

Corporal punishment of children in Taiwan

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Child population 4,043,357
(Ministry of Interior, 2015)¹



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

Summary of necessary legal reform to achieve full prohibition

Prohibition is still to be achieved in the home, alternative care settings and day care.

There appears to be no confirmation in law of a right to administer “reasonable chastisement” or similar, but legal provisions against violence and abuse are not interpreted as prohibiting all corporal punishment of children. The near universal acceptance of corporal punishment in childrearing necessitates clarity in law that no level of corporal punishment is acceptable. Prohibition should be enacted of all corporal punishment in childrearing, including by parents.

Alternative care settings – Prohibition should be enacted in legislation applicable to all alternative care settings (foster care, institutions, places of safety, emergency care, etc).

Day care – Corporal punishment should be prohibited in all early childhood care (nurseries, crèches, kindergartens, family centres, etc) and all day care for older children (day centres, after-school childcare, childminding, etc).

¹ November 2016, Child and Youth Welfare and Rights Promotion Group, *Annex to the initial report on the implementation of the UN Convention on the Rights of the Child to the International Review Committee*

Current legality of corporal punishment

Home

Corporal punishment is lawful in the home. The Child and Youth Welfare and Rights Protection Act 2012 (amended 2015) protects children from “physical and mental mistreatment” (art. 49) but does not prohibit all corporal punishment. Neither the Family Education Law 2011 nor the Social Education Law 2011 prohibits corporal punishment.

Taiwan adopted the Implementation Act of the Convention on the Rights of the Child in 2014 and in 2016 published its initial report on the implementation of the UN Convention on the Rights of the Child, inviting an International Review Committee to review it.² The initial report stated that corporal punishment was prohibited in schools and in penal institutions³ but gave no details on prohibiting legislation for penal institutions. The International Review Committee published concluding observations on Taiwan’s initial report in November 2017. The Committee welcomed the progress made by Taiwan on corporal punishment but recommended that the prohibition is extended to the family setting. It further recommended that the Government conduct awareness-raising and educational campaigns on the issue, including information on positive discipline, that it effectively implement the ban in schools and take measures to increase reporting of suspected incidents of violence.⁴

As of August 2018, the Government is reportedly in the first drafting round of an Action Plan on Children’s Rights 2019-2022.⁵

Alternative care settings

There is no explicit prohibition of corporal punishment in alternative care settings, where corporal punishment is lawful as for parents (see “Home”). Children in alternative care benefit from limited protection under article 49 of the Child and Youth Welfare and Rights Protection Act 2012.

Day care

Corporal punishment is explicitly prohibited in some early childhood care institutions, including preschools and community, tribal and workplace cooperative care institutions for children between two and six, under article 25 of the Early Childhood Education and Care Act 2012 (amended 2018). There is no explicit prohibition of corporal punishment in other forms of early childhood care and day care for older children. Other care institutions are governed by the Child and Teenager Welfare Law (amended 2008), which does not prohibit corporal punishment.

² All information is available at https://crc.sfaa.gov.tw/crc_front/index.php?action=classification&uuid=189170dc-3561-46df-8746-7824b7f30554

³ November 2016, Child and Youth Welfare and Rights Promotion Group, *Initial report on the implementation of the UN Convention on the Rights of the Child to the International Review Committee*, paras. 133 and 136

⁴ November 2017, International Review Committee, *Concluding observations on the initial report on the implementation of the UN Convention on the Rights of the Child*, paras. 52, 56, 57 and 81

⁵ Information provided to the Global Initiative, August 2018

Schools

Corporal punishment is prohibited in schools in article 8 of the Fundamental Law of Education, as amended in 2006. The prohibition applies to all educational institutions, including public and private schools and kindergartens, universities and all types of “cram” schools.

Penal institutions

Corporal punishment is considered unlawful as a disciplinary measure in penal institutions but there does not seem to be an explicit prohibition in legislation. The Government reported in 2017 that corporal punishment was “strictly forbidden in all juvenile correctional institutions” and that violators would be held “administratively responsible according to the “Reward and Punishment Standard for the Employees of the Correctional Facilities under the Ministry of Justice.”⁶

Sentence for crime

Corporal punishment is unlawful as a sentence for crime. There is no provision for judicial corporal punishment in criminal law.

Recommendations by human rights treaty bodies

Taiwan is not internationally recognised as an independent state and so has not ratified the UN Convention on the Rights of the Child. As part of its commitment to children’s rights, Taiwan was reviewed in 2017 by an International Review Committee composed of five independent international children’s rights experts on its implementation of the provisions of the UN Convention on the Rights of the Child (see under “Home”).

Prevalence/attitudinal research in the last ten years

In survey of 604 teachers in 30 elementary, junior and senior high schools, conducted by National Sun Yat-sen University in 2018, 72% of teachers said they had “physically or emotionally” abused their students in the prior six months. There was no significant difference between male or female teachers, but elementary school teachers abused students more than junior and senior high school teachers. The most common forms of physical abuse were: forbidding students to eat lunch as punishment (1.16%), confiscating students’ belongings and not returning them (0.83%), beating students with their hands or objects (0.83%), locking students in a closed space or binding them to chairs or other objects (0.83%), pinching students’ bodies or pulling students’ hair (0.66 percent). Whilst the most common forms of emotional abuse dealt by teachers were found to be: deliberately picking a student last during a game or activity (8.11%), ignoring a student (7.78%), punishing a student for not answering questions correctly (4.3%), making fun of a student’s appearance (0.66 percent), and saying bad things about a student’s family (0.5%). Overall, the report found that teachers inflict more emotional abuse than physical abuse.

(Reported in “Over 70% of Taiwanese teachers abused their students over past 6 months: survey”, *Taiwan News*, 3 May 2019 <https://www.taiwannews.com.tw/en/news/3693691>)

⁶ September 2017, Written replies of Taiwan to the list of issues on the initial report, para. 58

A 2016 report by the Humanistic Education Foundation relating to punishment and education found that reporting by children and adolescents of the incidence of corporal punishment increased between 2012 and 2016. Incidence among elementary school children was reported as 27.8% in 2016, up 3.7% from 24.1% in 2012. Incidence among junior high students was reported as 35.4% in 2016, up 4.8% from 30.6% in 2012. This is in contrast with declines in reported incidence between 1999 and 2008.

(Humanistic Education Foundation Summary: 2016 Taiwan National Questionnaires Survey of Punishment and Education in Schools)

A 2015 survey conducted by the Taiwan Fund for Children and Families found 57% of Taiwanese parents inflict corporal punishment on their children, most commonly slapping the child's palms or buttocks; 31% tug their children; and 84% yell at their children. Information for the survey was provided by 869 childcare-related professionals including social workers, pre-school educators, psychological counsellors, medical workers and police officers. Almost all (93%) of respondents said parents required more parental education, while 73% said parents brought about negative effects on their children as a result of stress and emotional instability.

(Taiwan Fund for Children and Families (TFCF) (2015), *Importance of Parenting - Parenting Survey Result*, Taipei, Taiwan: Taiwan Fund for Children and Families (TFCF))

A 2014 survey conducted by the Child Welfare League Foundation, found more than 40% of parents believe that physical punishment is necessary in the course of a child's upbringing.

(Child Welfare League Foundation (2014). *An Investigation Report on the Attitude and Status of Children's Discipline in Taiwan*, cited in *Taiwan's Alternative Report on the implementation of the CRC*, 2017)

In a 2012 survey carried out by the Humanistic Education Foundation, only 4.62% of the 1,112 junior high school students and 10.92% of the 1,112 elementary school students interviewed had never seen corporal punishment at their schools. The results indicated that corporal punishment – defined as “spanking” and/or forcing students to stand still, maintain a certain position or perform particular actions (e.g. forcing them to run around the playground) – was used in around 90% of elementary and junior high schools in Taiwan. Violent verbal punishments were also common.

(Reported in *Focus Taiwan*, 20 November 2012)

In a 2011 poll of over 2,000 students at schools in 22 cities and counties, nearly 30% of junior high school students and 20% of elementary school students had experienced corporal punishment, despite the prohibition of school corporal punishment enacted in 2006; 20% of students had experienced verbal abuse or threats from their teachers.

(Reported in “Legal ban has not stopped corporal punishment: poll”, *Taipei Times*, 10 Aug 2011)

Government research has shown a drop in the incidence of corporal punishment in schools since it was prohibited in December 2006. Surveys among junior high students conducted every two months reveal that corporal punishment of students fell from 42.5% in 2006 to 29.2% in 2007 and to 15.8% in the first two months of 2008 (compared with 27.7% in the first two months of 2007).

(Reported in *The China Post*, 25 April 2008)

In a nationwide survey by the Humanistic Education Foundation of 2,779 elementary and junior high school students in April and May 2007, more than 52.8% reported receiving corporal punishment, representing a decline compared with 64% in 2005. There was also a change in the types of punishment inflicted – student beatings dropped from 51% in 2005 to 27.3% in 2007, while the use of *fazhan* (standing for a certain period of time) increased from 9.7% in 2005 to 35% in 2007.

(Reported in the *Taipei Times*, 4 June 2007)

In January 2007, the findings from a survey of 5,630 elementary and junior high school educators who had attended discussions hosted by the 21st Century Education Association in autumn 2006 were published, revealing that 30% of teachers believed corporal punishment is appropriate and necessary in improving academic performance, study skills and students' characters; 60% felt educators would continue to use physical force as a disciplinary measure, despite the prohibition of corporal punishment in law; 69% felt that an online forum for sharing and discussing positive disciplinary methods would facilitate the move away from corporal punishment.

(Reported in *The China Post*, 19 January 2007)