

Ending family violence in Qatar – challenging physical punishment of girls and boys



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

Information for the Committee on the Elimination of Discrimination Against Women, Pre-Sessional Working Group for the 73rd session, from the *Global Initiative to End All Corporal Punishment of Children* (www.endcorporalpunishment.org), September 2018

Introduction: family violence in Qatar and CEDAW's examination of the second state party report

Domestic legislation provides some protection from family violence to women and girls, but the law is not interpreted as prohibiting all corporal punishment of children. Qatar is reportedly discussing a Children's Bill – this provides a vehicle for enacting an explicit prohibition of all corporal punishment of children.

We hope the Committee on the Elimination of Discrimination Against Women will raise the issue of violent punishment of girls and boys in its examination of Qatar. In particular, we hope the Committee will:

- **in its list of issues for Qatar, ask what progress is being made on enacting legislation prohibiting all physical punishment of children as a matter of priority, and**
- **in its concluding observations on the second state party report, recommend that Qatar ensure that *no* form of violence within the domestic sphere is condoned, including by parents against their children, and that legislation is enacted to prohibit domestic violence against all family members, including the violent punishment of girls and boys.**

The remainder of this briefing provides the following further details:

1. The current law relating to family violence and corporal punishment of children in Qatar.
 2. Treaty body and UPR recommendations on the issue made to Qatar to date.
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1 Laws on domestic violence and corporal punishment of children in Qatar

Summary

1.1 Domestic legislation provides some protection from family violence, but the law is not interpreted as prohibiting all forms of physical punishment of children. A Children's Bill is reportedly being discussed – we do not know whether prohibition of corporal punishment is being envisaged.

Detail

1.2 Corporal punishment is lawful in the home. Until 1971, Qatar was a British protectorate and it is likely that this relationship with the UK entailed an acceptance of the common law defence of "reasonable chastisement". Provisions against violence and abuse in the Criminal Code 2004, the Code of Criminal Procedure 2004, the Civil Code 2004, the Juveniles Act 1994, the Family Code 2006 and the Constitution 2003 are not interpreted as prohibiting all corporal punishment in childrearing.

1.3 In responding to recommendations on corporal punishment of children made during the Universal Periodic Review of Qatar in 2010, the Government stated that the recommendation to prohibit all forms of corporal punishment "has been put into effect".¹ We have been unable to verify this statement. In reporting to the UPR in 2014, the Government addressed only corporal punishment in schools. Qatar ratified the International Covenant on Civil and Political Rights in May 2018 but made a statement upon accession that it would "interpret the term "punishment" in Article 7 of the Covenant in accordance with the applicable legislation of Qatar and the Islamic Sharia", thus attempting to avoid the obligation to ban all corporal punishment.

1.4 Reporting to the Committee on the Rights of the Child in June 2016, and again in May 2017, the Government stated that a Children's Bill had been reviewed and would shortly be promulgated² – we do not know whether prohibition of all corporal punishment is envisaged in this context.

1.5 Prohibition of all violent punishment of children – which is critical in laying the legal foundations for efforts to reduce child abuse and domestic violence – requires an explicit ban in legislation. We hope the Committee will urge the Government of Qatar to enact legislation as a matter of urgency to clearly prohibit all corporal punishment of girls and boys.

2 Recommendations by human right treaty monitoring bodies and during the Universal Periodic Review

2.1 The *Committee on the Rights of the Child* has on three occasions expressed concern at corporal punishment of children in Qatar and recommended its prohibition in all settings – in its concluding observations on the initial report in 2001,³ on the second report in 2009,⁴ and on the third/fourth report in 2017.⁵

2.2 The *Committee Against Torture* has on three occasions recommended abolition of flogging under the Criminal Code in Qatar – in 2006,⁶ in 2013,⁷ and in 2018.⁸ In 2018, the Committee also recommended that Qatar enact legislation explicitly prohibiting corporal punishment of children

¹ 1 June 2010, A/HRC/14/2/Add.1, Report of the working group: Addendum, pages 3 and 4

² 24 June 2016, CRC/C/QAT/3-4, Third/fourth report, para. 60; see also 31 May 2017, CRC/C/SR.2205, Summary records of 2205th meeting, para. 42

³ 6 November 2001, CRC/C/15/Add.163, Concluding observations on initial report, paras. 43, 44, 45, 46, 53 and 54

⁴ 14 October 2009, CRC/C/QAT/CO/2, Concluding observations on second report, paras. 39 and 40

⁵ 22 June 2017, CRC/C/QAT/CO/3-4, Concluding observations on third/fourth report, paras. 4, 21 and 22

⁶ 25 July 2006, CAT/C/QAT/CO/1, Concluding observations on initial report, para. 12

⁷ 25 January 2013, CAT/C/QAT/CO/2, Concluding observations on second report, para. 12

⁸ 4 June 2018, CAT/C/QAT/CO/3, Concluding observations on third report, paras. 31 and 32

in all settings.

2.3 Following examination of Qatar's initial report in 2015, the *Committee on the Rights of Persons with Disabilities* recommended that all corporal punishment be prohibited.⁹

2.4 During the *Universal Periodic Review* of Qatar in 2010, recommendations were made to prohibit all corporal punishment of children to which the Qatari Government gave inconsistent responses, on the one hand accepting them and stating that these had been implemented or were in the process of being implemented and on the other rejecting the recommendations.¹⁰

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⁹ 3 September 2015, CRPD/C/QAT/CO/1 Advance Unedited Version, Concluding observations on initial report, paras. 29 and 30

¹⁰ 15 March 2010, A/HRC/14/2, Report of the working group, paras. 85(7), 85(14) and 86(10); 1 June 2010, A/HRC/14/2/Add.1, Report of the working group: Addendum, page 4; 18 June 2010, A/HRC/14/L.10, Report of the Human Rights Council on its fourteenth session, para. 214