

Corporal punishment of children in Qatar: Briefing for the Universal Periodic Review, 33rd session, May 2019



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

From the Global Initiative to End All Corporal Punishment of Children, October 2018

The legality and practice of corporal punishment of children violates their fundamental human rights to respect for human dignity and physical integrity and to equal protection under the law. Under international human rights law – the Convention on the Rights of the Child and other human rights instruments – states have an obligation to enact legislation to prohibit corporal punishment in all settings, including the home.

In Qatar, corporal punishment of children is still lawful, despite repeated recommendations to prohibit it by the Committee on the Rights of the Child, the Committee Against Torture, and the Committee on the Rights of Persons with Disabilities.

We hope the Working Group will note with concern the legality of corporal punishment of children in Qatar. We hope states will raise the issue during the review in 2019 and make a specific recommendation that Qatar draft and enact legislation as a matter of priority to explicitly prohibit corporal punishment of children in all settings, including the home, as a sentence for a crime, and under religious and traditional law.

1 Review of Qatar in the 2nd cycle UPR (2014) and progress since

- 1.1 Qatar was reviewed in the second cycle of the Universal Periodic Review in 2014 (session 19). Although the issue of corporal punishment of children was raised in the compilation of UN information¹ and in the summary of stakeholders' information,² no recommendations were made specifically on corporal punishment during the review.
- 1.2 Since the review, there has been no change in the legality of corporal punishment. The Government has reported that it is working on a draft Children's Bill³ but we do not know whether the prohibition of corporal punishment of children is being envisaged.
- 1.3 **We hope the Working Group will note with concern the continued legality of corporal punishment of children in Qatar. We hope states will raise the issue during the review in 2019 and make a specific recommendation that Qatar draft and enact legislation as a matter of priority to explicitly prohibit corporal punishment of children in all settings, including the home, as a sentence for a crime, and under religious and traditional law.**

¹ 24 February 2014, A/HRC/WG.6/19/QAT/2, Compilation of UN information, para. 26

² 7 February 2014, A/HRC/WG.6/19/QAT/3, Summary of stakeholders' views, para. 24

³ 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

2 Legality of corporal punishment in Qatar

Summary of current law and reforms needed to achieve prohibition

Corporal punishment in Qatar is prohibited in penal institutions, but it is still lawful in the home, in alternative and day care settings, in schools, and as a sentence for a crime. Legislation should be enacted to explicitly prohibit all corporal punishment in all settings, including the home, as a sentence for a crime and under religious and traditional law.

- 2.1 **Home (lawful):** 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.
- 2.2 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”.⁴ 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 a ban on corporal punishment.
- 2.3 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 promulgated⁵ – we do not know whether prohibition of all corporal punishment is envisaged in this context.
- 2.4 **Alternative care settings (lawful):** There is no explicit prohibition of corporal punishment in alternative care settings.
- 2.5 **Day care (lawful):** There is no explicit prohibition of corporal punishment in early childhood care and in day care for older children. The 2014 Act regulating Nurseries does not prohibit the use of corporal punishment.
- 2.6 **Schools (lawful):** The Code of Conduct for schools states that corporal punishment should not be used and there is a Ministerial Decree 2001 against its use, but there is no explicit prohibition in law. In reporting to the Universal Periodic Review of Qatar in 2014, the Government stated that in 2013 a Ministerial Decree against all violence in schools was adopted.⁶ Act No. 25 on compulsory education is silent on the issue.
- 2.7 **Penal institutions (unlawful):** Corporal punishment is unlawful as a disciplinary measure in penal institutions. The Act regulating penal and correctional institutions, Act No. 3 2009, does not include corporal punishment among permitted disciplinary measures. It repeals the Prisons Act,

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

⁵ 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

⁶ 27 June 2014, A/HRC/27/15, Report of the working group, para. 114

Act No. 3 1995, which authorised flogging. It was reported that a Prison Act No. 3 of 2016 had been adopted and prohibited the use of flogging,⁷ but we have been unable to confirm this information.

2.8 **Sentence for crime (lawful):** Corporal punishment is lawful as a sentence for crime under Islamic law. Article 19 of the Juveniles Act 1994 explicitly prohibits flogging of juveniles under 16: “A juvenile over 14 and under 16 years of age who commits a serious or major offence shall not be sentenced to death, imprisonment with hard labour or flogging but rather to one of the following penalties....” Persons aged 16 and 17 are subject to the penalties in the Criminal Code, which do not include corporal punishment. Article 36 of the Constitution states that “no person may be subjected to torture, or any degrading treatment”.

2.9 However, according to article 1 of the Criminal Code, the Code and other criminal laws do not apply to *Hudud* or *Qisas* offences when the victim or the alleged offender is a Muslim: “Islamic Sharia provisions concerning the following crimes are applicable if the suspect or the victim is a Muslim: 1- The crimes such as theft, adultery, defamation, drinking alcohol and apostasy. 2- The crimes of retaliation and the blood money. Otherwise, the crimes and the punishments are determined due to this law and any other law.” Punishments for these offences under *Shari’a* law include flogging and amputation. The Government has confirmed that the prohibition of flogging of juveniles under 16 contained in article 19 of the Juveniles Act 1994 is not absolute in that article 1 of the Criminal Code takes precedence over the provisions of any other law.⁸

2.10 The Government reported to the Committee Against Torture in 2018 that “the penalties of flogging, amputation and stoning had not been imposed in Qatar for some time”.⁹

3 Recommendations by human rights treaty bodies

3.1 **CRC:** 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 2001,¹⁰ on the second report in 2009,¹¹ and on the third/fourth report in 2017.¹²

3.2 **CAT:** The Committee Against Torture has twice recommended abolition of flogging under the Criminal Code in Qatar – in 2006¹³ and again in 2013.¹⁴ In 2018, the Committee reiterated its recommendation to abolish judicial corporal punishment and called on Qatar to enact legislation to explicitly prohibit corporal punishment of children in all settings.¹⁵

3.3 **CRPD:** 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.¹⁶

⁷ 7 May 2018, CAT/C/SR.1630, Summary records of 1630th meeting, para. 16

⁸ 22 March 2017, CRC/C/QAT/Q/3-4/Add.1, Reply to list of issues, para. 72

⁹ 7 May 2018, CAT/C/SR.1630, Summary records of 1630th meeting, para. 43

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

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

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

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

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

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

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

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children
www.endcorporalpunishment.org; info@endcorporalpunishment.org

The Global Initiative to End All Corporal Punishment of Children has regularly briefed the Committee on the Rights of the Child on this issue since 2002, since 2004 has similarly briefed the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights and the Human Rights Committee, and since 2011 the Committee on the Rights of Persons with Disabilities.