

# Corporal punishment of children in Qatar: Briefing for the Universal Periodic Review, 47th session, Oct./Nov. 2024

*From End Corporal Punishment, March 2024*

This submission provides an update on the legality of corporal punishment of children in Qatar since its review in the third cycle UPR in 2019. Corporal punishment prohibition is still to be fully achieved in the home, alternative care settings, day care, schools and as a sentence for crime.

**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 lawful, despite recommendations to prohibit it by the Committee on the Rights of the Child and other human rights treaty bodies.**

**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 2024 and make a specific recommendation that Qatar accelerates its efforts to clearly prohibit all corporal punishment of children in every setting of their lives and repeal any legal defence allowing its use, as a matter of priority.**

## 1 Review of Qatar in the 3<sup>rd</sup> cycle UPR (2019) and progress since

- 1.1 Qatar was reviewed in the third cycle of the Universal Periodic Review in 2019 (session 33). A recommendation to prohibit corporal punishment in all settings was made<sup>1</sup> and supported by the Government.<sup>2</sup>
- 1.2 Following the review, no legislation to explicitly prohibit corporal punishment of children in all settings has been adopted.

<sup>1</sup> 11 July 2019, A/HRC/42/15, Report of the Working Group, para. 134(225)

<sup>2</sup> 30 August 2019, A/HRC/42/15/Add.1, Report of the Working Group: Addendum

**1.3 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 2024 and make a specific recommendation that Qatar intensify its efforts to enact a law to clearly prohibit all corporal punishment of children, however light, in every setting of their lives, as a matter of urgency.**

## 2 Legality of corporal punishment in Qatar

### ***Summary of current law and opportunities for achieving prohibition***

Prohibition is still to be achieved in the home, alternative care settings, day care, schools and as a sentence for crime.

There appears to be no confirmation in the Penal or Family Codes of a “right” of parents and others to use corporal punishment in childrearing, but legal provisions against violence and assault are not interpreted as prohibiting all corporal punishment. 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”. The near universal acceptance of corporal punishment in “disciplining” children necessitates clarity in law that no degree or kind of such punishment is acceptable or lawful. Legal defences of “reasonable chastisement” or similar – in legislation or common law – should be explicitly repealed, and prohibition enacted of all corporal punishment, however light and whoever the perpetrator.

- 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 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 promulgated<sup>3</sup> – we do not know whether prohibition of all corporal punishment was envisaged in this context.

<sup>3</sup> 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 2205<sup>th</sup> meeting, para. 42

- 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. The Government declared in 2019 that sanctions in schools did not “include practices that are inconsistent with human rights such as violence or corporal punishment”.<sup>4</sup> 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, 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,<sup>5</sup> 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.<sup>6</sup>

<sup>4</sup> 1 March 2019, A/HRC/WG.6/33/QAT/1, National report to the UPR, para. 82

<sup>5</sup> 7 May 2018, CAT/C/SR.1630, Summary records of 1630th meeting, para. 16

<sup>6</sup> 22 March 2017, CRC/C/QAT/Q/3-4/Add.1, Reply to list of issues, para. 72



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”.<sup>7</sup>

### 3 Recommendations by human rights treaty bodies

- 3.1 **CRC:** On three occasions, the Committee on the Rights of the Child has recommended to Qatar that legislation be enacted to explicitly prohibit corporal punishment in all settings: in its concluding observations on the state party’s initial report in 2001,<sup>8</sup> on the second report in 2009,<sup>9</sup> and on the third-fourth report in 2017.<sup>10</sup>
- 3.2 **CAT:** The Committee Against Torture recommended that legislation be enacted to explicitly prohibit judicial corporal punishment, in its 2006 concluding observations<sup>11</sup> on the state party’s initial report, on the state party’s second report in 2013.<sup>12</sup> It recommended prohibition of corporal punishment in all settings on the state party’s third report in 2018.<sup>13</sup>
- 3.3 **CRPD:** The Committee on the Rights of Persons with Disabilities recommended that the Government adopt a legislation to prohibit all corporal punishment, in its concluding observation on the state party’s initial report in 2015.<sup>14</sup>

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

<sup>8</sup> 6 November 2001, CRC/C/15/Add.163, Concluding observations on initial report, paras. 43, 44, 45, 46, 53 and 54

<sup>9</sup> 14 October 2009, CRC/C/QAT/CO/2, Concluding observations on second report, paras. 39 and 40

<sup>10</sup> 22 June 2017, CRC/C/QAT/CO/3-4, Concluding observations on third/fourth report, paras. 4, 21 and 22

<sup>11</sup> 25 July 2006, CAT/C/QAT/CO/1, Concluding observations on initial report, para. 12

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

<sup>13</sup> 4 June 2018, CAT/C/QAT/CO/3, Concluding observations on third report, paras. 31 and 32

<sup>14</sup> 3 September 2015, CRPD/C/QAT/CO/1 Advance Unedited Version, Concluding observations on initial report, paras. 29 and 30