



Global Initiative to
End All Corporal Punishment
of Children

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), July 2011

Note: The above information has been compiled 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 helped to provide and check information. Please let us know if you believe any of the information to be incorrect: info@endcorporalpunishment.org.

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Australia	NO ¹	SOME ²	YES	SOME ³	SOME ⁴
Brunei Darussalam	NO	NO	NO	NO	NO
Cambodia	NO	YES	YES	YES	NO ⁵
China	NO ⁶	YES	YES	YES	NO
Cook Islands	NO	YES	YES	NO	NO
DPR Korea	NO	NO ⁷	[YES]	[YES]	NO
Fiji	NO ⁸	YES ⁹	YES	YES	NO
Indonesia	NO	NO	SOME ¹⁰	NO	NO

¹ In 2003, Law Reform Institute in Tasmania recommended abolition of reasonable correction defence from criminal and civil law but as at July 2011 law reform not achieved; 2002 law in New South Wales prohibits force to head or neck of child and to any part of the body where likely to cause harm lasting more than a short period

² Prohibited in Australian Capital Territory, New South Wales, Tasmania and Victoria

³ Prohibited in all states and territories except Australian Capital Territory and Western Australia

⁴ Prohibited in all states and territories in child care centres except Northern Territory, Tasmania and Australian Capital Territory, in all day care in Victoria and New South Wales, and in residential centres and foster care except Northern Territory, Tasmania, Victoria, Western Australia and Australian Capital Territory

⁵ Minimum standards state corporal punishment should not be used, but no prohibition in legislation

⁶ But corporal punishment of girls prohibited in Shenzhen Special Economic Zone

⁷ Policy states corporal punishment should not be used, but no prohibition in law; possibly prohibited in 2005 Education Law

⁸ In 2006, prime minister and other high level offices called for prohibition, but as at July 2011 law reform not achieved

⁹ Ruled unconstitutional in 2002 High Court ruling, but as at May 2011 legislation not amended

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Japan	NO ¹¹	YES ¹²	YES	NO	NO
Kiribati	NO	YES ¹³	NO ¹⁴	NO	NO
Lao PDR	NO	[YES]	YES	YES ¹⁵	NO
Malaysia	NO	NO	NO ¹⁶	NO ¹⁷	NO
Marshall Islands	NO	YES	YES	YES	NO
Micronesia, Fed. States	NO	[YES]	YES	NO	NO
Mongolia	NO ¹⁸	YES	YES	NO	NO ¹⁹
Myanmar	NO	NO ²⁰	YES ²¹	NO	NO
Nauru	NO	NO	[YES]	NO	NO
New Zealand	YES ²²	YES	YES	YES	YES
Niue	NO	NO	YES	???	[NO]
Palau	NO	NO	YES	NO	NO
Papua New Guinea	NO	NO	YES	NO	SOME ²³
Philippines ²⁴	NO	YES	YES	YES	SOME ²⁵
Republic of Korea	NO	NO ²⁶	YES	YES ²⁷	[SOME] ²⁸
Samoa	NO	YES	YES	[NO]	NO
Singapore	NO	NO	NO	NO	SOME ²⁹
Solomon Islands	NO	NO	YES	YES	NO
Taiwan ³⁰	NO	YES	YES	YES	NO ³¹
Thailand	NO	YES	YES ³²	YES ³³	NO
Timor-Leste, DR	NO	NO ³⁴	YES	YES ³⁵	NO ³⁶
Tonga	NO	YES	NO ³⁷	NO	NO

¹⁰ Prohibited in Criminal Code but permitted under Shari'a law in Aceh province and in regional regulations based on Islamic Law in other areas

¹¹ But prohibited in Kawasaki City by local ordinance

¹² Prohibited in 1947 School Education Law but 1981 Tokyo High Court judgment stated some physical punishment may be lawful in some circumstances

¹³ Statutory provisions allowing corporal punishment repealed but no explicit prohibition in law

¹⁴ Government committed to prohibition (2006)

¹⁵ But no explicit prohibition

¹⁶ Government committed to prohibition (2007)

¹⁷ See previous note

¹⁸ Prohibited in draft amendments to Family Law (2010)

¹⁹ Prohibited in care institutions in draft amendments to Family Law (2010)

²⁰ Government directive advises against corporal punishment, but no prohibition in law

²¹ But some legislation not amended/repealed

²² Prohibited in 2007 Crimes (Substituted Section 59) Amendment Act

²³ 2009 Lukautim Pikinini (Child) Act prohibits corporal punishment of children "in the care of the Director", but this does not apply to private care arrangements and forms of care run by non-government bodies

²⁴ Legislation which would prohibit under discussion (2011)

²⁵ Prohibited in residential institutions and day care centres

²⁶ Recent law reform unclear; prohibition still being debated (2011)

²⁷ But no explicit prohibition

²⁸ Possibly prohibited in child care institutions

²⁹ Prohibited in child care centres

³⁰ Government committed to prohibition (2005)

³¹ But law prohibiting in schools possibly applies to day care centres and cram schools

³² But some legislation not amended (2010)

³³ See previous note

³⁴ Government committed to prohibition (2005)

³⁵ But no explicit prohibition

³⁶ Policy advises against corporal punishment in child care centres, orphanages and boarding houses, but no prohibition in law

State	Prohibited in the home	Prohibited in schools	Prohibited in penal system		Prohibited in alternative care settings
			As sentence for crime	As disciplinary measure	
Tuvalu	NO	NO	SOME ³⁸	NO	NO
Vanuatu	NO	YES	SOME ³⁹	YES ⁴⁰	NO
Viet Nam	NO	NO	YES	YES	NO

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³⁷ 2010 Court of Appeal ruling stated that whipping provisions in criminal law are likely to be unconstitutional but did not categorically declare corporal punishment to be unconstitutional

³⁸ Unlawful under Penal Code and Code of Criminal Procedure but Island Courts may order corporal punishment

³⁹ Used in rural areas for punishment of young boys and girls found to have broken village or custom rules

⁴⁰ But no explicit prohibition