



Global Initiative to
**End All Corporal Punishment
of Children**

BRIEFING ON QATAR FOR THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, PRESESSIONAL WORKING GROUP

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The human rights obligation to prohibit corporal punishment – a key strategy in eliminating all forms of violence

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 describes the legality of corporal punishment of children in Qatar. In light of General Recommendation No. 19 on Violence against women (1992), the links between corporal punishment of children and all other forms of violence including gender-based violence, the recommendations of treaty monitoring bodies, we hope the Committee on the Elimination of Discrimination Against Women will:

- **raise the issue of corporal punishment of girls in its List of Issues for Qatar, asking what progress has been made towards prohibiting and eliminating corporal punishment in all settings, including the home, and**
- **recommend to Qatar, in the concluding observations on the initial state party report, that corporal punishment is explicitly prohibited in all settings, including the home, as a matter of priority.**

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.

1 The state party's report to CEDAW

1.1 The initial state report of Qatar to CEDAW (21 March 2012, CEDAW/C/QAT/1) includes information concerning violence against women but makes no mention of corporal punishment – violence which may lawfully be inflicted on girls and boys in the guise of “discipline”. Neither is any mention made of corporal punishments imposed under Shari’a law.

2 The legality corporal punishment of children in Qatar

2.1 *Summary*: In Qatar, corporal punishment is unlawful in penal institutions but it is lawful in the home, schools and alternative care settings and as a sentence for crime under Shari’a law.

2.2 *Home (lawful)*: 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. A Children’s Bill was being discussed in 2009, but we have no further information regarding its provisions or progress.

2.3 *Schools (lawful)*: The Code of Conduct for schools states that corporal punishment should not be used and there is also a Ministerial Decree 2001 against its use, but there is no explicit prohibition in law. Act No. 25 on compulsory education is silent on the issue.

2.4 *Penal system – sentence for crime (lawful)*: Corporal punishment is lawful under Islamic law. Article 19 of the Juveniles Act 1994 explicitly prohibits flogging of juveniles under 16; persons aged 16 and 17 are subject to the penalties in the Criminal Code, which do not include corporal punishment. However, the Criminal Code and other criminal laws do not apply to *Hudud* or *Qisas* offences when the victim or the alleged offender is a Muslim. Punishments for offences under Shari’a law include flogging and amputation.

2.5 *Penal system – disciplinary measure in penal institutions (unlawful)*: Act No. 3 2009 regulating penal and correctional institutions does not include corporal punishment among permitted disciplinary measures. It repeals the Prisons Act, Act No. 3 1995, which authorised flogging.

2.6 *Alternative care settings (lawful)*: There is no explicit prohibition of corporal punishment.

3 Recommendations by human right treaty monitoring bodies and during the UPR

3.1 *CRC*: The Committee on the Rights of the Child has twice recommended the corporal punishment of children be prohibited in all settings, including the home, in Qatar – in its concluding observations on the initial report in 2001 and on the second report in 2009.²

3.2 *CAT*: In 2013, the Committee Against Torture expressed concern at the sentencing of persons to be flogged under Islamic law and recommended that this be prohibited through law reform.³ The Committee made similar recommendations in 2006.⁴

² 6 November 2001, CRC/C/15/Add.163, Concluding observations on initial report, paras. 43, 44, 45, 46, 53 and 54; 14 October 2009, CRC/C/QAT/CO/2, Concluding observations on second report, paras. 39 and 40

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

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

3.3 *UPR*: Qatar was examined in the first cycle of the Universal Periodic Review in 2010 (session 7). The Government accepted recommendations to prohibit all corporal punishment of children.⁵

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⁵ 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