

Corporal punishment of children in Taiwan



Global Initiative to
End All Corporal Punishment
of Children

Report prepared by the Global Initiative to End All Corporal Punishment of Children (www.endcorporalpunishment.org), last updated March 2015

Child population

4,995,881 (Ministry of Interior, 2013)

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, preschools, family centres, etc) and all day care for older children (day centres, after-school childcare, childminding, etc).

Detailed country report

Current legality of corporal punishment

Home

Corporal punishment is lawful in the home. The Child and Youth Welfare and Rights Protection Act 2012 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.

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”).

Day care

There is no explicit prohibition of corporal punishment in early childhood care and day care for older children but the prohibition in schools potentially applies to day care centres. Other care institutions are governed by the Child and Teenager Welfare Law (amended 2008), which does not prohibit corporal punishment.

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 we have no details of prohibiting legislation.

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.

Prevalence/attitudinal research in the last ten years

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)

The Humanistic Education Foundation conducted five surveys between 1999 and 2005 that showed a decline in the use of corporal punishment in schools. In 1999, 83.4% of students interviewed reported experiencing corporal punishment in that academic year. In 2000, the figure was 74.2%, in 2001 70.9%, and in 2004 69.4%. In 2005, the survey was conducted in 23 cities/counties in Taiwan, involving 3,240 respondents (1,164 junior high school students and 2,076 primary school students): 65.1% reported having experienced corporal punishment, 56.2% of primary school students and 70% of junior high school students. The most common form of corporal punishment was by hitting on the palms or bottoms with a hand or stick (47.7%). Direct infliction of physical pain was used in 56.8% of cases (including hitting with a hand or stick, deprivation of physical needs, holding painful postures). Almost a quarter (23.9%) of students received punishment that may constitute crimes of assault, instigation of assault or public insults. Almost one in ten (9.5%) of those who experienced physical pain were punished in this way over 10 times during the year.

(Humanistic Education Foundation (2005), *How much does it hurt? Only the children can tell: HEF 2005 survey of corporal punishment in schools*, HEF)

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