





## Briefing

This briefing highlights the human rights imperative to prohibit all violent punishment of children in all ASEAN member states. It summarises progress so far towards prohibition in each state and what remains to be done. Aiming to promote national action for prohibition, it emphasises the many immediate opportunities for working to fulfil children’s right to protection in law from all corporal punishment in all settings – in particular, where states are currently reforming legislation related to children, and in relation to the global 2030 Agenda for Sustainable Development and target 16.2 to end all violence against children.

## Why prohibit corporal punishment?

Everyone has a right to protection in law from being hit and hurt, regardless of where they are, who they are with or what the circumstances are. Children are particularly vulnerable to violence – and yet in so many states they are the last to receive this basic legal protection. In many societies, the belief that physical and other humiliating punishment is a necessary part of “disciplining” children is widely held. However, where adults are legally protected from all assault, the legality of corporal punishment denies children their right to equal protection under the law and clearly discriminates against them. The legal and social acceptance of this form of violence against children is highly symbolic of children’s marginal and often secondary status in societies where they are not seen as individual rights-holders as confirmed by the Convention on the Rights of the Child 1989.

The UN Committee on the Rights of the Child and other international and regional human rights bodies have made it very clear that all corporal punishment of children must be prohibited and eliminated, including within the family. The issue of corporal punishment has been raised – in many cases repeatedly – in UN treaty body examinations of every ASEAN member state. Most have also received recommendations to prohibit corporal punishment during the Universal Periodic Review of their overall human rights records.

Legal protection from all corporal punishment is a right in itself. But prohibition is also critical for fulfilling children’s rights to health, development and education. Experience of corporal punishment as a child leads to death and injury for thousands of children each year and is associated with poor mental health in childhood and adulthood. Physical punishment is linked to increased aggression and antisocial behaviour in children and an increased likelihood of perpetrating, experiencing and accepting violence as an adult. It damages family relationships and, far from teaching children how to behave well, it teaches children that violence is an acceptable way to resolve conflict. Crucially, the COVID-19 pandemic has increased children’s risk of violence in every country and community, including in the ASEAN region. Emergency public health measures coupled with reduced household income have increased parent and caregiver stress as well as incidence of corporal punishment.

## Progress towards prohibition

Progress towards universal prohibition of corporal punishment is rapidly gaining pace. Globally, 63 states have prohibited all corporal punishment including in the home and another 26 have committed to full prohibition. No ASEAN member state has yet achieved prohibition in all settings, but reform is under way in some, and four governments – Cambodia, Indonesia, Myanmar and the Philippines – have publicly committed to enacting prohibiting legislation.













