

QATAR

BRIEFING FOR THE HUMAN RIGHTS COUNCIL UNIVERSAL PERIODIC REVIEW – 19th session, 2014

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

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 the repeated recommendations to prohibit it by the Committee on the Rights of the Child, the Committee Against Torture and during the first cycle UPR in 2010 (which the Government accepted).

We hope the Working Group will note with concern the legality of corporal punishment in Qatar. We hope states will raise the issue during the review in 2014 and make a specific recommendation that legislation is enacted in Qatar to explicitly prohibit corporal punishment of children in all settings, including the home and as a sentence for crime, as a matter of priority.

1 The initial review of Qatar by the Human Rights Council (2010)

1.1 Qatar was reviewed in the first cycle of the Universal Periodic Review in 2010 (session 7). The issue of corporal punishment was included in the compilation of UN information¹ and in the summary of stakeholders' information.² The following recommendations were made:³

“To include in its national legislation the concept of torture as defined in article 1 of the Convention against Torture, and to enact legislation to abolish all types of corporal punishment and other forms of cruel, inhumane or degrading treatment (Mexico);

“To prohibit all forms of corporal punishment against children, both boys and girls (Chile);

¹ 23 November 2009, A/HRC/WG.6/7/QAT/2, Compilation of UN information, para. 20

² 24 November 2009, A/HRC/WG.6/7/QAT/3, Summary of stakeholders' information, paras. 13, 14, 15 and 16

³ 15 March 2010, A/HRC/14/2, Report of the working group, paras. 85(7), 85(14) and 86(10)

“To consider abolishing the death penalty and corporal punishment, in particular against children (Brazil)”

- 1.2 In accepting the recommendations, the Government stated that they have already been or are in the process of being implemented.⁴ In 2009, a Children’s Bill was under discussion: we have been unable to examine the text of the Bill or to ascertain whether or not it has been enacted. However, to achieve prohibition of corporal punishment of children, the law in Qatar would need to enact legislation to explicitly prohibit corporal punishment in the home, in schools and in alternative care settings; it would also need to ensure that children convicted of Hudud or Qisas offences may not be sentenced to corporal punishment under Shari’a law. To our knowledge, no such law reform has been achieved.
- 1.3 The obligation under the Convention on the Rights of the Child and other human rights instruments to prohibit all corporal punishment of children – including in the home and all other settings – is one which is frequently ignored or evaded by Governments. The near universal acceptance of a degree of violent punishment in childrearing and deeply held views that parents and other adults have a “right” to physically punish children can challenge efforts to achieve prohibition. This situation also means that corporal punishment – at least to some degree – is typically not readily perceived as a violent act in the same way as, for example, sexual and other socially unacceptable forms of violence. **It is for these reasons that we respectfully urge members of the Working Group to specifically recommend prohibition of corporal punishment of children in the review of Qatar.**

2 Legality of corporal punishment in Qatar

- 2.1 **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. As already noted, a Children’s Bill has been under discussion but to our knowledge there has been no reform to prohibit corporal punishment.
- 2.2 **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. Act No. 25 on compulsory education is silent on the issue.
- 2.3 **Penal system – sentence for crime (lawful):** 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, 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.
- 2.4 **Penal system – disciplinary measure in penal institutions (unlawful):** The Act regulating penal and correctional institutions, Act No. 3 2009, does not include corporal punishment

⁴ 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

among permitted disciplinary measures. It repeals the Prisons Act, Act No. 3 1995, which authorised flogging.

2.5 *Alternative care settings (lawful)*: There is no explicit prohibition of corporal punishment in alternative care settings, where it is lawful as for parents.

3 Recommendations by human rights treaty monitoring bodies

3.1 *CRC*: The Committee on the Rights of the Child has twice recommended prohibition of corporal punishment in the home and other settings in Qatar – in its concluding observations on the state party’s initial report in 2001 and on the second report in 2009.⁵

3.2 *CAT*: In 2006 and again in 2013, the Committee Against Torture recommended to Qatar that punishments of flogging and stoning be abolished.⁶

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children
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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 in 2011 began briefing the Committee on the Rights of Persons with Disabilities.

⁵ 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

⁶ 25 July 2006, CAT/C/QAT/CO/1, Concluding observations on initial report, para. 12; 25 January 2013, CAT/C/QAT/CO/2, Concluding observations on second report, para. 12