

BRIEFING FROM THE GLOBAL INITIATIVE
TO END ALL CORPORAL PUNISHMENT OF CHILDREN

**UPDATED BRIEFING ON KUWAIT FOR THE COMMITTEE ON THE ELIMINATION
OF DISCRIMINATION AGAINST WOMEN**

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The human rights obligation to prohibit corporal punishment of girls and boys

The legality and practice of corporal punishment of girls breaches their fundamental rights to respect for their human dignity and physical integrity, to equality under the law and to protection from all forms of violence – rights guaranteed in the Convention on the Elimination of All Forms of Discrimination Against Women and other international human rights instruments. There are strong links between corporal punishment of children – girls and boys – and all other forms of violence, including gender-based violence: as the Committee on the Rights of the Child emphasised in its General Comment No. 8 (2006),¹ addressing corporal punishment is “a key strategy for reducing and preventing all form of violence in societies”. **This briefing updates the information submitted to the Committee’s PSWG in December 2010 in light of the availability in English of the state party’s report, the Committee’s List of Issues, the outcome of the UPR of Kuwait in 2010 and new information on national legislation.**

Corporal punishment of children in Kuwait

In Kuwait, corporal punishment is lawful in the home the penal system, alternative care settings, and possibly schools. The third/fourth state party report to the Committee on the Elimination of Discrimination Against Women (CEDAW/C/KWT/3-4) makes no reference to measures to protect the girl child from violence that may lawfully be administered under the guise of discipline in homes, care settings and possibly schools.

Corporal punishment is lawful in the home under article 29 of the Criminal Code (1960). Provisions against violence and abuse in the Penal Code (1960) and the Juvenile Law (1983) are not interpreted as prohibiting corporal punishment in childrearing.

With regard to schools, during examination by the Committee on the Rights of the Child in 1998, the Government stated that a statute dating back to the 1960s prohibited corporal punishment by teachers or school principals. We have been unable to verify this: there is no explicit prohibition in the Compulsory Education Act (1965) or the General Education Act (1987).

In the penal system, corporal punishment is unlawful as a sentence for crime but it is not explicitly prohibited as a disciplinary measure in penal institutions. It is lawful in alternative care settings.

Recommendations by human rights treaty monitoring bodies

In 1998, following examination of the state party’s initial report, the Committee on the Rights of the Child expressed concern at corporal punishment and recommended prohibition in the family,

¹ General Comment No. 8 on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment” is available at www2.ohchr.org/english/bodies/crc/comments.htm.

schools and other settings, together with relevant awareness raising campaigns and the promotion of alternative forms of discipline.² During the Universal Periodic Review of Kuwait in 2010, a recommendation was made to prohibit all corporal punishment of children which the Government accepted.³

The issue of corporal punishment of girls and boys was not included in the List of Issues for Kuwait adopted by the Committee on the Elimination of Discrimination Against Women (CEDAW/C/KWT/Q/3). In light of the Committee's General Recommendation No. 19 on Violence against women (1992), of the links between corporal punishment of children and all other forms of violence, including gender-based violence, of the Committee on the Rights of the Child's General Comment No. 8 (2006), and of Kuwait's positive response to the recommendation made during its Universal Periodic Review, we hope the Committee will raise the issue during its examination of Kuwait and go on to recommend that the state party explicitly prohibit all corporal punishment of children in all settings, including the home, as a matter of urgency.

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children
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² CRC/C/15/Add.96, Concluding observations on initial report, para. 21

³ 16 June 2010, A/HRC/15/15, *Report of the Working Group on the Universal Periodic Review: Kuwait*, para. 79.10