

# 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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Also available online at [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org)

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 <sup>1</sup>	YES	YES	YES	YES	YES
Mongolia	YES <sup>2</sup>	YES	YES	YES	YES	YES
New Zealand	YES <sup>3</sup>	YES	YES	YES	YES	YES
Republic of Korea	YES <sup>4</sup>	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 the Global Initiative 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 <sup>5</sup>	NO	NO	NO	YES	YES	YES

<sup>1</sup> Prohibited in 2019 amendments to the Child Abuse Prevention Law 2000 and assorted guidelines

<sup>2</sup> Prohibited in Law on the Rights of Children 2016 and Law on Child Protection 2016

<sup>3</sup> Prohibited in Crimes (Substituted Section 59) Amendment Act 2007

<sup>4</sup> 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

<sup>5</sup> 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

<b>States committed to law reform ...</b>						
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 <sup>6</sup>	NO <sup>7</sup>	[NO]	SOME <sup>8</sup>	YES	YES	YES
Indonesia <sup>9</sup>	NO	NO <sup>10</sup>	NO	NO	YES	SOME <sup>11</sup>
Myanmar <sup>12</sup>	NO	NO	NO	NO <sup>13</sup>	NO	YES <sup>14</sup>
Philippines <sup>15</sup>	NO	YES	YES	YES	YES	YES
Timor-Leste <sup>16</sup>	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 the Global Initiative. 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.

<b>States without a clear commitment to law reform ...</b>						
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 <sup>17</sup>	SOME <sup>18</sup>	SOME <sup>19</sup>	SOME <sup>20</sup>	YES
Brunei Darussalam <sup>21</sup>	NO	NO	SOME <sup>22</sup>	NO	NO	NO
Cook Islands	NO	NO	SOME <sup>23</sup>	YES	NO	YES
DPR Korea <sup>24</sup>	NO	NO	NO	[NO] <sup>25</sup>	[YES]	[YES]

<sup>6</sup> Government accepted UPR recommendations to prohibit in all settings (2018)

<sup>7</sup> But corporal punishment of girls prohibited in Shenzhen Special Economic Zone

<sup>8</sup> Prohibited in nurseries and kindergartens

<sup>9</sup> Government accepted UPR recommendations to prohibit in all settings (2017)

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

<sup>11</sup> Lawful under Shari'a law

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

<sup>13</sup> Government directive advises against corporal punishment but no prohibition in law

<sup>14</sup> But some legislation still to be repealed

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

<sup>16</sup> Government accepted UPR recommendation to prohibit (2011)

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

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

<sup>19</sup> Prohibited in all states/territories except Queensland

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

<sup>21</sup> Government accepted some UPR recommendations to prohibit but rejected others (2009)

<sup>22</sup> Prohibited in childcare centres

<sup>23</sup> Prohibited in institutions providing early childhood education

<sup>24</sup> Government accepted UPR recommendation to prohibit in all settings (2014)

<sup>25</sup> Policy states corporal punishment should not be used but possibly no prohibition in law

<b>States without a clear commitment to law reform ...</b>						
<b>State</b>	<b>Prohibited in the home</b>	<b>Prohibited in alternative care settings</b>	<b>Prohibited in day care</b>	<b>Prohibited in schools</b>	<b>Prohibited in penal institutions</b>	<b>Prohibited as sentence for crime</b>
Fiji <sup>26</sup>	NO	NO	NO	YES <sup>27</sup>	YES	YES
Kiribati <sup>28</sup>	NO	NO	SOME <sup>29</sup>	YES	NO	SOME <sup>30</sup>
Lao PDR	NO	NO	SOME <sup>31</sup>	YES	YES	YES
Malaysia	NO	NO	NO	NO	NO	NO <sup>32</sup>
Marshall Islands <sup>33</sup>	NO	NO	NO	[YES] <sup>34</sup>	YES	YES
Micronesia <sup>35</sup>	NO	NO	NO	[YES]	NO	YES
Nauru	NO	NO	[SOME] <sup>36</sup>	YES	YES	[YES]
Niue	NO	NO	NO	NO	[YES]	YES
Palau <sup>37</sup>	NO	NO	NO	NO	NO	YES
Papua New Guinea <sup>38</sup>	NO	SOME <sup>39</sup>	NO	NO	YES	YES
Samoa <sup>40</sup>	NO	NO	SOME <sup>41</sup>	SOME <sup>42</sup>	YES	YES
Singapore	NO	NO	SOME <sup>43</sup>	NO	NO	NO
Solomon Islands <sup>44</sup>	NO	NO	NO	NO	YES	YES <sup>45</sup>
Taiwan	NO	NO	SOME <sup>46</sup>	YES	YES	YES
Thailand <sup>47</sup>	NO	NO	NO	YES	YES	YES

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

<sup>27</sup> Unlawful under 2002 High Court ruling, not yet confirmed in legislation

<sup>28</sup> 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)

<sup>29</sup> Prohibited in early childhood care and education for children between 3 and 6 years old

<sup>30</sup> But used in traditional justice

<sup>31</sup> Unlawful in early childhood education settings

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

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

<sup>34</sup> But some legislation still to be formally repealed

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

<sup>36</sup> Possibly prohibited in preschool education settings

<sup>37</sup> 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

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

<sup>39</sup> Corporal punishment of children “in the care of the Director” prohibited

<sup>40</sup> 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

<sup>41</sup> Prohibited in early childhood centres

<sup>42</sup> Prohibited in government primary schools

<sup>43</sup> Early Childhood Development Centres Regulations 2018 prohibit corporal punishment in early childhood development centres

<sup>44</sup> 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

<sup>45</sup> But used in traditional justice

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

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

<b>States without a clear commitment to law reform ...</b>						
<b>State</b>	<b>Prohibited in the home</b>	<b>Prohibited in alternative care settings</b>	<b>Prohibited in day care</b>	<b>Prohibited in schools</b>	<b>Prohibited in penal institutions</b>	<b>Prohibited as sentence for crime</b>
Tonga	NO	NO	SOME <sup>48</sup>	YES	[YES]	NO <sup>49</sup>
Tuvalu <sup>50</sup>	NO	SOME <sup>51</sup>	NO	NO	SOME <sup>52</sup>	SOME <sup>53</sup>
Vanuatu	NO	NO	NO	YES	YES	SOME <sup>54</sup>
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 [secretariat@end-violence.org](mailto:secretariat@end-violence.org). For further details on all states see the individual state reports at [www.endcorporalpunishment.org](http://www.endcorporalpunishment.org).

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<sup>48</sup> Prohibited in preschool institutions

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

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

<sup>51</sup> Prohibited in hospital mental health wing

<sup>52</sup> Corporal punishment by police officers prohibited

<sup>53</sup> Island courts may order corporal punishment

<sup>54</sup> Permitted in rural areas under customary justice systems