

Progress towards prohibiting all corporal punishment in East Asia and the Pacific

Prepared by the Global Initiative to End All Corporal Punishment of Children (www.endcorporalpunishment.org), February 2017



Global Initiative to
End All Corporal Punishment
of Children

The following table summarises the legal status of corporal punishment of children – and progress towards achieving prohibition – in all settings in all states in East Asia and the Pacific. As at February 2017, two states have achieved prohibition in all settings, including the home; governments of at least 10 others have expressed a commitment to enacting full prohibition. Three states have prohibited corporal punishment in all alternative care settings, three in day care, 18 in schools, 22 in penal institutions and 25 as a sentence for crime.

States with full prohibition in legislation

The following states have prohibited corporal punishment in all settings, including the home.

State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Mongolia	YES ¹	YES	YES	YES	YES	YES
New Zealand	YES ²	YES	YES	YES	YES	YES

States expressing commitment to law reform in UPR and other contexts

Governments in the following states have expressed a commitment to prohibition of all corporal punishment of children through unequivocally accepting recommendations to prohibit made during the Universal Periodic Review (UPR) of the state concerned.

<i>States committed to law reform ...</i>						
State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Fiji ³	NO	NO	NO	YES ⁴	YES	YES
Kiribati ⁵	NO	NO	NO	YES	NO	NO
Marshall Islands ⁶	NO	NO	NO	[YES] ⁷	YES	YES
Micronesia ⁸	NO	NO	NO	[YES]	NO	YES
Palau ⁹	NO	NO	NO	NO	NO	YES
Papua New Guinea ¹⁰	NO	SOME ¹¹	NO	NO	YES	YES

¹ Prohibited in Law on the Rights of Children 2016 and Law on Child Protection 2016

² Prohibited in Crimes (Substituted Section 59) Amendment Act 2007

³ Government accepted UPR recommendation to prohibit in all settings (2014)

⁴ Unlawful under 2002 High Court ruling, not yet confirmed in legislation

⁵ Government accepted UPR recommendations to prohibit in all settings and repeal “reasonable punishment” defence (2015)

⁶ Government accepted UPR recommendations to prohibit (2015)

⁷ But some legislation still to be formally repealed

⁸ Government accepted UPR recommendations to prohibit in all settings (2015)

⁹ Government accepted UPR recommendations to prohibit (2011, 2016)

<i>States committed to law reform ...</i>						
State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Philippines ¹²	NO	YES	YES	YES	YES	YES
Samoa ¹³	NO	NO	SOME ¹⁴	SOME ¹⁵	YES	YES
Thailand ¹⁶	NO	NO	NO	YES	YES	YES
Timor-Leste ¹⁷	NO	NO	NO	NO	YES	YES

States without a clear commitment to law reform

The following states have yet to make a clear commitment to prohibiting all corporal punishment.

<i>States without a clear commitment to law reform ...</i>						
State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Australia	NO	SOME ¹⁸	SOME ¹⁹	SOME ²⁰	SOME ²¹	YES
Brunei Darussalam ²²	NO	NO	SOME ²³	NO	NO	NO
Cambodia	NO	NO	NO	YES	YES	YES
China	NO ²⁴	[NO]	SOME ²⁵	YES	YES	YES
Cook Islands	NO	NO	SOME ²⁶	YES	NO	YES
DPR Korea ²⁷	NO	NO	NO	[NO] ²⁸	[YES]	[YES]
Indonesia	NO	NO ²⁹	NO	NO	YES	SOME ³⁰
Japan ³¹	SOME ³²	NO	NO	YES ³³	NO	YES
Lao PDR	NO	NO	SOME ³⁴	YES	YES	YES

¹⁰ Government accepted UPR recommendation to prohibit in all settings (2011)

¹¹ Corporal punishment of children “in the care of the Director” prohibited

¹² Government accepted UPR recommendation to prohibit in the home and other settings (2012); bill which would prohibit under discussion (2016)

¹³ Government accepted UPR recommendation to prohibit in the home (2011)

¹⁴ Prohibited in early childhood centres

¹⁵ Prohibited in government schools for children aged 5-14

¹⁶ Government accepted UPR recommendations to prohibit in all settings (2012)

¹⁷ Government accepted UPR recommendation to prohibit (2011)

¹⁸ Prohibited in all residential centres and foster care in all states/territories except Northern Territory, Tasmania, Victoria and Western Australia

¹⁹ Prohibited in all states/territories except in Northern Territory and Tasmania; prohibition in childminding unconfirmed

²⁰ Prohibited in all states/territories except Northern Territory, Queensland and Western Australia

²¹ Prohibited in all states/territories except Australian Capital Territory and Western Australia

²² Government accepted some UPR recommendations to prohibit but rejected others (2009)

²³ Prohibited in childcare centres

²⁴ But corporal punishment of girls prohibited in Shenzhen Special Economic Zone

²⁵ Prohibited in nurseries and kindergartens

²⁶ Prohibited in institutions providing early childhood education

²⁷ Government accepted UPR recommendation to prohibit in all settings (2014)

²⁸ Policy states corporal punishment should not be used but possibly no prohibition in law

²⁹ National Standards of Care for Child Welfare Institutions state corporal punishment should not be used but no prohibition in law

³⁰ Lawful under Shari’a law

³¹ Government accepted UPR recommendation to prohibit all corporal punishment (2008, 2012) but denied that “right to discipline” allows corporal punishment and stated that legislation adequately protects children from “excessive” discipline (2012)

³² Prohibited in Kawasaki City by local ordinance

³³ But Tokyo High Court has ruled some physical punishment may be lawful in some circumstances

³⁴ Unlawful in early childhood education settings

<i>States without a clear commitment to law reform ...</i>						
State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Malaysia	NO	NO	NO	NO	NO	NO ³⁵
Myanmar	NO	NO	NO	NO ³⁶	NO	YES ³⁷
Nauru	NO	NO	[SOME] ³⁸	YES	YES	[YES]
Niue	NO	NO	NO	NO	[YES]	YES
Republic of Korea ³⁹	SOME ⁴⁰	SOME ⁴¹	SOME ⁴²	SOME ⁴³	YES	YES
Singapore	NO	NO	SOME ⁴⁴	NO	NO	NO
Solomon Islands ⁴⁵	NO	NO	NO	NO	YES	YES ⁴⁶
Taiwan	NO	NO	[SOME] ⁴⁷	YES	YES	YES
Tonga	NO	NO	SOME ⁴⁸	YES	[YES]	NO ⁴⁹
Tuvalu ⁵⁰	NO	SOME ⁵¹	NO	NO	SOME ⁵²	SOME ⁵³
Vanuatu	NO	NO	NO	YES	YES	SOME ⁵⁴
Viet Nam	NO	NO	NO	YES	YES	YES

Note

The above information is based wherever possible on examination of national legislation; additional information is gathered from many sources, including reports to and by the United Nations human rights treaty bodies. **Information in square brackets is unconfirmed.** We are very grateful to government officials, UNICEF and other UN agencies, NGOs and human rights institutions, and many individuals who have assisted us in our research. We welcome corrections and updates: email info@endcorporalpunishment.org. For further details on all states see the individual state reports at www.endcorporalpunishment.org.

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³⁵ Government committed to prohibition (2007); bill which would prohibit (but not under Islamic law) under discussion (2015)

³⁶ Government directive advises against corporal punishment but no prohibition in law

³⁷ But some legislation still to be repealed

³⁸ Possibly prohibited in preschool education settings

³⁹ Government accepted UPR recommendations to prohibit in all settings (2012) but was unclear on need for prohibition in the home

⁴⁰ Prohibited in Seoul

⁴¹ Prohibited in Seoul

⁴² Prohibited in Seoul

⁴³ Law prohibits direct (with contact) but not indirect (no contact) physical punishment; fully prohibited in Seoul

⁴⁴ Prohibited in childcare centres

⁴⁵ Government accepted UPR recommendation to prohibit in all settings (2011) but stated review of Penal Code included assessing need for clarification on lawful corporal punishment

⁴⁶ But used in traditional justice

⁴⁷ Possibly prohibited in care centres

⁴⁸ Prohibited in preschool institutions

⁴⁹ 2010 Court of Appeal ruling stated "it might be argued" whipping is unconstitutional but did not declare it such

⁵⁰ Government accepted 2008 UPR recommendation to prohibit but in 2013 accepted some UPR recommendations to prohibit and rejected others

⁵¹ Prohibited in hospital mental health wing

⁵² Corporal punishment by police officers prohibited

⁵³ Island courts may order corporal punishment

⁵⁴ Permitted in rural areas under customary justice systems