

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



End Corporal Punishment

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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 March 2021, four states have achieved prohibition in all settings, including the home; governments of at least six others have expressed a commitment to enacting full prohibition. Five states have prohibited corporal punishment in all alternative care settings, five in day care, 19 in schools, 23 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
Japan	YES ¹	YES	YES	YES	YES	YES
Mongolia	YES ²	YES	YES	YES	YES	YES
New Zealand	YES ³	YES	YES	YES	YES	YES
Republic of Korea	YES ⁴	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 and/or in another official context. For more information on how End Corporal Punishment assesses states' commitment, visit <https://endcorporalpunishment.org/committed-states/>.

<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
Cambodia ⁵	NO	NO	NO	YES	YES	YES

¹ Prohibited in 2019 amendments to the Child Abuse Prevention Law 2000 and assorted guidelines

² Prohibited in Law on the Rights of Children 2016 and Law on Child Protection 2016

³ Prohibited in Crimes (Substituted Section 59) Amendment Act 2007

⁴ Prohibited in March 2021 with the repeal of article 915 of the Civil Act and de facto application of article 5(2) of the Child Welfare Act

⁵ Government representative confirmed in 2019 that prohibition of all corporal punishment was a priority; law reform included in Action Plan to Prevent and Respond to Violence Against Children 2017-2021

<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
China ⁶	NO ⁷	[NO]	SOME ⁸	YES	YES	YES
Indonesia ⁹	NO	NO ¹⁰	NO	NO	YES	SOME ¹¹
Myanmar ¹²	NO	NO	NO	NO ¹³	NO	YES ¹⁴
Philippines ¹⁵	NO	YES	YES	YES	YES	YES
Timor-Leste ¹⁶	NO	NO	NO	NO	YES	YES

States without a clear commitment to law reform

The following states are not currently committed to prohibiting all corporal punishment. Some have yet to make a clear commitment to law reform. Some have accepted UPR recommendations to prohibit but have also indicated that they consider existing legislation adequately protects children from corporal punishment, in conflict with information collected by End Corporal Punishment. Some have accepted some UPR recommendations to prohibit corporal punishment but rejected other similar recommendations. Others had previously committed but have since either backtracked on that commitment or have failed to take action on it.

<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 ¹⁷	SOME ¹⁸	SOME ¹⁹	SOME ²⁰	YES
Brunei Darussalam ²¹	NO	NO	SOME ²²	NO	NO	NO
Cook Islands	NO	NO	SOME ²³	YES	NO	YES
DPR Korea ²⁴	NO	NO	NO	[NO] ²⁵	[YES]	[YES]
Fiji ²⁶	NO	NO	NO	YES ²⁷	YES	YES
Kiribati ²⁸	NO	NO	SOME ²⁹	YES	NO	SOME ³⁰

⁶ Government accepted UPR recommendations to prohibit in all settings (2018)

⁷ But corporal punishment of girls prohibited in Shenzhen Special Economic Zone

⁸ Prohibited in nurseries and kindergartens

⁹ Government accepted UPR recommendations to prohibit in all settings (2017)

¹⁰ National Standards of Care for Child Welfare Institutions state corporal punishment should not be used but no prohibition in law

¹¹ Lawful under Shari'a law

¹² Child Rights Law 2019 included provisions that were reportedly intended to prohibit all corporal punishment of children (full analysis ongoing)

¹³ Government directive advises against corporal punishment but no prohibition in law

¹⁴ But some legislation still to be repealed

¹⁵ Government accepted UPR recommendation to prohibit in the home and other settings (2012)

¹⁶ Government accepted UPR recommendation to prohibit (2011)

¹⁷ Prohibited in all residential centres and foster care in all states/territories except Northern Territory, Tasmania, Victoria and Western Australia

¹⁸ Prohibited in all states/territories except in Northern Territory and Tasmania; prohibition in childminding unconfirmed

¹⁹ Prohibited in all states/territories except Queensland

²⁰ Prohibited in all states/territories except Australian Capital Territory and Western Australia

²¹ Government accepted some UPR recommendations to prohibit but rejected others (2009)

²² Prohibited in childcare centres

²³ Prohibited in institutions providing early childhood education

²⁴ Government accepted UPR recommendation to prohibit in all settings (2014)

²⁵ Policy states corporal punishment should not be used but possibly no prohibition in law

²⁶ Had initially committed to prohibition by accepting UPR recommendation in 2014; but no progress since

²⁷ Unlawful under 2002 High Court ruling, not yet confirmed in legislation

²⁸ Had initially committed to prohibition by accepting UPR recommendations to prohibit in all settings and repeal "reasonable punishment" defence (2015); but later implied corporal punishment was already prohibited (2018)

²⁹ Prohibited in early childhood care and education for children between 3 and 6 years old

³⁰ But used in traditional justice

<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
Lao PDR	NO	NO	SOME ³¹	YES	YES	YES
Malaysia	NO	NO	NO	NO	NO	NO ³²
Marshall Islands ³³	NO	NO	NO	[YES] ³⁴	YES	YES
Micronesia ³⁵	NO	NO	NO	[YES]	NO	YES
Nauru	NO	NO	[SOME] ³⁶	YES	YES	[YES]
Niue	NO	NO	NO	NO	[YES]	YES
Palau ³⁷	NO	NO	NO	NO	NO	YES
Papua New Guinea ³⁸	NO	SOME ³⁹	NO	NO	YES	YES
Samoa ⁴⁰	NO	NO	SOME ⁴¹	SOME ⁴²	YES	YES
Singapore	NO	NO	SOME ⁴³	NO	NO	NO
Solomon Islands ⁴⁴	NO	NO	NO	NO	YES	YES ⁴⁵
Taiwan	NO	NO	SOME ⁴⁶	YES	YES	YES
Thailand ⁴⁷	NO	NO	NO	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

³¹ Unlawful in early childhood education settings

³² Government committed to prohibition (2007); bill which would prohibit (but not under Islamic law) under discussion (2015)

³³ Had initially committed to prohibition by accepting UPR recommendations to prohibit (2015); but no progress since

³⁴ But some legislation still to be formally repealed

³⁵ Had initially committed to prohibition by accepting UPR recommendations to prohibit in all settings (2015); but no progress since

³⁶ Possibly prohibited in preschool education settings

³⁷ Had initially committed to prohibition by accepting UPR recommendations to prohibit (2011, 2016); but Penal Code 2013 authorised the use of force in disciplining children

³⁸ Had initially committed to prohibition by accepting UPR recommendation to prohibit in all settings (2011); but later claimed prohibition was already achieved (2016)

³⁹ Corporal punishment of children "in the care of the Director" prohibited

⁴⁰ Had initially committed to prohibition by accepting UPR recommendation to prohibit in the home (2011); but in 2019 reintroduced "reasonable force" against students in government secondary schools

⁴¹ Prohibited in early childhood centres

⁴² Prohibited in government primary schools

⁴³ Early Childhood Development Centres Regulations 2018 prohibit corporal punishment in early childhood development centres

⁴⁴ 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

⁴⁵ But used in traditional justice

⁴⁶ Prohibited in preschools and community, tribal and workplace cooperative early childhood care institutions for children between two and six

⁴⁷ Had initially committed to prohibition by accepting UPR recommendations to prohibit in all settings (2012, 2016); but no progress since

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

who have assisted us in our research. We welcome corrections and updates: email vohitos@who.int.
For further details on all states see the individual state reports at www.endcorporalpunishment.org.