or otherwise violates their bodily integrity is subject to a fine, restriction of liberty, or imprisonment of up to one year. In situations where a person exposes another to immediate danger of loss of life or serious injury, the penalty of imprisonment for up to 3 years is provided for.

In cases of suspected violence, various institutions such as schools, kindergartens, medical facilities, or private individuals have an obligation to notify the relevant authorities, including the police, family court, or social welfare centre. When such a report is made, the family court may initiate guardianship proceedings and thoroughly examine the child's situation. The court also has the authority to limit, suspend, or revoke parental authority. Additionally, it may require parents to attend family therapy or participate in parenting support programs.

Alongside this, Social Welfare Centers and Interdisciplinary Teams implement the 'Blue Card' procedure, aimed at protecting victims of domestic violence. This procedure may involve providing psychological support to the family, court-appointed supervision visits, and referring parents to parenting courses and workshops.

The state also offers supportive strategies through education and therapy. Positive Parenting courses are organised by social welfare centres, non-governmental organizations such as the Empowering Children Foundation, and by county family support centres. These courses teach non-violent parenting methods, strategies for managing stress and emotions, and communication based on respect and empathy. Family and psychological therapy is also commonly recommended by courts or child psychologists. Such therapy may include support for children who have experienced violence, instruction in constructive family communication, and assistance with overcoming emotional and behavioural difficulties.

The Ombudsman's Office stated that although there is a lack of nationwide, consistent data on the effectiveness of these procedures, available reports such as those

⁶⁸ All from correspondence from the Office of the Ombudsperson in Poland to NICCY, March 2025.

published by the Empowering Children Foundation, do indicate that positive parenting courses and family therapy effectively reduce the risk of violence against children. Parental education also leads to improved family relationships. Unfortunately, many cases of violence remain unreported due to social taboos, fear of consequences, and a lack of trust in institutions. They did state that the existence and ongoing development of protective and educational mechanisms represent a significant step toward ensuring the safety of children and creating conditions conducive to their dignified development.

Srpska

Corporal punishment is prohibited in Republic of Srpska and it is regulated by Article 90(2) of Family Law of Republic of Srpska 2003. The Family Law of Republic of Srpska (Official Gazette of Republic of Srpska No. 17/23, and 27/24) in its Article 84(3) states that the 'child has the right to protection against and forms of violence, abuse, maltreatment and neglect in the family'. The same legislation, in the Article 90(2) holds that 'parents and other members of the family are not allowed to humiliate the child, emotionally or physically punish the child and abuse the child'. According to the Ombudsman for Children of Republic of Srpska, there is no defence of 'reasonable chastisement' allowed for in law.

There is no information that would indicate that the number of cases being taken against parents for assault have increased. Moreover, the Ombudsman for Children of Republic of Srpska does not hold information that any of such cases has been proceeded strictly as the case of corporal punishment and being taken against parent by the child. In their experience, cases when physical assault against the child are tried are usually cases of domestic violence when the child is a victim.

NICCY were informed that Srpska society generally accepts corporal punishment as a measure of discipline. The introduction of prohibition of it in the law was, however, accepted without reactions and loud protests. The Ombudsman for Children of Republic of Srpska gives rationale for this - due to the increased awareness of the rights of the child, other available disciplinary measures and parenting styles that have been promoted through schools, centres for mental health, independent experts input and the impact of social networks.

According to the legislation and positive practices, children who are victims have the right to psychosocial assistance. The need for it is decided by the competent Social Welfare Centre or by the court, if the case is part of the criminal procedure. According to the Family Law, Social Welfare Centres can issue measures of warning to parents, supervision of exercising parental rights, increased supervision of exercising parental rights and removal of a child from the family in cases in which the health, development and life of the child is jeopardised in the family. Social Welfare Centres organise also counselling for parents in coordination with the Centre for Mental Health, which is part of the health care centres network in Srpska.

The Family Law of Republic of Srpska in Article 124 covers areas that constitute reasons for the removal of parental rights. Parent abuse parental rights and duties if they

perpetrate 'physical or psychological violence against a child'.⁶⁹ Within criminal proceedings, the Criminal Code of Republic of Srpska (Official Gazette of RS No. 64/17, 15/21, 89/21) also covers violence against children as part of the domestic violence regulations, under Article 190(3).⁷⁰

Sweden

In 1979, Sweden introduced a ban on corporal punishment, and in doing so, became the first country in the world. The ban was enacted in the Parent Code (1949:381), included in Section 6:1, as follows:

Children have the right to care, security and a good upbringing. Children must be treated with respect for their person and individuality and must not be subjected to corporal punishment or other abusive treatment.

There is no defence of reasonable chastisement in Sweden.

There have been a number of research reports into the prevalence of and attitudes towards corporal punishment in Sweden. Analysis of data was conducted on assaults against children between 1981 and 1996 from all individuals from the ages of less than 15 years to more than 50 years and also refer to all assaults reported to the police prior to investigation or prosecution. Data is limited on if the individuals were parents, and may include relatives, strangers, baby-sitters or others who had contact with the child.

This study found the rates of reported crimes and cases have increased; however, the annual proportion of children under the age of 15 who were allegedly assaulted has not exceeded 2.8 per 1,000 population. Furthermore, the vast majority of reported assaults against children (averaging 92%) were petty or common offenses, suggesting that identification has been occurring before serious injury is sustained. The proportion of reports that concern aggravated assaults did not increase between 1981 and 1996, indicating that the seriousness of reported assaults has not increased.⁷¹

It is worth noting that of the goals of the corporal punishment ban in Sweden was to increase awareness of child physical abuse and to encourage the public to protect children at risk. Together with the public awareness campaigns conducted in Sweden through the 1970s and 1980s, this legal change was expected to produce an increase in child assault reports through the 1980s. The increase in reporting was, expected.⁷²

Whilst a direct causal link to the legislative ban cannot be identified, the results of the study found that public support for corporal punishment declined, the identification of children at risk has increased, child abuse mortality is rare, prosecution rates have

⁶⁹ See: (Official Gazette of Republic of Srpska No. 17/23, and 27/24), Article 124

⁷⁰ Article 190 of Republic Srpska Criminal Code relates to Domestic Violence offences (Available at: [CC_RS_am2018_eng.pdf](#), accessed on 05.08.25)

⁷¹ Durrant, J. E. (1999). Evaluating the success of Sweden's corporal punishment ban. *Child Abuse & Neglect*, 23(5), 435-448.

⁷² *Ibid.*

remained steady, and social service intervention has become increasingly supportive and preventive over the time period assessed.

On attitudes, NICCY were informed that national opinion polls have been conducted intermittently in Sweden since the mid-1960s by the Swedish Opinion Research Institute (SIFO) and Statistics Sweden (SCB) to chart trends in support for corporal punishment. The acceptance rate of punishment has steadily decreased from 53% in favour in 1965 to only 11% by 1994.

A further 2011 study which involved 2,500 parents of children aged 0-12 and 3,207 15–16-year-olds found that 92% of parents thought it was wrong to beat or slap a child. About 3% of parents had struck their child at some point during the past year, compared to 28% in 1980; 14% of 15–16-year-olds said they had been hit by their parents at least once in their lifetime. Children with disabilities or chronic health problems were twice as likely to be beaten as children without disabilities.⁷³

According to the Ombudsman for Children in Sweden, when instances of corporal punishment is reported, the case is typically handled by the local Social Services. The local authorities have a legal duty to initiate an investigation into the child's situation and home environment whenever there is reason to suspect that the child may be in need of protection or support. This is to ensure the child's safety, Social Services may intervene by moving the child to protective care, offering support to the family, such as counselling or parenting programs. Social services professionals are guided by two acts - the Social Services Act and the Special Provisions for Care of Young People Act. Measures available to Social Services under the first are voluntary and are carried out with parental consent, while those under the second are compulsory.

When there is a suspicion that children have been subjected to crime, such as assault, sexual abuse or child protection violations, they can be referred to the Barnahus system. At Sweden's 33 Barnahus', the police, social services, prosecutors, and paediatricians work together for cases of violence and sexual abuse of children.

Criminal liability for assaulting a child is regulated in Sweden's Penal Code holding that a person who inflicts bodily injury, illness or pain upon another or renders him or her powerless or in a similar helpless state, shall be sentenced for assault to imprisonment for at most two years or, if the crime is petty, to a fine or imprisonment for at most six months.⁷⁴

The Ombudsman's Office stated that it important to emphasize that, despite a strong protective legal framework, there are significant disparities in how children exposed to

⁷³ Janson, S. et al (2012), Corporal punishment and other humiliating behaviour towards children in Sweden – a national study 2011, Children's Welfare Foundation & University of Karlstad

⁷⁴ In communications issued to NICCY, the Ombudsman's Office highlighted that from July 2025, the law relating to Social Services was set to change. This is based on a legislative proposal which aimed to make social services more preventive, accessible, and knowledge-based, and to strengthen children's rights by ensuring that their opinions are considered and their best interests prioritized. More information on the new Social Services Act is available at: [A Preventive Social Services Act - Regeringen.se](https://www.regeringen.se/pressmeddelanden/2023/07/20230720-1)

domestic violence receive help. Access to protection, support, and services varies greatly across different parts of the country. In practice, they stated that this means that far from all children in need of protection or support due to violence in the home receive the assistance they are entitled to. This can in turn lead to a situation where children's rights are not upheld in an equal manner, which is in conflict with the principles of the Convention on the Rights of the Child.

Ukraine

Under Article 52 of the Constitution of Ukraine, any violence against a child or his/her exploitation shall be prosecuted by law. Within the Family Code, which came into force in 2002, physical punishment of the child by the parents, including the use of any other forms of punishment that are humiliating human dignity, shall be prohibited. Every child is guaranteed the right to freedom, personal inviolability and protection of dignity as part of the 'On the Protection of Childhood' legal framework. Also protected in law, discipline and order within the family, educational and other children's institutions shall be ensured on the grounds of principles based on mutual respect, justice and excluding humiliation of the child's honour and dignity. Children have the right to protection from all forms of violence in educational settings, day care, alternative care and judicial/penal institutions too. There is no defence of reasonable chastisement or similar, available under Ukrainian law.

In terms of state responses, the Ukrainian Parliament Commissioner for Human Rights for the Rights of the Child stated that if the Ukrainian children's services or the police receive information about corporal punishment of children by parents, they are obliged to verify the circumstances of the report within 24 hours. Either authority will visit the child's place of residence (home, school, etc.), talk to the child, the parents/guardians, possible witnesses and record signs of violence or threats to life/health. They also assess the level of safety of such a child including whether there is a real danger to the child's life and health. If the assessment of the situation constitutes a threat to the child's life or health, the child may be immediately referred to a healthcare facility to conduct and document the results of a medical examination of the child, conduct a forensic medical examination (if necessary), and provide the necessary medical care, including inpatient treatment.

The child may also be temporarily removed and placed in a safe place, depending on the decisions made by those relevant authorities. If there are grounds to do so, the police can open criminal proceedings.⁷⁵ In turn, the children's service engages specialists to develop a Family Assistance Plan. In cases of severe violence, the issue of deprivation of parental rights may be initiated. The family may also be referred for

⁷⁵ This could occur under the following Articles of the Criminal Code of Ukraine: Article 125 - Intended minor bodily injury; Article 126 - Battery and torture; Article 1261 - Domestic violence; and Article 166 - Persistent failure to perform duties related to the care of a child or a person under guardianship or in the custody.

mandatory counselling, participation in positive parenting programmes, and psycho-correctional courses. The child is also provided with psychological support.

There was no information available relating to the attitudes of parents/carers in Ukraine regarding corporal punishment of children, or if corporal punishment generally accepted/not accepted in society, including by political parties and representatives from the survey response.

Wales

Under the Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020, the defence of 'reasonable chastisement' for the purposes of discipline was repealed, which came into force in 2022. According to the Welsh Government, the overarching objective of the legislation is to help protect children's rights by prohibiting the use of physical punishment against children, through the removal of the defence of reasonable punishment. This means that the defence is no longer available within the territory of Wales to parents or those acting in *loco parentis* (acting with parental responsibility), as a defence to a charge of common assault and battery on a child in their care.⁷⁶

The Children's Commissioner for Wales does not have data relating to cases brought prior to the Act being introduced as this wasn't something that was captured by Police forces. In response to NICCY, they did state that through the monitoring of the implementation of the Act, and in particular the Out of Court Disposals scheme that was introduced to prevent the criminalisation of parents. Since the change to the law, bespoke parenting support is offered as an alternative to prosecution and criminal record.⁷⁷ The Out of Court Parenting Support Grant has also been offered by the Welsh Government to local authorities since March 2022 which funds bespoke parenting support which the police can refer people to as an alternative to prosecution, in cases where the police decide it is appropriate to offer an out of court disposal.

Local authorities record data about the number of referrals for parenting support received from the police, take up and completion rates and outcomes for individuals. Demographic data and data about requests for the intervention through the medium of Welsh are also collected.

From 1st April 2023 to 31st March 2024, 125 individuals were newly referred for out of court parenting support. 115 new individuals took up the offer of parenting support and 20 individuals continued to access the support from the previous reporting year.

⁷⁶ See: [The Children \(Abolition of Defence of Reasonable Punishment\) \(Wales\) Act 2020: first data release \[HTML\] | GOV.WALES](#) (accessed on 06.08.25)

⁷⁷ More information is available at: <https://www.gov.wales/children-abolition-defence-reasonable-punishment-wales-act-2020-april-2023-march-2024-html#:~:text=During%20the%20second%20year%20following,the%20offer%20of%20parenting%20support> (accessed on 06.08.25)

Of these 135 individuals, 110 individuals completed the sessions fully. 20 individuals have partially completed the sessions and will continue to access the support. 90 of the individuals who completed the sessions self-reported a positive outcome in a post support questionnaire. Figures on the total number of questionnaires completed are not available and more information relating to the support and grant offer is available on the Welsh Government website.⁷⁸

Since 2018, the Welsh Government have published a data set of annual surveys on the public's attitudes to physical punishment of children. The research shows a continued decline in those believing it is acceptable to use physical punishment and the June 2025 report showed that 29% agreed and 54% disagreed that it is sometimes necessary to smack a child. The research also gathers information on knowledge, awareness and opinion of the legislative change on reasonable chastisement.⁷⁹

The office of the Commissioner for Children in Wales pointed to the importance of education/campaigns and legislative change to bring about change. Positive Parenting resources are also freely available in Welsh and English for parents and families in Wales. This campaign existed before the law change on a more limited basis but resources were updated and extended to support the law change.⁸⁰

Other UK examples

Scotland

The Children (Equal Protection from Assault) (Scotland) Act 2019 removed the common law defence of reasonable chastisement from the law of Scotland from 2020 and meant that children and young people have the same legal protection from assault as adults. The Act also requires the Scottish Ministers to take steps to raise public awareness and understanding about the effect of the removal of the defence.⁸¹ It was brought by John Finnie MSP by way of a Private Member's Bill and through the consultation process, 650 responses were received from the public, with almost 75% in favour of the Bill.

Further to the Bill becoming law, a framework for statutory bodies was published which was to inform and support the approach taken by statutory bodies to the implementation of this Act.⁸²

⁷⁸ See: [The Children \(Abolition of Defence of Reasonable Punishment\) \(Wales\) Act 2020: April 2023 to March 2024 \[HTML\] | GOV.WALES](#) (accessed on 06.08.25)

⁷⁹ See: [Public attitudes to physical punishment of children: wave 8 survey, November 2024 | GOV.WALES](#) (accessed on 06.08.25)

⁸⁰ See: <https://www.gov.wales/parenting-give-it-time> (accessed on 06.08.25)

⁸¹ For more information on the Bill, now Act, please see: [Children \(Equal Protection from Assault\) \(Scotland\) Bill: framework for statutory bodies - gov.scot](#)

⁸² The framework is available at: [Equal+Protection+Act+-+framework+document+for+statutory+bodies+-+final+version.pdf](#)

England

The legal defence for the use of corporal punishment are found in Section 58 of the Children Act 2004 in England which provides for ‘reasonable punishment’ of children. According to the Children’s Commissioner for England, what constitutes ‘reasonable punishment’ is not defined in legislation. This change would instead remove the defence currently available to parents and carers, not the creation of a new offence. The Commissioner supports the removal of the defence of reasonable punishment, in line with similar repeals of legislation in Scotland and in Wales.

The prevalence of physical punishment of children is in decline in England with a 2021 YouGov poll highlighting that while 8 out of 10 British adults say they were physically punished as a child, 62% of parents have physically punished their children. The level and type of punishment used varies, but smacking and spanking is the most common form of punishment among younger people aged 18 to 24 who have been physically punished as a child. Nearly a quarter (23%) of this age group were hit with an object/weapon.⁸³ Polling commissioned by the NSPCC has found consistently in 2022, 2023 and 2024, that a majority of adults in England think the physical punishment of children is unacceptable.⁸⁴ The most recent polling, undertaken in July 2025, showed four in five parents with a child under 18 years old (81%) believe it’s unacceptable for a parent to use force, however slight, against a child. Young adults aged 18-24 (82%) questioned were also in agreement that it is unacceptable, highlighting a significant shift in attitudes amongst young people when compared to 2023 where 64% thought it was unacceptable.⁸⁵

The introduction of the Children’s Wellbeing and Schools Bill presented a new opportunity for legislative change to be made on equal protection in England. The NI Commissioner for Children and Young People, along with the other Commissioners in England, Scotland and Wales, recently called for provisions on equal protection to be included within this Bill and supported the amendments tabled by Baroness Finlay of Llandaff. At the time of writing, the Bill was at Committee Stage in the House of Lords.⁸⁶

⁸³ Children’s Commissioner, ‘Equal protection from assault for children Briefing for the Children’s Wellbeing and Schools Bill’ (2025) (Available at: [Equal-protection-from-assault-for-children-CCo-briefing-Feb-24.pdf](#), accessed on 12.08.25)

⁸⁴ NSPCC, Barnardos, RCPCH, ‘Joint written evidence submitted by NSPCC, Royal College of Paediatrics and Child Health (RCPCH) and Barnardo’s to Children’s Wellbeing and Schools Bil: Call for Evidence’ (2025) (Available at: [5813](#), accessed on 13.08.25), p.2

⁸⁵ See: [Most parents believe physical punishment of children crosses the line | NSPCC](#), accessed on 21.08.25

⁸⁶ For more information relating to the Children’s Wellbeing and Schools Bill, see: [Children’s Wellbeing and Schools Bill - Parliamentary Bills - UK Parliament](#) (accessed on 06.08.25)

Conclusion

What is clear from the responses to the survey responses from the ENOC members to NICCY, that the existence of a defence of reasonable chastisement is not readily available. Indeed, the majority of the Ombudspersons offices that responded indicated that protection from assault in the home was entirely banned. The existence and importance of family and parenting support was raised by a number of respondents, alongside legal protection, which is conducive to NICCYs key recommendations for NI – the our legislation must be amended, and that the NI Executive must introduce a resourced and funded Family and Parenting Strategy with increased supports available for all families and parents on child-rearing.

We note that this report does not reflect the majority of the ENOC members, however, there exists a wealth of data and information on the ban of corporal punishment in all areas to which policy makers and legislators should consider. International evidence from countries who have equal protection from assault in their domestic legislation shows that it serves as a catalyst to reducing the use of physical punishment, where downward trends in its use are already apparent. Physical punishment does not predict improvements in child behaviour and instead predicts deterioration in child behaviour and increased risk for maltreatment. The recently published World Health Organisation report into the public health impact of corporal punishment stated that ‘no study has found any positive effects of corporal punishment on children’s behaviour, development or wellbeing’.⁸⁷ There is thus no empirical reason for parents to continue to use physical punishment.⁸⁸

NICCY considers it helpful for decision makers to learn from other jurisdictions to ensure that an effective child’s rights approach is taken in NI, as well as considering the wider health implications and impacts related to equal protection. The health impacts of physical punishment are well documented which include poor mental health, social, emotional and behavioural issues and a heightened risk of serious physical assault. Challenges with having the defence of reasonable chastisement in place in NI have also been highlighted in a recent report by the Royal College of Paediatrics and Child Health when their members are supporting and educating families in that in certain circumstances there can be a defence to using physical punishment. This can make it difficult to set out the importance of not opting to use physical punishment and to support families to make choices which better protect their children.⁸⁹

⁸⁷ World Health Organisation, ‘Corporal punishment of children the public health impact’ (2025) (Available at: [Designing, implementing, evaluating, and scaling up parenting interventions A handbook for decision-makers and implementers](#), accessed on 09.09.25)

⁸⁸ Heilmann, A. et al (2021) ‘Physical punishment and child outcomes: a narrative review of prospective studies’ (Available at: [Physical punishment and child outcomes_a review of 69 longitudinal studies_Lancet 2021.pdf](#), accessed on 05.08.25), p.7

⁸⁹ RCPCH, ‘Equal protection from assault in England and Northern Ireland: The health, education and legal case for legislative change to remove the “reasonable punishment” defence and to prohibit all physical punishment of children’ (2024) (Available at: [rcpch-equal-protection-from-assault-england-ni_policy-report-2024-v1-2.pdf](#), accessed on 12.08.25), p.9

As previously mentioned, the Council of Europe's campaign 'Raise your hand against smacking' provides member states with awareness raising material to promote the abolition of corporal punishment and encourage positive, non-violent parenting.⁹⁰ The UN Committee, in its General Comment No. 8, stated there are now many examples of materials and programmes promoting positive, non-violent forms of parenting and education, addressed to parents, other carers and teachers and developed by Governments, UN agencies, NGOs and others.⁹¹ It also highlights the role of the media, who play a valuable role in awareness-raising and public education. It should be a priority for the NI Executive to provide strategic direction, further support, advice and information on positive parenting. There is considerable evidence that providing support and education to parents can reduce their use of physical punishment and children's externalizing behaviours.⁹²

Children must be protected from physical punishment in all forms and settings, including the home. It remains entirely unacceptable that children in NI are not protected from all forms of assault in their homes in the same way that their parents, grandparents and adult siblings are.

⁹⁰ See: [Corporal punishment - Children's Rights](#)

⁹¹ UN Committee on the Rights of the Child, 'General Comment No. 8: The Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment' (2007) (Available at: [General comment No. 8 \(2006\): The Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment \(Arts. 19; 28, Para. 2; and 37, inter alia\) | Refworld](#), accessed on 17.07.25), p.12

⁹² Durrant, J. and Ensom, R., 'Physical punishment of children: lessons from 20 years of research' (2012) (Available at: [Physical punishment of children: lessons from 20 years of research - PMC](#), accessed on 12.08.25)

Appendix 1: ENOC questionnaire

1. In what legal act was the prohibition of corporal punishment expressis verbis enforced in your country, if in place? If possible, please provide us with the English wording of the law and the date of commencement if relevant.
2. Does your country's laws allow for the defence of 'reasonable chastisement' for the purposes of discipline? If so, please provide us with the English wording of the law.
3. If your country has prohibited corporal punishment of children, and does not allow for a defence of reasonable chastisement, do you have any information or data on any impact that this has had on cases being taken against parents for assault? Have criminal cases increased against parents/care givers for 'assault' by their children?
4. Do you have any information or data on the attitude of parents/carers in your country regarding corporal punishment of children, if corporal punishment generally accepted/not accepted in society, including by political parties and representatives? If any research/survey has been done in this respect, what have been the results? Please provide examples, if available.
5. How does the state react when corporal punishment of children by parents has taken place? Please describe relevant proceedings or strategies (for example through therapy/positive parenting courses, criminal proceedings). If relevant proceedings exist, has their effectiveness been analysed? If possible, please provide us with the English wording of relevant parts of legal act, soft law, recommendations or otherwise.

Appendix 2: List of respondents from ENOC to questionnaire

Belgium

Cyprus

Denmark

Finland

Georgia

Iceland

Ireland

Kosovo

Sprska

Latvia

Montenegro

Sweden

Ukraine

Wales



@nichildcom

Northern Ireland
Commissioner for
Children and
Young People

Equality House
7-9 Shaftesbury Square,
Belfast
BT2 7DP

☎ 028 9031 1616
✉ info@niccy.org
🌐 www.niccy.org

