

Progress towards prohibiting all corporal punishment in the Middle East and North Africa



Global Initiative to
End All Corporal Punishment
of Children

Prepared by the Global Initiative to End All Corporal Punishment of Children
(www.endcorporalpunishment.org)

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The following table summarises the legal status of corporal punishment of children – and progress towards achieving prohibition – in all settings in all states in the Middle East and North Africa. Governments are increasingly enacting laws to prohibit this form of violence against children. As at September 2017, three states have achieved prohibition in all settings, including the home; governments of four others have expressed a commitment to enacting full prohibition. Three states have prohibited corporal punishment in all alternative care settings and day care, 12 in all schools, 12 in penal institutions and 16 as a sentence for crime.

States with full prohibition in legislation

The following three states have prohibited corporal punishment in all settings, including the home.

State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Israel	YES ¹	YES	YES	YES	YES	YES
South Sudan	YES ²	YES	YES	YES	YES	YES
Tunisia	YES ³	YES	YES	YES	YES	YES

States expressing commitment to law reform in UPR and other contexts

Governments in the following states have expressed a commitment to prohibition of all corporal punishment of children through unequivocally accepting recommendations to prohibit made during the Universal Periodic Review (UPR).

<i>States committed to law reform ...</i>						
State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Algeria ⁴	NO	NO	NO	YES	NO	YES
Bahrain ⁵	NO	NO	NO	YES	NO	YES
Morocco ⁶	NO	NO	NO	NO ⁷	YES	YES

¹ 2000 Supreme Court judgment ruled against all violence in childrearing; “reasonable chastisement” defence repealed same year

² Prohibited in Transitional Constitution 2011, confirming pre-independence prohibition in Interim Constitution 2005 and Child Act 2008

³ Prohibited in 2010 amendment to Penal Code

⁴ Government accepted UPR recommendation to prohibit in all settings (2012)

⁵ Government accepted UPR recommendation to prohibit in all settings (2017)

States committed to law reform ...						
State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Oman ⁸	NO	NO	[SOME] ⁹	YES	NO	[YES]

States without a clear commitment to law reform

The following states have yet to make a clear commitment to prohibiting all corporal punishment. Some of these states have accepted UPR recommendations to prohibit but have also indicated that they consider existing legislation adequately protects children from corporal punishment, in conflict with information collected by the Global Initiative. Some states have accepted some UPR recommendations to prohibit corporal punishment but rejected other similar recommendations.

States without a clear commitment to law reform ...						
State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Djibouti	NO	NO	NO	[YES]	NO	YES
Egypt	NO	NO	NO	[NO] ¹⁰	[YES] ¹¹	YES
Iran	NO	NO	SOME ¹²	NO ¹³	YES	NO
Iraq	NO ¹⁴	NO	NO	NO	SOME ¹⁵	YES
Jordan ¹⁶	NO	[SOME] ¹⁷	[NO]	YES	[YES]	YES
Kuwait ¹⁸	NO	NO	NO	YES	NO	[YES]
Lebanon	NO	NO	NO	NO ¹⁹	[YES]	YES
Libya	NO	NO	SOME ²⁰	YES	NO	NO
Qatar ²¹	NO	NO	NO	NO ²²	YES	NO
Saudi Arabia ²³	NO	NO	NO	NO ²⁴	NO	NO
State of Palestine	NO	NO	NO	SOME ²⁵	[SOME] ²⁶	[SOME] ²⁷

⁶ Government accepted UPR recommendation to prohibit in all settings (2012)

⁷ Ministerial direction advises against corporal punishment but no prohibition in law

⁸ Government accepted UPR recommendation to prohibit in all settings (2015)

⁹ Possibly prohibited in preschool provision

¹⁰ Ministerial directive states corporal punishment should not be used but possibly no prohibition in law

¹¹ Possibly lawful in social welfare institutions

¹² Prohibited in day care centres (kindergartens)

¹³ Government directive states corporal punishment should not be used but no prohibition in law

¹⁴ But possibly prohibited in Kurdistan

¹⁵ Prohibited in prisons and detention centres

¹⁶ Government accepted UPR recommendation to prohibit in all settings (2009) but stated current laws do not prescribe corporal punishment and subsequently limited but did not repeal right to discipline according to "general custom"

¹⁷ Possibly prohibited in institutions

¹⁸ Government accepted 2010 UPR recommendation to prohibit but subsequently stated existing law adequate; Government accepted 2015 recommendation to prohibit but appeared to defend "simple discipline"

¹⁹ Ministerial directive states corporal punishment should not be used but no prohibition in law

²⁰ Unlawful in preschool provision

²¹ Government accepted some UPR recommendations to prohibit but rejected another similar one, stating corporal punishment already prohibited (2010)

²² Code of Conduct for schools states corporal punishment should not be used but no prohibition in law

²³ Government accepted UPR recommendations to prohibit corporal punishment in schools and penal system but stated already prohibited in schools and care settings (2009); recommendations to prohibit in 2013 UPR rejected

²⁴ Ministerial circulars advise against corporal punishment but no prohibition in law

<i>States without a clear commitment to law reform ...</i>						
State	Prohibited in the home	Prohibited in alternative care settings	Prohibited in day care	Prohibited in schools	Prohibited in penal institutions	Prohibited as sentence for crime
Sudan	NO	NO	NO	[SOME] ²⁸	NO	[YES] ²⁹
Syrian Arab Republic	NO	NO	NO	NO ³⁰	NO	YES
United Arab Emirates	NO	NO	NO	YES	[YES]	NO
Western Sahara	NO	[NO]	[NO]	[NO]	[YES]	[YES]
Yemen	NO	NO	[SOME] ³¹	YES	YES	NO

Note

The above information is based wherever possible on examination of national legislation; additional information is gathered from many sources, including reports to and by the United Nations human rights treaty bodies. **Information in square brackets is unconfirmed.** We are very grateful to government officials, UNICEF and other UN agencies, NGOs and human rights institutions, and many individuals who have assisted us in our research. We welcome corrections and updates: email info@endcorporalpunishment.org. For further details on all states see the individual state reports at www.endcorporalpunishment.org.

Analysis prepared by the Global Initiative to End All Corporal Punishment of Children
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²⁵ Prohibited in UNRWA schools and in East Jerusalem; elsewhere Ministerial direction advises against corporal punishment but no prohibition in law

²⁶ Possibly unlawful in East Jerusalem

²⁷ Possibly unlawful in Gaza

²⁸ Possibly prohibited in Khartoum State for children aged 6-13

²⁹ Possibly lawful under Shari'a law

³⁰ Ministry of Education advises against corporal punishment but no prohibition in law

³¹ Possibly prohibited in preschool provision