

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



GLOBAL INITIATIVE TO
**End All Corporal
Punishment of Children**

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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 May 2017, two states have achieved prohibition in all settings, including the home; governments of at least 11 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
Indonesia ⁵	NO	NO ⁶	NO	NO	YES	SOME ⁷
Kiribati ⁸	NO	NO	NO	YES	NO	NO
Marshall Islands ⁹	NO	NO	NO	[YES] ¹⁰	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 (2017)

⁶ National Standards of Care for Child Welfare Institutions state corporal punishment should not be used but no prohibition in law

⁷ Lawful under Shari'a law

⁸ Government accepted UPR recommendations to prohibit in all settings and repeal "reasonable punishment" defence (2015)

States committed to law reform ...						
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
Micronesia ¹¹	NO	NO	NO	[YES]	NO	YES
Palau ¹²	NO	NO	NO	NO	NO	YES
Papua New Guinea ¹³	NO	SOME ¹⁴	NO	NO	YES	YES
Philippines ¹⁵	NO	YES	YES	YES	YES	YES
Samoa ¹⁶	NO	NO	SOME ¹⁷	SOME ¹⁸	YES	YES
Thailand ¹⁹	NO	NO	NO	YES	YES	YES
Timor-Leste ²⁰	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.

States without a clear commitment to law reform ...						
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 ²¹	SOME ²²	SOME ²³	SOME ²⁴	YES
Brunei Darussalam ²⁵	NO	NO	SOME ²⁶	NO	NO	NO
Cambodia	NO	NO	NO	YES	YES	YES
China	NO ²⁷	[NO]	SOME ²⁸	YES	YES	YES
Cook Islands	NO	NO	SOME ²⁹	YES	NO	YES
DPR Korea ³⁰	NO	NO	NO	[NO] ³¹	[YES]	[YES]
Japan ³²	SOME ³³	NO	NO	YES ³⁴	NO	YES

⁹ Government accepted UPR recommendations to prohibit (2015)

¹⁰ But some legislation still to be formally repealed

¹¹ Government accepted UPR recommendations to prohibit in all settings (2015)

¹² Government accepted UPR recommendations to prohibit (2011, 2016)

¹³ Government accepted UPR recommendation to prohibit in all settings (2011)

¹⁴ Corporal punishment of children "in the care of the Director" prohibited

¹⁵ Government accepted UPR recommendation to prohibit in the home and other settings (2012); bill which would prohibit under discussion (2016)

¹⁶ Government accepted UPR recommendation to prohibit in the home (2011)

¹⁷ Prohibited in early childhood centres

¹⁸ Prohibited in government primary schools

¹⁹ Government accepted UPR recommendations to prohibit in all settings (2012 and 2016)

²⁰ Government accepted UPR recommendation to prohibit (2011)

²¹ Prohibited in all residential centres and foster care in all states/territories except Northern Territory, Tasmania, Victoria and Western Australia

²² Prohibited in all states/territories except in Northern Territory and Tasmania; prohibition in childminding unconfirmed

²³ Prohibited in all states/territories except Northern Territory, Queensland and Western Australia

²⁴ Prohibited in all states/territories except Australian Capital Territory and Western Australia

²⁵ Government accepted some UPR recommendations to prohibit but rejected others (2009)

²⁶ Prohibited in childcare centres

²⁷ But corporal punishment of girls prohibited in Shenzhen Special Economic Zone

²⁸ Prohibited in nurseries and kindergartens

²⁹ Prohibited in institutions providing early childhood education

³⁰ Government accepted UPR recommendation to prohibit in all settings (2014)

³¹ Policy states corporal punishment should not be used but possibly no prohibition in law

States without a clear commitment to law reform ...						
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
Lao PDR	NO	NO	SOME ³⁵	YES	YES	YES
Malaysia	NO	NO	NO	NO	NO	NO ³⁶
Myanmar	NO	NO	NO	NO ³⁷	NO	YES ³⁸
Nauru	NO	NO	[SOME] ³⁹	YES	YES	[YES]
Niue	NO	NO	NO	NO	[YES]	YES
Republic of Korea ⁴⁰	SOME ⁴¹	SOME ⁴²	SOME ⁴³	SOME ⁴⁴	YES	YES
Singapore	NO	NO	SOME ⁴⁵	NO	NO	NO
Solomon Islands ⁴⁶	NO	NO	NO	NO	YES	YES ⁴⁷
Taiwan	NO	NO	SOME ⁴⁸	YES	YES	YES
Tonga	NO	NO	SOME ⁴⁹	YES	[YES]	NO ⁵⁰
Tuvalu ⁵¹	NO	SOME ⁵²	NO	NO	SOME ⁵³	SOME ⁵⁴
Vanuatu	NO	NO	NO	YES	YES	SOME ⁵⁵
Viet Nam	NO	NO	NO	YES	YES	YES

³² 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)

³³ Prohibited in Kawasaki City by local ordinance

³⁴ But Tokyo High Court has ruled some physical punishment may be lawful in some circumstances

³⁵ Unlawful in early childhood education settings

³⁶ Government committed to prohibition (2007); bill which would prohibit (but not under Islamic law) under discussion (2015)

³⁷ Government directive advises against corporal punishment but no prohibition in law

³⁸ But some legislation still to be repealed

³⁹ Possibly prohibited in preschool education settings

⁴⁰ Government accepted UPR recommendations to prohibit in all settings (2012) but was unclear on need for prohibition in the home

⁴¹ Prohibited in Seoul

⁴² Prohibited in Seoul

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

⁴⁴ Law prohibits direct (with contact) but not indirect (no contact) physical punishment; fully prohibited in Seoul, Gyeonggi province, Gwangju City and Jeollabukdo province

⁴⁵ Early Childhood Development Centres Regulations 2018 prohibit corporal punishment in early childhood development centres

⁴⁶ 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

⁴⁷ But used in traditional justice

⁴⁸ Prohibited in preschools and community, tribal and workplace cooperative early childhood care institutions for children between two and six

⁴⁹ Prohibited in preschool institutions

⁵⁰ 2010 Court of Appeal ruling stated “it might be argued” whipping is unconstitutional but did not declare it such

⁵¹ Government accepted 2008 UPR recommendation to prohibit but in 2013 accepted some UPR recommendations to prohibit and rejected others

⁵² Prohibited in hospital mental health wing

⁵³ Corporal punishment by police officers prohibited

⁵⁴ Island courts may order corporal punishment

⁵⁵ Permitted in rural areas under customary justice systems

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.