



Equal Protection for Children in Northern Ireland February 2025

- International evidence is clear that physical punishment is harmful: it damages children's wellbeing and is linked to poorer outcomes in childhood and adulthood.
- The proposed legislative action will remove the legal defence of 'reasonable punishment' to give children equal protection from assault.
- Evidence from countries which have already reformed their law shows there has been no significant increase in prosecutions, and there have been improvements in child outcomes.

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

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

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

There is clear evidence that physical punishment is ineffective in improving children's behaviour and in fact can have an adverse impact on children's

¹ United Nations Committee on the Rights of the Child (2006) Forty Second Session. General Comment No.8: The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment. Geneva: United Nations.

wellbeing². A vital opportunity has emerged through a Justice Bill introduced in September 2024. We expect the scope of the Bill should allow for an amendment to be brought forward to remove the legal defence of 'reasonable chastisement'. This legal change is essential to ensure that children are afforded the same protection from assault as adults.

The current legal position

Most forms of physical punishment of children were prohibited in the United Kingdom by the end of the twentieth century. However, in NI, both common and statute law still permit the use of physical punishment by parents or those caring for a child, by enabling them to raise a relevant defence in court³.

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

The United Nations Convention on the Rights of the Child (UNCRC), ratified by the UK in 1991, directs State Parties to take all measures to protect children from all forms of physical and mental violence, including physical punishment. The UN Committee made clear that children deserve protection from 'all forms of physical or mental violence' including 'any level of legalized violence'⁴. In addition, the Committee's most recent Concluding Observations to the UK⁵ in June 2023 recommended 'the repeal of the "reasonable punishment" defence in England and NI' and strengthening 'awareness-raising campaigns for parents, teachers and other professionals'.

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

Furthermore in 2022, the Department of Health wrote to all Health and Social Care Trusts to ensure prospective adopters or fosterers' views on physical punishment are reported and assessed during the assessment stage and that they agree to using no physical punishment on any child placed in their care⁶.

² Anja Heilmann et al (2021) Physical punishment and child outcomes: a narrative review of prospective studies, *The Lancet*.

³ This is also the legal position in England currently.

⁴ United Nations Committee on the Rights of the Child (2006) Forty Second Session. General Comment No.8, paragraph 18: The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment. Geneva: United Nations.

⁵ UNCRC (2023) Concluding observations on the combined sixth and seventh periodic reports of the United Kingdom of Great Britain and Northern Ireland: [UNCRC-Concluding-Observations.pdf \(niccy.org\)](#).

⁶ This came as a result of NSPCC engagement with the DOH Fostering & Adoption Team in light of the tragic death of Leiland-James Corkill in Cumbria in 2021. Leiland-James was murdered by his prospective adoptive parent aged 13 months old: [Cumbria LCSPP Report - Leiland-James Michael](#)

In effect, practice here is advancing before the law. We want to see such best practice expanded to protect all children via legal reform.

The need for change

Physical punishment has not been linked to any positive outcome for children⁷. In fact, an international literature review⁸ on the impact of physical punishment on children found that:

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

Despite this evidence, physical punishment is still a part of childhood for too many children. Published in 2024, a UCL research briefing⁹ showed that more than one in five 10-year-old children in the UK experienced physical punishment in 2020/21. However, research shows the highest prevalence of physical punishment reported in the UK was for very young children (around the age of 3)¹⁰. Global estimates indicate that 63% of children aged 2 to 4 are regularly subjected to physical punishment by their caregivers¹¹. It is concerning that evidence points to the prevalence of physical punishment being at its highest when children are very young and often at their most vulnerable.

In addition, contacts from adults to the NSPCC Helpline with concerns about a child being hit, slapped, or shaken have tripled in the last year. Between April 2023 and March 2024, the NSPCC Helpline handled 1,451 child welfare contacts where physical punishment was mentioned. This was over three times higher than in the same period in 2022 and 2023. Forty-five percent of all calls made were serious enough to require a referral to social services or police.

Attitudes towards physical punishment and the acceptability of hitting or smacking children are changing. NSPCC research from 2022¹² found that in NI, almost two

Corkill.

⁷ Anja Heilmann et al (2021) Physical punishment and child outcomes: a narrative review of prospective studies, *The Lancet*.

⁸ Heilmann, A., Kelly, Y. and Watt, R.G. (2015) *Equally Protected - A review of the evidence on the physical punishment of children*. Edinburgh: Children and Young People's Commissioner Scotland, Children 1st, Barnardo's Scotland, NSPCC Scotland.

⁹ UCL research briefing (2024) Physical Punishment of Children in the UK: Research Briefing https://www.ucl.ac.uk/epidemiology-health-care/sites/epidemiology_health_care/files/ucl_briefing_physical_punishment_april_2024.pdf

¹⁰ Ibid.

¹¹ United Nations Children's Fund (2017) *A familiar face: violence in the lives of children and adolescents*. New York: UNICEF.

¹² NSPCC NI (2022) *Policy Briefing: Public Attitudes on Equal Protection*. Belfast: NSPCC (report available on request). Based on questions previously developed, adapted and used by the Northern

thirds (65%) of adults support a change in the law to protect children from being physically punished by their parents and carers. Among parents, carers and guardians this rose to 71%; an increase from 63% in NICCY's 2017 survey, showing a clear trend towards support for legal reform.

Legislative change will provide much-needed clarity for parents/carers, children and the wider public about the unacceptability of using physical punishment as a form of discipline. NSPCC research from 2022¹³ showed only 45% of parents were aware that the law allows a parent/carer to physically punish their child. Furthermore, a 2024 RCPCH report explained that as long as physical punishment remains lawful, it makes it difficult for healthcare professionals to distinguish between children who are routinely abused and children who are largely well cared for¹⁴.

Positive legal change to ensure equal protection for children has already been implemented in the Republic of Ireland, Wales, Scotland and Jersey. In England, Government ministers are also currently considering legal change to provide equal protection for children¹⁵. Children in NI are at risk of being less protected from assault than their peers across the rest of the UK and the Republic of Ireland. We cannot allow our most vulnerable to be left behind. It is clear legal reform is vital to reduce potential harm to children and the risk of escalation to abuse.

The NI Executive should also re-commit to tangible action to support families, parents and carers and a greater focus on positive parenting. The current draft Programme for Government identifies the delivery of 'More Affordable Childcare' as an immediate priority, noting that early years intervention provides the best long-term outcomes for our children. However, a more holistic approach is required to fully support families with young children in NI. Demand for this is illustrated by one example from Parenting Focus, who report they were contacted by 2,233 parents seeking support with 'parenting children's challenging behaviour' in the period January 2022 to September 2024¹⁶.

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

Ireland Commissioner for Children and Young People (NICCY) in 2017, Northern Ireland Commissioner for Children and Young People (2017) Changing Perceptions: Equal Protection for Children NICCY's work and survey results on attitudes to physical punishment. Belfast: NICCY.

¹³ NSPCC NI (2022) Policy Briefing: Public Attitudes on Equal Protection. Belfast: NSPCC (report available on request). Based on questions previously developed, adapted and used by the Northern Ireland Commissioner for Children and Young People (NICCY) in 2017, Northern Ireland Commissioner for Children and Young People (2017) Changing Perceptions: Equal Protection for Children NICCY's work and survey results on attitudes to physical punishment. Belfast: NICCY.

¹⁴ RCPCH (2024) Equal protection from assault in England and Northern Ireland Policy Report [rcpch-equal-protection-from-assault-england-ni_policy-report-2024-v1-2.pdf](https://www.rcpch-equal-protection-from-assault-england-ni-policy-report-2024-v1-2.pdf)

¹⁵ Government ministers considering legal change in England <https://www.bbc.co.uk/news/articles/cr4x4lqv4d0o>. This comes in light of Sara Sharif's tragic murder, after her father claimed "I legally punished her, and she died": <https://www.theguardian.com/commentisfree/2024/oct/19/how-many-more-children-like-sara-sharif-will-be-killed-before-smacking-is-banned>

¹⁶ Service data provided by Parenting Focus, October 2024.

to parents and carers.

The proposal

There is a major opportunity through the Justice Bill, introduced in September 2024, to remove the legal defence of 'reasonable punishment' through an amendment at Committee or Consideration stage. This legal change would ensure children are afforded equal protection from assault as adults. There would be no introduction of any new offence, but rather the removal of an existing legal defence.

The main aim of changing the law is educational and cultural, rather than punitive. While concerns have been historically raised that legal reform would criminalise loving parents, there is no evidence of an increase in criminal prosecutions of parents in countries which have amended their relevant legislation¹⁷.

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

What can you do?

We urge organisations and individuals to engage with elected representatives to impress on them the need to change the law to give children equal protection from assault in NI.

Following the introduction of the Justice Bill in September 2024, we would urge organisations and individuals to push for an amendment to implement this positive change for children, in addition to ensuring every parent receives positive parenting information and support.

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

¹⁷ <http://www.police.govt.nz/sites/default/files/resources/10-review-section-59.pdf>