



**Ending
legalised
violence
against
children**



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

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- + Arab Commission for Human Rights
- + Arab Human Rights Foundation, Yemen
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Hitting people is wrong – and children are people too. Corporal punishment of children breaches their fundamental rights to respect for their human dignity and physical integrity. Its legality breaches their right to equal protection under the law. Urgent action is needed in every region of the world to respect fully the rights of all children – the smallest and most fragile of people.

This report reviews law and policy in relation to corporal punishment and deliberate humiliation of children in each state in the Middle East and North Africa. It makes recommendations for law reform and other measures which it is hoped will be adopted at the Consultation and pursued at a national, regional and international level.

Foreword

Jaap E. Doek

Chairperson

United Nations Committee on the Rights of the Child

One hundred and ninety two governments, including all those in this region, have accepted an obligation to take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of violence (article 19 of the United Nations Convention on the Rights of the Child).

The Committee on the Rights of the Child, which monitors implementation of this Convention, has recommended to governments across the region and the world that they should systematically:

- Prohibit all forms of violence, including all corporal punishment however light, in the upbringing of children in their homes, in schools, in care institutions, penal systems and any other place;
- Undertake – at the same time – educational and awareness-raising campaigns to inform parents and others about children's right to protection and about non-violent methods of disciplining and raising children.

Many citizens and politicians express deep concern about increasing violence in their societies. The credibility of this concern is questionable as long as they are not willing to seriously and systematically address the use of violence against children. And nobody should suggest that a little bit of violence is acceptable. That applies equally for adults and children.

The Committee on the Rights of the Child strongly believes that the UN Secretary-General's Study on Violence against Children will accelerate moves to prohibit and eliminate corporal punishment and any other form of violence against children as an unacceptable violation of human dignity and physical integrity. It is the best way to a violence-free society.

Jaap E. Doek
Chairperson
Committee on the Rights of the Child
June 2005

The human rights imperative to end all corporal punishment

Rights to respect for human dignity and physical integrity and to equal protection under the law are upheld for everyone – including children – in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. The Convention on the Rights of the Child (CRC) re-emphasises that children, too, are holders of human rights. The Convention also requires states to protect children from “all forms of physical or mental violence” while in the care of parents or others (article 19).

The Committee on the Rights of the Child – the monitoring treaty body for the CRC – consistently interprets the Convention as requiring prohibition of all corporal punishment, including in the family, linked to awareness-raising and public education. This interpretation is supported by other human rights treaty bodies, both international and regional, and by high-level court judgments in a growing number of states.

States’ human rights obligations to end all currently legalised violence against children are clear and immediate; there can be no justification for delay. Humanity and logic suggest that children should be the first, not the last, members of human societies to be effectively protected from assault and deliberate humiliation.

The case against corporal punishment does not have to be proved. We do not look for evidence of harm to justify prohibition and other measures to end domestic violence against women or elderly people. The issue is one of fundamental rights. But in any case there is overwhelming research evidence to support the human rights imperative for eliminating corporal punishment. Hitting babies and children is dangerous. Harsh and humiliating forms of discipline are associated with the development of violent and anti-social attitudes and actions in childhood and later life and also with psychological difficulties for the victims.



Hitting children is a lesson in bad behaviour; it teaches them that adults who demand their respect believe that violence is a legitimate way to sort out conflicts or impose authority.

Some adults like to suggest that corporal punishment and child “abuse” are two quite separate phenomena. In fact, more or less all physical “abuse” is administered in a context of punishment or control – it **is** corporal punishment. There are different degrees of severity, but all corporal punishment breaches children’s right to respect for their human dignity and physical integrity. We do not try to draw lines and justify any level of violence against women or elderly people – so why children? Zero tolerance is generally accepted as a target for ending domestic violence between adults in the home – so why not for children?

Defenders of corporal punishment suggest that children are different. But their differences – their dependence, developmental state and fragility – certainly do not reduce their human rights or justify less protection from violence. Parents and other carers need to use physical actions to protect and restrain children, especially babies and young children. But such actions are clearly distinguishable from causing pain or humiliation as a form of discipline or control.

Human rights standards in the region

All states in the region have ratified the Convention on the Rights of the Child. None has entered any reservation to reduce its obligation to protect children from all forms of violence. To almost all states in the region, the Committee on the Rights of the Child has recommended legislative reform to prohibit all forms of violence against children, including all corporal punishment within the family and in all other settings (see details in state-by-state analysis beginning on page 15).

In some cases it has examined two successive reports from states, expressing “profound” concern at the prevalence and persisting legality of corporal punishment of children.

The regional human rights instrument, the Arab Charter of Human Rights, adopted in 1994, reflects the international instruments and asserts the importance of human dignity in its Preamble - “Given the Arab nation’s belief in human dignity since God honoured it by making the Arab World the cradle of religions and the birthplace of civilizations which confirmed its right to a life of dignity based on freedom, justice and peace...”. The Charter defends “everyone’s” right to life, liberty and security of person, which must be protected by law. Article 9 asserts: “All persons are equal before the law and everyone within the territory of the State has a guaranteed right to legal remedy”. Article 13 requires states parties to “protect every person in their territory from being subjected to physical or mental torture or cruel, inhuman or degrading treatment. They shall take effective measures to prevent such acts and shall regard the practice thereof, or participation therein, as a punishable offence.” Article 38 requires state protection for the family, as “the basic unit of society”, and refers to the state’s undertaking to provide “outstanding care and special protection” for the family, mothers, children and the aged. Article 39 asserts young people’s right “to be afforded the most ample opportunities for physical and mental development.”

The Cairo Declaration on Human Rights in Islam was adopted by the Organisation of the Islamic Conference in Cairo on August 5 1990, to provide “general guidance” to member states in the field of human rights. Article 1 states: “All men are equal in terms of basic human dignity and basic obligations and responsibilities, without any discrimination on the basis of race, colour, language, belief, sex, religion, political affiliation, social status or other considerations. The true religion is the guarantee for enhancing such dignity along the path to human integrity. Article 2 (d) asserts that “Safety from bodily harm is a guaranteed right. It is the duty of the state to safeguard it, and it is prohibited to breach it without a Shari’ah-prescribed reason.”

Article 20 states that it is not permitted to subject an individual “to physical or psychological torture or to any form of maltreatment, cruelty or indignity”. Articles 24 and 25 emphasise that all the rights and freedoms stipulated in the Declaration are subject to the Islamic Shari’ah, and it is the only source for explanation or clarification of any of the articles of the Declaration. Reconciling Shari’ah law with international human rights standards is a subject of ongoing debate in the region. Human rights treaty bodies, including the Committee on the Rights of the Child and the Human Rights Committee, have asserted that prescribed punishments, including corporal punishment, are incompatible with international standards.

Global progress towards ending all corporal punishment

Globally, less than 20 of the 190-plus states have as yet prohibited all corporal punishment, including in the family (for details see www.endcorporalpunishment.org). So only 52 million children out of the world's 2,195 million live in countries where the law gives them equal protection from being assaulted. In about 90 states worldwide, corporal punishment is still authorised in schools and other institutions, including at least seven states in the Middle East and North Africa. In almost 80 states globally, whipping or caning is still permitted as a sentence of the courts or as a punishment in penal institutions for young offenders. This includes at least 12 states in this region. All this state-authorised deliberate and severe violence against children ironically co-exists in these countries with child protection systems. Corporal punishment is also reported in domestic and other situations of child labour.

Prevalence of corporal punishment

One indication of the low priority accorded to this issue is the lack of research into the violent victimisation of children by adults in their homes, schools, other institutions and situations of child labour. No state can judge to what extent it is fulfilling its human rights obligations to children without this basic research.

Where corporal punishment in the family has not been systematically challenged through law reform linked to public education, research from a number of states in each continent suggests that a majority of children are being hit regularly by one or both parents and that up to a third are being punished “severely” – beaten with belts or sticks.

In this region there has been some research in a few states (see state-by-state analysis beginning on page 15). This suggests that corporal punishment remains socially approved by a majority and severe punishment is still common.

Promoting positive discipline

In states in all continents there are developed programmes and materials to promote positive, non-violent forms of discipline and child-rearing for parents, other carers and teachers. In some states, the government has taken a lead with public education. In others, non-governmental organisations, human rights institutions and private sector publishers and media have taken initiatives (for links to a variety of programmes and materials, see www.endcorporalpunishment.org).

“States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child...”

UN Convention on the Rights of the Child, article 19

RECOMMENDATIONS

THE GLOBAL INITIATIVE TO END ALL CORPORAL PUNISHMENT OF CHILDREN URGES THE MIDDLE EAST AND NORTH AFRICA REGIONAL CONSULTATION TO ADOPT AND PROMOTE THE FOLLOWING RECOMMENDATIONS FOR IMMEDIATE ACTION IN ALL STATES IN THE REGION. THE AIM SHOULD BE TO ADOPT THE DEADLINE OF THE CONCLUSION OF THE UN SECRETARY GENERAL'S STUDY ON VIOLENCE AGAINST CHILDREN IN 2006 FOR IMPLEMENTATION OF LAW REFORM AND PUBLIC EDUCATION TO ELIMINATE CORPORAL PUNISHMENT.

1 Explicitly prohibit all violence against children, including all corporal punishment, in the family and in all other settings. This requires repeal of any existing defences that can be used to justify violent punishment and of any laws that authorise corporal punishment in any setting. Explicit prohibition in sectoral laws applying within the family and to alternative care, schools and the penal system is required to send a clear message.

This action, taken to date by less than 20 countries worldwide, sends a clear signal that children have an equal right to respect for their human dignity and physical integrity. The extent to which the law is respected and effectively and appropriately enforced may vary between states. But no state will make significant progress towards preventing and eliminating violence against children until it has a clear and well-publicised legal framework prohibiting all violence. All states have criminal laws against assault; some have constitutions outlawing inhuman or degrading treatment; most have laws prohibiting "abuse" or cruelty; many have incorporated the Convention on the Rights of the Child and other international instruments into their domestic law. But none of this is adequate to challenge the traditional acceptance of violent and humiliating punishment of children.

2 Ensure that awareness-raising of children's right to protection, promotion of non-violent child-rearing and education and the principles of non-violent conflict resolution are built into all the points of contact with future parents and parents and into the training of all those working with or for children and families. Encourage political, community and faith leaders and educators to support this awareness-raising and public education.

Promoting non-violence does not have to be a separate and expensive process. All those in contact with future parents and parents can build messages into their programmes and activities, from ante-natal classes, through birth registration, immunisation, health surveillance and treatment, pre-school and school and so on. There is no shortage of models of programmes and materials which can be adapted for all states and cultures.

3 Review the extent of violent victimisation of children, including in the family, through interview studies with children themselves, parents and other carers.

Making the true extent of violence against children visible is an essential step towards gaining public support and political priority for its elimination. The methodology exists for such studies, involving confidential interviews with parents and with children, with appropriate ethical safeguards. Studies can be quite small-scale, but must cover children of all ages and children in institutions and other forms of care, as well as children living and/or working on the street and in other situations of child labour.

4 Review safeguards to protect children from all forms of violence in the full range of residential institutions and other forms of alternative care, state and private, and implement any necessary improvements.

Studies in states in all continents suggest that children in institutions and alternative care have suffered physical, mental and sexual violence on a huge scale and remain at risk unless a range of safeguards are implemented. These include effective training and vetting of all staff, regular, confidential reviews of all children's placement and treatment, independent inspection including interviewing of children and staff in private and protection of whistle-blowers.

What is the purpose of law reform against corporal punishment and how will it be implemented?

Children's rights to respect for their human dignity and physical integrity and to equal protection under the law require that the law effectively and equally protects them from all forms of corporal punishment and other humiliating punishment or treatment.

Equal protection for children **does** mean that any assault of a child that would be considered a criminal assault if directed at an adult should be considered and dealt with under the criminal law as a crime. All countries have laws which define and prohibit criminal assault and this definition should include all corporal punishment as a form of assault.

But this principle of equal protection for both adults and children in cases of assault **does not** necessarily mean that cases involving corporal punishment should result in prosecution of parents. This is very seldom in the interests of children, because of children's dependent status, and should only be used as an intervention of last resort.

In every case in which corporal punishment in the family comes to light, the aim must be first to seek to help parents and children through voluntary positive interventions – offers of advice, discussions with other parents and so on – which aim to stop violent and humiliating treatment of children.

In extreme cases of serious and continuing abuse, separating children from their parents may be the only way to protect them. And in those cases, according to the Convention on the Rights of the Child (article 9), there must be a court hearing, focusing on the best interests of the child and with the parents and child represented. In exceptional cases, where it is believed the child is at risk of severe violence, it may be necessary immediately to remove the child or the perpetrator to protect the child. But such measures should be temporary and only continued following a court hearing.

Equal protection under the law

Efforts to reform the law to prohibit all corporal punishment as a form of assault often meet with strong opposition. One of the fears expressed is that it will lead to thousands of parents being prosecuted and put in prison, or children will be taken away and put in institutions; it will turn children against their parents, and so on. But in the growing number of states in which the law has been changed, this has not been the experience. The first aim of these reforms, linked to awareness-raising and public education, is to raise awareness of the right of the child to equal protection. Changing the law and linking this to awareness-raising is likely to change attitudes and reduce violence against children. Adults' sensitivity to violence against children is likely to increase and this may lead to more reporting of such violence.

Controlling prosecution policy in relation to parental corporal punishment

In most countries, there is a code or advice to decide when prosecution for a crime should go ahead. This usually requires certain tests to be satisfied. For example:

- that there is sufficient evidence to make conviction likely;
- that the prosecution is in the public interest.

The prosecution of parents and other close family carers should only proceed when it appears to be the only way to provide the child with effective protection and other supportive interventions have failed. It is important that guidelines are developed and implemented which set out conditions for prosecution in these cases. In addition, detailed guidance is required for all those involved in child protection, including for example social workers, health workers, teachers and police. This should focus on the need for interventions to emphasise the dangers and illegality of hitting children and to seek to provide appropriate support for positive, non-violent parenting.

In advocating law reform, it can be emphasised that minor assaults on adults by adults, while clearly unlawful, very seldom get to court (in many states, the *de minimis* principle is recognised: that the law does not concern itself with trivial matters).

Some opponents of law reform will then respond: "But what is the point of a law if it is unenforceable?" The first answer is that the real purpose of law is education and deterrence to achieve protection, rather than prosecution. Prosecution is always a sign of the failure of the law effectively to deter and prevent a child being assaulted.

The law will be as enforceable as the law on assault between adults, if the necessary evidence exists – but there will need to be consideration to determine whether prosecution is in the best interests of the victim child as well as in the public interest. In the few cases in which prosecution is considered necessary to protect a child, and in the child’s best interests, it will be easier to pursue if parents can no longer defend assault before the courts as “reasonable punishment”.

In order to deter parents from using corporal punishment in the privacy of their homes, the law needs to send a very clear message. That is the real purpose of explicit law reform. Having clear law that prohibits all corporal punishment enables all those working with and for families and children to promote this clear message.

Enforcing prohibition of corporal punishment outside the family

Corporal punishment in schools, other institutions and forms of care and places of employment must be prohibited explicitly in legislation. Prohibition through administrative circular or guidance is not adequate. Implementation and enforcement of prohibition requires proper administrative measures including awareness-raising of the law among adults and children; building knowledge of the prohibition into training, both initial and in-service, for teachers and other school personnel; rigorous inspection by trained inspectors independent of the institution (including interviews in private with children and adults); and access to advice, advocacy and independent complaints procedures for children and parents and ultimately access to the courts.

Respecting the law will or should become a contractual condition, so that teachers and others who continue to use corporal punishment risk losing their jobs. This in itself will act as a strong deterrent. In cases in which teachers and others, after warning, continue to use corporal punishment, prosecution is a legitimate and necessary response.



CORPORAL PUNISHMENT IN THE MIDDLE EAST AND NORTH AFRICA

State-by-state analysis of legality and prevalence

The information in this section was compiled by the Global Initiative from many sources, including reports to and by the United Nations human rights treaty bodies. We are very grateful to government officials, UNICEF and other UN agencies, NGOs and human rights institutions and many individuals who have helped to compile and check information. Please let us know if you believe any of the information to be incorrect: info@endcorporalpunishment.org

Country reports will be published and updated on the website of the Global Initiative: www.endcorporalpunishment.org

ALGERIA

Lawfulness of corporal punishment

Home

Corporal punishment is lawful in the home.

Children have limited protection from violence and abuse under the Family Code (1984), the Penal Code, the Code of Criminal Procedure (1966, amended 2004) and the Code of Civil Procedure (1975, amended 1990). Article 34 of the Constitution (1976, amended 1996) states: "... the State guarantees the inviolability of the human person. All forms of physical or moral violence or affronts to human dignity are forbidden."

Schools

Corporal punishment is prohibited in schools.

Penal system

Corporal punishment is unlawful as a **sentence for crime**. It is not among the permitted measures available to the courts in articles 444 and 445 of the Code of Criminal Procedure.

We have been unable to establish the legality of corporal punishment as a **disciplinary measure** in penal institutions. Applicable law includes Law No. 05-04 on the structural code of the penitentiary organisation and the social rehabilitation of convicts (2005) and Ordinance No. 73-3 relating to the protection of children and young persons. Article 34 of the Constitution (see above) applies.

Alternative care

There is no explicit prohibition of corporal punishment in other institutions and forms of childcare. The provisions against violence and abuse in the Penal Code, the Code of Criminal Procedure and the Constitution (see above) apply.

Prevalence research

None identified.

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(18 June 1997, CRC/C/15/Add.76, Concluding observations on initial report, paras. 21 and 35)

"The Committee is concerned at the lack of appropriate measures to combat and prevent ill-treatment and abuse within the family, and at the lack of information on this matter. The Committee is further concerned that disciplinary measures in schools often involve corporal punishment, although it is prohibited by law.

"The Committee recommends that special attention be given to the problems of ill-treatment and abuse, including sexual abuse, of children within the family and corporal punishment in schools, and stresses the need for information and education campaigns to prevent and combat the use of any form of physical or mental violence on children, in accordance with article 19 of the Convention. The Committee also suggests that comprehensive studies on these problems be initiated in order to understand them better and to facilitate the elaboration of policies and programmes, including rehabilitation programmes, to combat them effectively."



BAHRAIN

Lawfulness of corporal punishment

Home

Corporal punishment is lawful in the home.

Children have limited protection from violence under the Penal Code (1976).

Schools

Corporal punishment is prohibited in schools under the Code of School Discipline, promulgated by the Ministry of Education in Ordinance No. 549/168-1/1992.

Penal system

We have been unable to establish the legality of corporal punishment as a **sentence for crime**. Article 19 of the Constitution (1973) states: “No one shall be subjected to physical or mental torture, enticement or degrading treatment, for which the law shall prescribe penalties.” Under article 32 of the Penal Code, young persons under the age of 15 years can be subject only to the measures in the Juveniles Act (1976), which do not include corporal punishment (article 6). Article 70 of the Penal Code states that being aged 15-18 is a mitigating circumstance warranting adjusted sentences. We have been unable to ascertain whether these include corporal punishment or whether children are subject to the sentence of corporal punishment under Shari’a law.

We have been unable to ascertain the legality of corporal punishment as a **disciplinary measure** in penal institutions.

Alternative care

No information.

Prevalence research

None identified.

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(7 February 2002, CRC/C/15/Add.175, Concluding observations on initial report, paras. 37 and 38 (a, b and c)

“The Committee welcomes information ... that the Bahrain Institute for Science has been commissioned to undertake a national study on child abuse. Nevertheless, it is concerned that there is insufficient awareness of the ill-treatment of children within the family, as well as domestic violence and its impact on children.

“The Committee recommends that the State party:

- ensure that the study is comprehensive, assesses the nature and extent of ill-treatment and abuse of children, as well as domestic violence, and that it is used to design policies and programmes to address this issue;
- take legislative measures to prohibit all forms of violence, including corporal punishment and sexual abuse of children in the family, schools and in other institutions;
- carry out public education campaigns about the negative consequences of ill-treatment of children, and promote positive, non-violent forms of discipline as an alternative to corporal punishment...”

DJIBOUTI

Lawfulness of corporal punishment

Home

Corporal punishment is lawful in the home.

Children have limited protection from violence and abuse under the Penal Code, with penalties being more severe if the offender is an older relative or a person with authority or custody of a child.

Schools

Corporal punishment is reportedly prohibited in schools, but we have no details of applicable law. There is no prohibition of corporal punishment in Law No. 96 on the Djiboutian education system (2000), which deals with formal and informal education and provides for rights and duties in teaching.

Penal system

We have been unable to ascertain the legality of corporal punishment as a **sentence for crime**. Under the Constitution (1992) all persons have a right to personal integrity (article 10); no one should be submitted to torture, cruelties, or inhuman, cruel, degrading or humiliating treatment and any individual, agent of the state or public authority guilty of inflicting such treatment will be punished according to the law (article 16).

There is no explicit prohibition of corporal punishment as a **disciplinary measure** in penal institutions.

Alternative care
No information.

Prevalence research
None identified.

EGYPT

Lawfulness of corporal punishment

Home

Corporal punishment is lawful in the home.

Children have limited protection from violence and abuse under the Children's Code (1996) and the Criminal Code (1937).

Schools

Corporal punishment is prohibited in schools under article 21 of Law No. 210 on primary education (1952), article 48 of Law No. 211 on secondary education (1953) and a number of ministerial decrees. Teachers are criminally liable under articles 241 and 242 of the Criminal Code.

Penal system

Corporal punishment is unlawful as a **sentence for crime**. It is not a permitted sentence for children between the ages of 7 and 15 years under the Children's Code (article 101). Children between 15 and 18 years receive reduced penal sentences, and these do not include corporal punishment.

Corporal punishment is unlawful as a **disciplinary measure** in prisons. The provision for flogging of prisoners in Law No. 396 (1956) was repealed by Law No. 152 (2002), which abolished flogging as a punitive measure in prisons. Under article 42 of the Children's Code any person arrested or detained "shall be treated in the manner concomitant with the preservation of his dignity" and "no physical or moral harm is to be inflicted upon him". Article 40 of the Code of Criminal Procedure states that any person detained "shall be treated in a manner that preserves his human dignity, he should not be harmed physically or mentally". However, we have been unable to ascertain the legality of corporal punishment in social welfare institutions, in which children below 16 years convicted of crime may be detained. The Human Rights Association for the Assistance of Prisoners has documented flogging of juveniles in social care institutions (*Detention and Detainees in Egypt 2003: Sixth Annual Report on the Condition of Prisons and Detention Centres*).

Alternative care

There is no explicit prohibition of corporal punishment in other institutions and forms of childcare. The provisions against violence in the Children's Code and the Criminal Code apply. Other applicable law includes Law No. 50 on Child Care (1977) and Decree No. 30 on Child Care (1982) which sets conditions for mandatory day care facilities for children under the age of 6 years.

Prevalence research

A study of 2,170 preparatory and secondary school students aged 10-20 years in 14 government schools in Alexandria in 1996-7, using a self-administered questionnaire, looked at corporal punishment in schools and in the home. Almost four out of five boys (79.96%) and 61.53% of girls reported corporal punishment by teachers during one year using hands, sticks, straps, shoes and kicks; more than a quarter of boys and 18% of girls reported that beatings caused injuries. Over 37% of children were beaten in the home by parents as a form of discipline and some were also burned (4.18%) or tied (0.37%). For over 25%, physical injuries resulted such as fractures, loss of consciousness and permanent disability; for 61% injuries included bumps and contusions as well as wounds (53%). For 23% the injuries required medical consultation. Corporal punishment was most commonly used against preparatory school aged children, and was increasingly likely the lower the educational attainment of the father and the larger the family size. (Youssef, R. M. et al., 1998, "Children experiencing violence I: Parental use of corporal punishment", *Child Abuse & Neglect*, vol.22, no.10, pp.959-973; Youssef, M. S. A. & Kamel, M. I., 1998, "Children experiencing violence II: Prevalence and determinants of corporal punishment in schools", *Child Abuse & Neglect*, vol.22, no.10, pp.975-985)

As part of the World Studies of Abuse in the Family Environment (WorldSAFE) cross-national project, researchers looked at incidence rates for corporal punishment as self-reported by mothers covering the period of the previous 6 months. In Egypt, the most frequently reported forms of "severe physical punishment" were hitting the child with an object not on the buttocks (26%) and beating (25%); the most common forms of "moderate physical punishment" were shaking (59%), pinching (45%) and slapping the face or head (41%). (Reported in Krug, E. G. et al., eds, 2002, *World report on violence and health*, Geneva: World Health Organization)

In the National Survey of Youth and Social Changes in 1999, 54% of youths at schools said teachers usually beat them. This was more common for boys than girls (61% and 46% respectively), for younger than older students (61% and 39%) and for students in rural areas than in urban areas (57% and 50%). (Cited in Human Rights Center for the Assistance of Prisoners, *The Truth: Official Response to the Government of Egypt's Report to the UN Human Rights Committee*)



Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(21 February 2001, CRC/C/15/Add.145, Concluding observations on second report, paras. 37 and 38)

“In light of articles 19 and 39 of the Convention, the Committee is concerned at the incidence of ill-treatment of children in schools despite its prohibition, and within the family. It is further concerned that domestic violence is a problem in Egypt and that this has harmful consequences on children.

“The Committee recommends that the State party take legislative measures to prohibit all forms of physical and mental violence, including corporal punishment and sexual abuse, against children in the family, the schools, and in care institutions. The Committee recommends that these measures be accompanied by public education campaigns about the negative consequences of ill-treatment of children, and the promotion of positive, non-violent forms of discipline as an alternative to corporal punishment....”

Committee Against Torture

(23 December 2002, CAT/C/SR/29/4, Concluding observations on fourth report, para. 3 (a))

“The Committee welcomes the following:

a) the enactment of legislation banning flogging as a disciplinary penalty for prisoners....”

IRAN, ISLAMIC REPUBLIC OF

Lawfulness of corporal punishment

Home

Corporal punishment is lawful in the home. Parents have a right to punish their children under article 1179 of the Civil Code (1935, amended 1991) and articles 49 and 59 of the Islamic Penal Code (1991, amended 1996). Under the Islamic Penalties Act (1982), actions by parents should not cause bodily harm, and any stroke causing a change of skin colour should be indemnified by the payment of *dieh* (blood money).

Children have limited protection from violence and abuse under the Law on the Protection of Children and Adolescents (2003) which prohibits abuse “which causes physical, emotional and moral damage to [the child] and jeopardizes his or her physical or psychological health” (article 2) and “any form of injury, violence, physical or psychological torture against the child” (article 4). Under article 9, any rules and regulations contrary to the Law are null and void, but article 8 states that the “correction measures” in article 59 of the Islamic Penal Code and article 1179 of the Civil Code “are exceptions to the law”.

Schools

Corporal punishment is prohibited in schools.

Penal system

Corporal punishment is lawful as a **sentence for crime**. Article 49 of the Islamic Penalties Act states that if a child commits a crime, the education and disciplining of the child will be given to the guardian, but if necessary the court will instruct the house of correction (the Centre for Correction and Education) to carry out the task. Note 2 to article 49 states that whenever corporal punishment is necessary for the education and disciplining of juvenile delinquents, the range and kind of corporal punishment should be “moderate and equitable”, and will be determined by the court. Based on Islamic law, the Islamic Penal Code provides for two categories of penalties – *Hudud* (fixed penalties) and *Qisas* (retribution) or *Diya* (blood money). *Hudud* penalties are applied to crimes such as adultery, drinking alcohol, highway robbery, theft, rebellion against Islamic Authorities and apostacy, and include stoning, amputation and flogging. Flogging of young people is commonly ordered for such offences against the law as mixing of the sexes, drinking alcohol, and premarital sexual relations, including against girls as young as 9 years.

Corporal punishment is lawful as a **disciplinary measure** in penal institutions.

Alternative care

There is no prohibition of corporal punishment in other institutions and forms of childcare. The provisions against violence and abuse in the Law on the Protection of Children and Adolescents (see above) apply.

Prevalence research

None identified.

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(28 January 2005, Unedited version, CRC/C/15/Add.254, Concluding observations on second report, paras. 44, 45, 46, 47 (a and b), 71 and 72 (b))

“The Committee deeply regrets that under the existing laws, persons below the age of 18 who have committed a crime can be subjected to corporal punishment and can be sentenced to a variety of types of torture, cruel, inhuman or degrading treatment and punishment such as amputation, flogging or stoning, which are systematically imposed by judicial authorities, and which the Committee finds is totally incompatible with article 37 (a) and other provisions of the Convention.

“In light of the consideration of the Bill on the Establishment of Juvenile Courts, the Committee urges the State party to take all the necessary measures to ensure that persons who committed crimes while under 18 are not subjected to any form of corporal punishment and to immediately suspend the imposition and the execution of sentences of amputation, flogging, stoning and other forms of cruel, inhuman or degrading treatment and punishments.

“The Committee continues to be concerned at legislation that provides for corporal punishment within the family. While welcoming the new Law on the Protection of Children and Adolescents (2003), which includes the prohibition of all forms of molestation and abuse of children and the obligation to report cases of child abuse, the exceptions stated therein continue to legally allow various forms of violence against children. More particularly, several articles of the Civil and Penal Code [sic], have been excluded, including article 1179 of the Civil Law and article 59 of the Penal Code which gives parents the right to physically discipline their children within non-defined “normal limits”. In the Committee’s view, such exceptions contribute to the abuse of children inside and outside the family and contravene the principles and provisions of the Convention, in particular article 19. The Committee also notes with concern, that certain forms of sexual abuse of children or grandchildren are not explicitly prohibited.

“The Committee recommends that the State party:

- a) continue and strengthen its efforts via legislative and other measures to prohibit and prevent all forms of physical and mental violence against children, including corporal punishment and sexual abuse, in the family, in schools, and in other institutions, and take the necessary legislative measures to ensure that all those who sexually abuse children are punished without discrimination;
- b) initiate public education campaigns against the use of all forms of violence against children and encourage alternative forms of discipline....

“The Committee welcomes the efforts of the State party to improve the laws with regard to persons below 18 in conflict with the law.... However, it deplores the information referred to in paragraph 29 above that, despite the statement of the delegation during the consideration of the current report that in view of the Bill on the Establishment of Juvenile Courts, executions, torture and cruel, inhuman or degrading treatment and punishment of persons for having committed crimes before the age of 18 have been suspended, such executions and ill-treatment have continued since the Committee’s consideration of the State party’s initial report. It remains concerned at the existing poor quality of the rules and practices in the juvenile justice system, reflected, *inter alia*, in the lack of statistical data, the limited use of specialised juvenile courts and judges, the low age of criminal responsibility, the lack of adequate alternatives to custodial sentences, and the imposition of torture, cruel and inhuman punishment and in particular of the death penalty.

“The Committee repeats its recommendation in paragraph 9 above that the State party takes as a matter of the highest priority the necessary measures for approval and implementation of the Bill on the Establishment of Juvenile Courts and to ensure that it is in compliance with the terms of the Convention, in particular articles 37, 40 and 39, as well as other relevant international standards in this area.... In this respect the Committee in particular urges the State party:

- b) to suspend immediately the imposition and execution of all forms of torture, cruel, inhuman or degrading treatment, such as amputation, flogging or stoning, for crimes committed by persons under 18....”

Committee on the Rights of the Child

(28 June 2000, CRC/C/15/Add.123, Concluding observations on initial report, paras. 37, 38, 39 and 40)

“In light of article 37 (a) of the Convention, the Committee is seriously concerned that persons who committed crimes while under 18 can be subjected to corporal punishment under Note 2 of article 49 of the Islamic Penal Law, or can be subjected to a variety of types of cruel, inhuman or degrading treatment and punishment such as amputation, flogging and stoning, which are systematically imposed by judicial authorities. Concurring with the Human Rights Committee (CCPR/C/79/Add.25), the Committee finds that application of such measures is incompatible with the Convention.

“The Committee recommends that the State party take all necessary steps to end the imposition of corporal punishment under Note 2 of article 49 of the Islamic Penal Law and the imposition of amputation, flogging, stoning and other forms of cruel, inhuman or degrading treatment and punishment to persons who may have committed crimes while under 18.

“In light of articles 19 and 39 of the Convention, the Committee is concerned that legislation provides for corporal punishment within the family, under Note 2 of article 49 and article 59 of the Islamic Penal Law and article 1179 of the Civil Code.

“The Committee recommends that the State party take legislative measures to prohibit all forms of physical and mental violence against children, including corporal punishment and sexual abuse, in the family and in the schools. The Committee recommends that these measures be accompanied by public education campaigns about the negative consequences of ill-treatment of children. The Committee recommends that the State party promote positive, non-violent forms of discipline as an alternative to corporal punishment, especially in the home and the schools....”



Human Rights Committee

(3 August 1993, CCPR/C/79/Add.25, Concluding observations on second report, paras. 5, 11 and 19)

“The Committee notes with interest the establishment of a Human Rights Office within the Ministry for Foreign Affairs, the measures under consideration in the Islamic Republic of Iran to improve the status of women and the promise to reconsider the question of corporal punishments....

“... [T]he Committee considers that the application of measures of punishment of extreme severity, such as flogging, lapidation and amputation, is not compatible with the provisions of article 7 of the Covenant....

“Effective measures should be adopted to ensure the strictest observance of articles 7 and 10 of the Covenant. All complaints of extrajudicial executions, disappearances, torture and ill-treatment should be duly investigated, the culprits should be punished and measures should be taken to prevent any recurrence of such acts. Severe forms of punishment incompatible with the Covenant should be removed from law and practice and the conditions of detention of persons deprived of their liberty should be improved....”

IRAQ

Lawfulness of corporal punishment

Home

Corporal punishment is lawful in the home.

Children have limited protection from abuse under the Minors Act, the Law on the Protection of Young People and the Juvenile Welfare Act (1983).

Schools

Corporal punishment is prohibited in schools.

Penal system

Corporal punishment is unlawful as a **sentence for crime**. The Law of Administration for the State of Iraq for the Transitional Period (2004) states in article 15 that “torture in all its forms, physical or mental, shall be prohibited under all circumstances, as shall be cruel, inhuman, or degrading treatment”. The Coalition Provisional Authority (CPA) Order No. 7 Penal Code (2003), in section 3 (“Penalties”), prohibits “torture and cruel, degrading or inhuman treatment or punishment”. This Order was implemented by CPA Memorandum No. 3 (Revised) Criminal Procedures (2004) which establishes procedures for applying criminal law in Iraq.

We have been unable to ascertain the legality of corporal punishment as a **disciplinary measure** in penal institutions.

Alternative care

No information.

Prevalence research

None identified.

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(26 October 1998, CRC/C/15/Add.94, Concluding observations on initial report, para. 20)

“In the light of article 19 of the Convention, the Committee expresses its concern that corporal punishment is not expressly prohibited in domestic legislation. The Committee recommends that the State party take all appropriate measures, including of a legislative nature, with the aim of prohibiting corporal punishment at all levels of society. The Committee also suggests that awareness-raising campaigns be conducted to ensure that alternative forms of discipline are administered in a manner consistent with the child’s human dignity and in conformity with the Convention, especially article 28.2.”

Human Rights Committee

(19 November 1997, CCPR/C/79/Add.84, Concluding observations on fourth report, para. 12)

“The Committee is deeply concerned that Iraq has resorted to the imposition of cruel, inhuman and degrading punishments, such as amputation and branding, which are incompatible with article 7 of the Covenant. Similarly, the Committee is deeply concerned by Revolutionary Command Council Decree No. 109 of 18 August 1994, which stipulates that any person whose hand has been amputated for a crime thus punishable by law shall be branded between the eyebrows with an ‘X’ symbol, by the application of this decree retroactively to persons whose hands have already been amputated, and by the explanation given by the delegation that this punishment was imposed to distinguish convicted offenders from persons mutilated in the war. In this regard:

The imposition of such punishments should cease immediately, and all laws and decrees providing for their imposition, including RCC Decree No. 109 of 1994, should be revoked without delay.”

JORDAN

Lawfulness of corporal punishment

Home

Corporal punishment is lawful in the home. Article 62 of the Penal Code (1960, amended 2001) states that the law permits “types of discipline carried out by parents on their children in a manner permitted by public custom”. Children have limited protection from violence and abuse under the Juvenile Law and other provisions in the Penal Code. As at April 2005, the Penal Code was under revision and a draft Child Rights Law, the latest version of which allowed for physical discipline of children, was awaiting passage through Parliament.

Schools

Corporal punishment is prohibited in schools under the School Discipline Regulation. Instruction No. 4 on School Discipline (1981), issued in accordance with Law No. 16 (1964), requires that schools follow preventive measures, including respect for students, and their feelings and beliefs, and outlines measures that can be followed in cases of misconduct. All forms of corporal punishment are prohibited.

Penal system

Corporal punishment is unlawful as a **sentence for crime**. It is not a permitted penalty under article 18 of the Juvenile Law.

Corporal punishment is unlawful as a **disciplinary measure** in penal institutions under the Prisons Act (2004).

Alternative care

Corporal punishment is reportedly unlawful in other institutions and forms of childcare but we have no details of applicable law. There is no system of foster care in Jordan.

Prevalence research

None identified.

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(2 June 2000, CRC/C/15/Add.125, Concluding observations on second report, paras. 41 and 42)

“Noting the establishment of the Family Protection Unit and efforts to address domestic violence, the Committee remains concerned, in light of articles 19 and 39 of the Convention, at the incidence of ill-treatment of children in schools and within the family. The Committee is concerned that apart from Penal Code provisions with respect to abandonment, abduction and indecent assault with violence, existing legislation is inadequate, and there is no comprehensive plan with effective measures to prevent and treat cases of abuse. Concurring with CEDAW, the Committee is concerned that the serious problem of violence against women in Jordan has harmful consequences on children.

“The Committee recommends to the State party to take legislative measures to prohibit all forms of physical and mental violence, including corporal punishment and sexual abuse of children in the family and the schools. The Committee recommends that these measures be accompanied by preventive measures such as public education campaigns about the negative consequences of ill-treatment of children. The Committee recommends to the State party to promote positive, non-violent forms of discipline as an alternative to corporal punishment....”

Committee on the Rights of the Child

(25 April 1994, CRC/C/15/Add.21, Concluding observations on initial report, paras. 15 and 23)

“The Committee is concerned about the lack of adequate measures taken by the authorities to evaluate and address the problem of domestic violence.

“A study on the extent and nature of domestic violence is recommended. Appropriate follow-up measures should be envisaged, not least in the field of family education and social support.”

Committee Against Torture

(20 July 1995, A/50/44, paras. 159-182, Concluding observations on initial report, paras. 169 and 177)

“The Committee expresses concern about the continuing application of the death penalty, as well as corporal punishment, which could constitute in itself a violation in terms of the Convention.

“The Committee expects Jordan to review its policy relating to corporal punishment.”



KUWAIT

Lawfulness of corporal punishment

Home

Corporal punishment is lawful in the home.

Children have limited protection from violence and abuse under the Penal Code (1960) and the Juvenile Law (1983). A Children's Code was drafted in 1998, but we have no further information.

Schools

Corporal punishment has been prohibited in schools since the 1960s.

Penal system

Corporal punishment is unlawful as a **sentence for crime** under articles 6 and 14 of the Juvenile Law, and article 34 of the Constitution states: "The infliction of physical or moral injury on an accused person is prohibited." However, the Juvenile Law was under review in the 1990s and in 2001 a draft bill was due before Parliament to amend the Penal Code to comply with Islamic law, including penalties of amputation and flogging. We have been unable to ascertain whether these developments allowed for corporal punishment of persons below 18 years of age.

There is no explicit prohibition of corporal punishment as a **disciplinary measure** in penal institutions. Law No. 26 on Prison Regulations (1962) obliges the competent authorities to provide decent treatment to detainees and states that they shall not be subject to degrading treatment.

Alternative care

No information.

Prevalence research

A 1996 study of 321 Kuwaiti parents with at least one living child attending primary health care clinics in each of the five administrative areas of Kuwait, using a structured questionnaire interview, found 86% agreeing to corporal punishment as a method of child discipline. About 54% agreed or strongly agreed with severe physical beating in cases of gross misbehaviour; 2% agreed with throwing against the wall; 9% agreed or strongly agreed with burning; and 15% agreed with locking a child in a room. Approval of physical punishment was higher the lower the level of education. (Qasem, F.S. et al., 1998, "Attitudes of Kuwaiti parents toward physical punishment of children", *Child Abuse & Neglect*, vol.22, no.12, pp.1189-1202)

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(26 October 1998, CRC/C/15/Add.96, Concluding observations on initial report, para. 21)

"The Committee expresses its concern about the lack of a specific prohibition in domestic legislation of the use of corporal punishment. The Committee recommends that the State party take all appropriate measures, including of a legislative nature, to prohibit corporal punishment in schools, in the family and other institutions, and in society at large. The Committee also suggests that awareness-raising campaigns be conducted to ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity and in conformity with the Convention, in the light of article 28.2 of the Convention."

LEBANON

Lawfulness of corporal punishment

Home

Corporal punishment is lawful in the home. Article 186 of the Penal Code states: "The law permits the types of discipline inflicted on children by their parents and teachers as sanctioned by general custom."

Children have limited protection from violence and abuse under Law 422 for the Protection of Juvenile Delinquents and Endangered Juveniles (2002). Article 1 defines a youth as endangered if she or he is "below 18 and found in an environment threatening his/her health and morals and the conditions of his/her upbringing and if the child is subject to sexual assault or physical assault that surpasses the limits of what is deemed culturally accepted as harmless corporal punishment". The Penal Code punishes "a person who intentionally attacks or hurts another" (article 554), with penalties increased if the victim is below the age of 15 years (article 559).

Schools

Corporal punishment is lawful in schools under article 186 of the Penal Code (see above). A 2001 memorandum from the Minister of Education prohibits educational staff from "inflicting corporal punishment, insulting, verbally humiliating, and attacking the honour of their students", and establishes administrative disciplinary measures for those who breach this prohibition. This memorandum applies only to public schools. Private schools are governed by their own

internal regulations, and some, but not all, have adopted anti-corporal punishment regulations. The education of Palestinian refugee students is the responsibility of the UN Relief and Works Agency (UNRWA). Corporal punishment was banned in UNRWA schools in 1993. The Educational Technical Instructions circulated to UNRWA schools define corporal punishment and unacceptable disciplinary measures. However, the prohibition is contradicted by article 186 of the Penal Code which also applies to teachers in UNRWA schools.

Penal system

Corporal punishment is unlawful as a **sentence for crime**. It is not a permitted measure for offenders under the age of 18 under article 2 of Legislative Decree No. 119 (1983, amended 1992).

Corporal punishment is prohibited as a **disciplinary measure** in penal institutions. It is not permitted during questioning and incarceration under Law 422.

Alternative care

There is no explicit prohibition of corporal punishment in other institutions and forms of childcare.

Prevalence research

A field study of children aged between 8 and 12 years carried out by the Faculty of Public Health at the Lebanese University found that physical domestic violence exists in all social groups, is widespread throughout society as a method of discipline, and is generally used in educating and bringing up children because families believe it is effective. Punishments ranged from verbal admonishments and denying favourite pastimes, to beating hands which in the most serious cases caused injuries requiring medical attention. Girls and boys received the same punishments. The study found that children who experienced physical punishment regarded beating as a healthy part of discipline, accepted without protest. (Oamar Al-Din, S. & Al-Hayak, N., "Physical domestic violence against children", research for an award in social health management, 1995-95, cited in second state party report to the Committee on the Rights of the Child, 2000, CRC/C/70/Add.8, para. 466)

Interview research with more than 250 students in private and public schools in Beirut, Tripoli and Tyre found that the majority do not perceive "mild" corporal punishment as violence and even when "serious pain" is inflicted it is justified because the pupils "deserve it". (Save the Children Sweden, 2005, "Corporal punishment in Lebanon: The role of the public administration in implementing a ban on corporal punishment in schools in Lebanon")

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(21 March 2002, CRC/C/15/Add.169, Concluding observations on second report, paras 38. and 39 (a and b))

"The Committee is concerned that violence used as a means of discipline in the home and at school is culturally and legally acceptable in the State party, and regrets that no follow-up to the Committee's previous recommendation has been initiated (ibid, para. 37). The Committee is furthermore concerned that there is insufficient information and awareness of domestic violence and its harmful impact on children. Finally, the Committee is concerned that despite its prohibition by ministerial decision, corporal punishment is still practised in schools.

"The Committee urges the State party urgently to take all legislative measures to prohibit all forms of physical and mental violence, including corporal punishment and sexual abuse, against children in the family and the schools, and furthermore recommends that the State party:

- a) conduct a study to assess the nature and extent of ill-treatment and abuse of children, and design policies and programmes to address it;
- b) carry out public education campaigns about the negative consequences of ill-treatment of children, and promote positive, non-violent forms of discipline as an alternative to corporal punishment..."

Committee on the Rights of the Child

(7 June 1996, CRC/C/15/Add.54, Concluding observations on initial report, para. 37)

"The Committee welcomes the policy of not allowing corporal punishment in schools or other official institutions and recommends a thorough review of the problem of domestic violence, including the possibility of stricter legislation against all forms of abuse against children in the spirit of article 19 of the Convention, as well as supportive social measures to assist families in crisis."



LIBYAN ARAB JAMAHIRIYA

Lawfulness of corporal punishment

Home

Corporal punishment is lawful in the home.

Article 36 of Act No. 17 (1992) states that a guardian can be deprived of legal guardianship for the use of improper methods of discipline and child-rearing and for the ill-treatment of family members. The Penal Code (1953) punishes the use of improper methods of discipline and child-rearing (article 397) and the ill-treatment of family members and children (article 398). Ill-treatment of children under the age of 16 is an offence under the Child Protection Act (1997).

Schools

Corporal punishment is prohibited in schools under the School Discipline Ordinance for Schools, the Regulations concerning Primary and Preparatory (Basic) Education and the Regulations concerning Secondary (Intermediate) Education (1979).

Penal system

Corporal punishment is lawful as a **sentence for crime**. Article 2 of the Declaration on the Establishment of the Authority of the Peoples (1977) states that “the Holy Quran is the Constitution of the Socialist People’s Libyan Arab Jamahiriya” and in the 1970s amendments to the Penal Code introduced *hadd* punishments into state legislation. Law No. 70 Regarding the Establishment of the Hadd Penalty for Zina and Modifying Some of the Provisions of the Penal Law (1973) criminalises *Zina* (adultery) and provides for a punishment of 100 lashes (article 2). Criminal law also allows for amputation as punishment for theft and flogging as punishment for transgressing the fast of Ramadan and consumption of alcohol.

We have been unable to ascertain the legality of corporal punishment as a **disciplinary measure** in penal institutions. Principle 2 of the Great Green Document on Human Rights (1988) states: “Jamahiri society prohibits penalties that detract from human dignity and are detrimental to human well-being, such as hard labour and long-term imprisonment. Jamahiri also prohibits the infliction of physical or mental harm on the person of a prisoner...” Applicable law includes the Prisons Act No. 47 (1975).

Alternative care

No information.

Prevalence research

None identified.

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(4 July 2003, CRC/C/15/Add.209, Concluding observations on second report, paras. 33 and 34 (a, b and c) and 46 (c))

“The Committee welcomes the prohibition of corporal punishment in schools and takes note of the information that measures have been adopted to report and investigate maltreatment of children. Nevertheless, it is concerned at the lack of information on the actual situation in the State party with respect to ill-treatment of children within the family. Further, it regrets the lack of information on prevention and awareness-raising activities.

“The Committee recommends that the State party:

- conduct a comprehensive study to assess the nature and extent of ill-treatment and abuse of children, as well as other domestic violence, and use the results to design policies and programmes to address this issue;
- carry out preventive public education campaigns about the negative consequences of ill-treatment of children and promote positive, non-violent forms of discipline as an alternative to corporal punishment;
- take the necessary measures to prevent violence against, and abuse of, children....

“The Committee recommends that the State party:

- take legislative measures formally to abolish flogging as a punishment....”

Committee on the Rights of the Child

(4 February 1998, CRC/C/15/Add.84, Concluding observations on initial report, paras. 14 and 29)

“The Committee expresses its concern about the lack of prohibition in local legislation of the use of corporal punishment, however light, at home. In the view of the Committee, this contravenes the principles and provisions of the Convention.

“The Committee suggests that the State party take all appropriate measures, including of a legislative nature, with the aim of prohibiting corporal punishment at home. The Committee also suggests that awareness-raising campaigns be conducted to ensure that alternative forms of discipline are administered in a manner consistent with the child’s human dignity and in conformity with the Convention....”

Committee Against Torture

(11 May 1999, A/54/44, paras. 176-189, Concluding observations on third report, paras. 180 and 189)

“The Committee notes with satisfaction that application of corporal punishment has not been used in recent years.

“Although corporal punishment has not been practised in recent years, it should be abolished by law.”

MOROCCO

Lawfulness of corporal punishment

Home

Corporal punishment is lawful in the home.

Children have limited protection from violence and abuse under the Criminal Code and the Family Code (2004).

Schools

Corporal punishment in schools was prohibited by Ministerial direction in 2000.

Penal system

Corporal punishment is unlawful as a **sentence for crime** under the Code of Criminal Procedure (2002).

Corporal punishment is unlawful as a **disciplinary measure** in penal institutions. It is not among the permitted disciplinary penalties in the Prisons Act No. 23-98, adopted in 1999.

Alternative care

There is no prohibition of corporal punishment in foster care. We have been unable to ascertain the legality of corporal punishment in other institutions and forms of childcare. The provisions against violence and abuse in the Criminal Code apply.

Prevalence research

None identified.

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(10 July 2003, CRC/C/15/Add.211, Concluding observations on second report, paras. 42 and 43 (a, b, c and d))

“The Committee notes the establishment of a committee of experts to draft a national strategy to fight child abuse and the exploitation of children and the various initiatives undertaken to raise awareness on this issue, such as the note sent in 2000 by the Ministry of Education to all education professionals directing them to refrain from administering corporal punishment. However, the Committee remains concerned at the apparently ongoing, and rather common use of corporal punishment in schools; the lack of awareness of and information on domestic violence, ill-treatment and abuse (sexual, physical and psychological) of children; and the insufficient financial and human resources allocated to programmes to combat the abuse of children. Moreover, the Committee is concerned at the age-limit set in the legislation regarding certain types of violence against children as children over 12 do not benefit from the same protection as younger children (report, para. 183).

“In light of article 19 of the Convention, the Committee recommends that the State party:

- a) conduct a study to assess the root causes, nature and extent of ill-treatment and abuse of children, and design policies and programmes to prevent and combat it;
- b) take legislative measures to prohibit all forms of physical and mental violence, including corporal punishment and sexual abuse of children in the family, schools and in institutions;
- c) amend its legislation regarding the existing age-limit for special protection against violence;
- d) carry out public education campaigns about the negative consequences of ill-treatment of children and promote positive, non-violent forms of discipline as an alternative to corporal punishment....”

Committee on the Rights of the Child

(30 October 1996, CRC/C/15/Add.60, Concluding observations on initial report, paras. 15 and 27)

“The Committee is concerned that appropriate measures have not yet been taken to prevent and combat ill-treatment of children within the family and at the lack of information on this matter. The problems of the exploitation of child labour, in particular the use of young girls as domestic workers, and child prostitution also require special attention.

“The Committee encourages the Government of Morocco to take all measures to prevent and combat ill-treatment of children, including child abuse within the family, corporal punishment, child labour and the sexual exploitation of children. It recommends that comprehensive studies be initiated with regard to those important issues to make possible a better understanding of those phenomena and facilitate the elaboration of policies and programmes to combat them effectively. In this perspective, the Government should pursue its efforts in close cooperation with community leaders and with non-governmental organizations, with a view to promoting change in persisting negative attitudes towards children belonging to the most vulnerable groups.”

OMAN

Lawfulness of corporal punishment

Home

Corporal punishment is lawful in the home.

Schools

Corporal punishment is prohibited in schools under the Organisational Statutes of the General Education Schools, which also state that students cannot be insulted or treated harshly. The only punishments permitted in schools are those allowed in Ministerial Decree No. 91/99.

Penal system

We have been unable to ascertain the legality of corporal punishment as a **sentence for crime**. Article 2 of the Basic Law states that Sharia is “the basis for legislation”. In 2001 a draft Juveniles Law was in preparation but we have no further details.

There is no explicit prohibition of corporal punishment as a **disciplinary measure** in penal institutions.

Alternative care

There is no prohibition of corporal punishment in other institutions and forms of childcare.

Prevalence research

None identified.

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(6 November 2001, CRC/C/15/Add.161, Concluding observations on initial report, paras. 35 and 36 (a, b and c), 47 and 48)

“The Committee welcomes the introduction of the new system for reporting incidents of child abuse and neglect and the establishment of the Family Counselling and Guidance Department. However, the Committee remains concerned that there is insufficient information and awareness in Oman of the ill-treatment and abuse of children within the family and institutions.

“The Committee recommends that the State party:

- a) conduct a study to assess the nature and extent of ill-treatment and abuse of children, and design policies and programmes to address it;
- b) take legislative measures to prohibit all forms of physical and mental violence, including corporal punishment and sexual abuse of children in the family and in institutions;
- c) carry out public education campaigns about the negative consequences of ill-treatment of children, and promote positive, non-violent forms of discipline as an alternative to corporal punishment...

“Noting that the Organizational Statutes of the General Education Schools bans corporal punishment, the Committee remains concerned that this issue is not effectively addressed.

“The Committee recommends that the State party raise awareness of the negative impact of corporal punishment among teachers and other professionals working in schools, and take other appropriate measures for its prevention and elimination.”

PALESTINE

Lawfulness of corporal punishment

Home

Corporal punishment is lawful in the home.

Children have limited protection from violence and abuse under the Child Law (in force from 2004), which states that children “shall have the right to protection from all forms of violence” and that the State “shall take all necessary legislative, administrative, social, educational and protective actions and measures to secure the said right” (article 42). The Basic Law (1997, ratified 2002) states that children have the right to “protection from harm and cruel treatment” and that “law prohibits beating children and treating them cruelly by their relatives” (article 29). These provisions are not interpreted as prohibiting all forms of corporal punishment by parents. Article 24 of the Constitution states: “Children shall have all the rights guaranteed by the United Nations Convention on the Rights of the Child.” This is not yet ratified.

Schools

Corporal punishment is prohibited by Ministerial direction in schools, but not explicitly in law. Under article 39 of the Child Law, the State shall “take all arrangements to foster the dignity of the child, particularly when adopting decisions or developing programs, which aim at prohibiting all forms of violence in schools, regardless of the source”. A new education law has been proposed, but we have no further details.

Penal system

Corporal punishment is unlawful as a **sentence for crime** under article 42 of the Child Law (see above). However, the Basic Law states that Islamic Shari'a is "the main source of legislation" (article 4) and there is also a system of traditional customary law (urf) which deals with disputes outside the court system based on traditional customs. We have no information on whether corporal punishment would be available as a sentence for persons under 18 years under Shari'a or "urf" practices. There is a draft Penal Code, but we have no details of its provisions.

There is no explicit prohibition of corporal punishment as a **disciplinary measure** in penal institutions. Israeli Detention Centres and Prisons are governed by Israeli military order, which are not superseded by the Child Law. Palestinian Detention Centres and Prisons are governed by the Child Law. There are two juvenile reform institutions, but no laws specifically protecting children in these facilities.

Alternative care

There is no explicit prohibition of corporal punishment in other institutions and forms of childcare. The provisions against violence in the Child Law (see above) apply.

Prevalence research

None identified.

QATAR

Lawfulness of corporal punishment

Home

Corporal punishment is lawful in the home.

Schools

Corporal punishment is prohibited in schools by Ministerial Decree (1993), but not in law.

Penal system

We have been unable to ascertain whether recent legal reform has prohibited corporal punishment as a **sentence for crime**. Under the Juveniles Act (1994), flogging is prohibited for juveniles aged 15 (article 19) but young persons aged 16 and 17 are treated as adults and liable to be sentenced to flogging. In 2001 a draft juvenile justice law was under consideration and in 2004 a new Penal Code was adopted, but we have no details of any provisions in relation to corporal punishment. According to article 1 of the provisional basic regulation (1972), Islamic Shari'a law is a fundamental source of legislation.

We have been unable to ascertain the legality of corporal punishment as a **disciplinary measure** in penal institutions. The rights of detainees are contained in the Act No. 3 to regulate prisons (1995).

Alternative care

There is no explicit prohibition of corporal punishment in other institutions and forms of childcare.

Prevalence research

None identified.

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

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

"The Committee is seriously concerned that, contrary to article 37 (a) of the Convention, under the 1994 Juvenile Act there is a possibility that persons under 18 may be subject to judicial sanctions such as flogging.

"The Committee recommends that the State party take immediate steps to ensure that the law prohibits the imposition of flogging and other forms of cruel, inhuman or degrading treatment or punishment on persons who may have committed crimes when they were under 18.

"The Committee is concerned that there is insufficient information about and awareness of the ill-treatment of children within the family and institutions.

"The Committee recommends that the State party:

- conduct a study to assess the nature and extent of ill-treatment and abuse of children, and design policies and programmes to address it;
- take legislative measures to prohibit all forms of physical and mental violence against children, including corporal punishment and sexual abuse in the family and in institutions;
- carry out public education campaigns about the negative consequences of ill-treatment of children and promote positive, non-violent forms of discipline as an alternative to corporal punishment...

"Noting the 1993 Ministerial Decree which bans corporal punishment in schools, the Committee remains concerned that this issue is not addressed effectively.

“The Committee recommends that the State party raise awareness of the negative impact of corporal punishment among teachers and other professionals working in schools, and take other appropriate measures to prevent and eliminate it.”

SAUDI ARABIA

Lawfulness of corporal punishment

Home

Corporal punishment is lawful in the home.

Schools

Corporal punishment is prohibited in schools.

Penal system

Corporal punishment is lawful as a **sentence for crime**. The Basic Law (1992) states that administration of justice is based on “Shari’a rules according to the teaching of the holy Qur’an, the *sunnah*, and the regulations set by the ruler provided that they do not contradict the holy Qur’an and *sunnah*”. Under the Juvenile Justice Act (1975) young persons under the age of 18 may be sentenced to corporal punishment, including flogging, stoning and amputation, for crimes including theft, alcohol and drug related crimes, blasphemy and sex crimes. Flogging usually takes place in public and may be given in instalments.

There is no explicit prohibition of corporal punishment as a **disciplinary measure** in penal institutions. The Detention and Imprisonment Regulations (1977) prohibit torture or other cruel, inhuman or degrading treatment or punishment but allow for flogging (article 28). The Juvenile Justice and Social Surveillance Centre Regulations prohibit the handcuffing or cruel treatment of juveniles. The Code of Criminal Procedure (2002) states that an arrested person “shall not be subjected to any bodily or moral harm” or to “any torture or degrading treatment”.

Alternative care

There is no explicit prohibition of corporal punishment in other institutions and forms of childcare.

Prevalence research

A news item in 2003 reported a recently published survey on corporal punishment in schools which found 59.5% of respondents in favour of reintroducing corporal punishment into schools, with 38.5% against. (Reported in “Yes to corporal punishment”, *Arab News*, 30 June 2003)

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(22 February 2001, CRC/C/15/Add.148, Concluding observations on initial report, paras. 33, 34, 35 and 36)

“In light of article 37 (a) of the Convention, the Committee is seriously concerned that persons under 18 may be subject while in detention to corporal punishment, such as flogging, under article 28 of the 1977 Detention and Imprisonment Regulations. It is also disturbed that persons who committed crimes when they were under 18 may be sentenced to a variety of methods of cruel, inhuman or degrading treatment or punishment such as flogging, stoning and amputation, which are systematically imposed by judicial authorities. The Committee finds that application of such measures is incompatible with the Convention...”

“The Committee recommends that the State party take all necessary steps to end the imposition of corporal punishment, including flogging and other forms of cruel, inhuman or degrading treatment and punishment on persons who may have committed crimes when they were under 18. It also recommends that the State party take all appropriate measures to ensure that law enforcement officials respect and protect human dignity and maintain and uphold the human rights of all persons in the course of their duties.

“In light of articles 19 and 39 of the Convention, the Committee is concerned at the incidence of ill-treatment of children in schools and within the family. It is further concerned that domestic violence is a problem in Saudi Arabia and that this has harmful consequences on children.

“The Committee recommends that the State party take legislative measures to prohibit all forms of physical and mental violence, including corporal punishment and sexual abuse, against children in the family, the schools and care institutions. The Committee recommends that these measures be accompanied by public education campaigns about the negative consequences of ill-treatment of children and the promotion of positive, non-violent forms of discipline as an alternative to corporal punishment...”

Committee Against Torture

(12 June 2002, CAT/C/CR/28/5, Concluding observations on initial report, paras. 3 (c), 4 (b) and 8 (b))

“The Committee welcomes the following:

c) the State party’s expression that its domestic law provides that no exceptional circumstances, including superior orders, may be invoked as a defence to a charge of torture, the reassurance that statements obtained by torture are inadmissible in proceedings, and the oral assurance that confessions are revocable at any point of proceedings. The State party’s reassurance that corporal punishments are not imposed upon minors was noted; ...

“The Committee is concerned about the following:

b) the sentencing to, and imposition of, corporal punishments by judicial and administrative authorities, including, in particular, flogging and amputation of limbs, that are not in conformity with the Convention.

“The Committee recommends, in particular, that the State party:

b) re-examine its imposition of corporal punishments, which are in breach of the Convention....”

SUDAN

Lawfulness of corporal punishment

Home

Corporal punishment is lawful in the home.

There is no legislation concerning violence against children in Southern Sudan. Drafting of a children’s act was due to begin in April 2005.

Schools

Corporal punishment is lawful in schools. Article 15 of the School Regulations (1993) states that teachers should not verbally insult pupils or reprimand them in anger, but article 16f states: “He may not subject pupils to collective punishment, such as flogging or verbal insults or abuse. In boys’ schools, any punishment of flogging which it is found necessary to impose must not exceed four lashes.”

Penal system

Corporal punishment is lawful as a **sentence for crime**. The Sudanese Criminal Code (1991) is partly based on Shari’a law, reinstating *hadd* offences and the law of *qisas* and *diyat*, and allowing for flogging and amputation. Article 47 states that among the measures a court may order is “flogging as a disciplinary punishment for any person having attained 10 years of age, although not more than 20 lashes of the whip may be administered”. Flogging is a penalty for other offences in the Criminal Code and the Public Order Act (1996), and the manner in which it should be carried out is regulated by the Criminal Procedure Act (1983).

Corporal punishment is lawful as a **disciplinary measure** in penal institutions.

Alternative care

Corporal punishment is lawful in other institutions and forms of childcare.

Prevalence research

None identified.

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(9 October 2002, CRC/C/15/Add.190, Concluding observations on second report, paras. 35, 36 (a and b) and 70 (e))

“The Committee is concerned that corporal punishment is widely practiced in the State party, including within the family, schools and other institutions; that children have been the victims of violence by, among others, the police; and that acts of torture, rape and other cruel, inhuman or degrading treatment have been committed against children in the context of the armed conflict.

“The Committee recommends that the State party:

a) prohibit under law the practice of corporal punishment in the family, in schools and in all other contexts and make use of legislative and administrative measures, as well as public education initiatives, to end the use of corporal punishment, including the provision of information on alternative non-violent methods of discipline;

b) prevent all forms of violence against children and make sure that perpetrators of violence against children, including the police, are prosecuted....

“The Committee recommends that the State party:

e) end the imposition of corporal punishment, including flogging, amputation and other forms of cruel, inhuman or degrading treatment or punishment, on persons who may have committed crimes while under 18....”

Committee on the Rights of the Child

(18 October 1993, CRC/C/15/Add.10, Concluding observations on initial report, paras. 4 and 17)

“The Committee notes the willingness shown by the Government of the Sudan to take into account the recommendations made by the Committee with a view to reviewing existing legislation in order to bring it into conformity with the Convention. In this regard, the Committee welcomes the State party’s decision to establish a committee to review national laws pertaining to children and that its preliminary observation in the area of the abolition of the punishment of flogging has been taken into account by the reviewing committee.

“The Committee expresses the hope that the review of child-related laws will result in the total abolition of flogging.”



Committee on the Rights of the Child

(18 February 1993, CRC/C/15/Add.6, Preliminary observations on initial report, para.7)

“The Committee notes the non-compatibility of certain areas of national legislation with the provisions and principles of the Convention, including the punishment of flogging.”

Committee on Economic, Social and Cultural Rights

(1 September 2000, E/C.12/1/Add.48, Concluding observations on initial report, paras. 24 and 34)

“The Committee is also gravely concerned about the occurrence of flagellation or lashing of women for wearing allegedly indecent dress or for being out in the street after dusk, on the basis of the Public Order Act of 1996, which has seriously limited the freedom of movement and of expression of women.

“The Committee strongly recommends that the State party reconsider existing legislation, particularly the 1996 Public Order Act, in order to eliminate discrimination against women, thereby ensuring their full enjoyment of human rights in general and economic, social and cultural rights in particular.”

Human Rights Committee

(19 November 1997, CCPR/C/79/Add.85, Concluding observations on second report, para. 9)

“Flogging, amputation and stoning, which are recognized as penalties for criminal offences, are not compatible with the Covenant. In that regard, the Committee notes that:

By ratifying the Covenant, the State party has undertaken to comply with all its articles; penalties which are inconsistent with articles 7 and 10 must be abolished.”

SYRIAN ARAB REPUBLIC

Lawfulness of corporal punishment

Home

Corporal punishment is lawful in the home. The Penal Code (1946, amended 1996) permits parents and teachers to use “mild” physical punishment.

Schools

Corporal punishment is lawful in schools under the Penal Code. The Ministry of Education has issued decisions and orders stating that children should not be subjected to physical punishment, and encouraging teachers to use dialogue and other methods of discipline.

Penal system

Corporal punishment is unlawful as a **sentence for crime** under the Juveniles Act (1974, amended 2003), article 30 of which was amended by Legislative Decree No. 52 to allow only for reform measures in a juvenile institution for persons aged 10-17 years. The Constitution (1973) states that Islamic jurisprudence is a main source of legislation (article 3). Article 28 prohibits “physical or mental torture or degrading treatment”.

We have been unable to establish the legality of corporal punishment as a **disciplinary measure** in penal institutions.

Alternative care

There is no explicit prohibition of corporal punishment in other institutions and forms of childcare.

Prevalence research

None identified.

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(10 July 2003, CRC/C/15/Add.212, Concluding observations on second report, paras. 36 and 37 (a, b and c))

“The Committee regrets that little progress has been made in the State party in studying and raising awareness of ill-treatment of children within the family, as well as domestic violence and its impact on children. Moreover, it is concerned that corporal punishment in schools is not prohibited by law.

“The Committee recommends that the State party:

- conduct a comprehensive study to assess the nature and extent of ill-treatment and abuse of children, as well as domestic violence, and that it uses the results of the study to design policies and programmes to address this issue;
- take the necessary measures to prevent child abuse and neglect (e.g. educational public campaigns about the negative consequences of ill-treatment of children, parenting classes) and promote positive, non-violent forms of discipline as an alternative to corporal punishment;
- take legislative measures to prohibit all forms of violence, including corporal punishment and sexual abuse of children in the family, schools and other institutions; ...”

Committee on the Rights of the Child

(24 January 1997, CRC/C/15/Add.70, Concluding observations on initial report, paras. 17 and 28)

“The Committee is concerned at the lack of appropriate measures to combat and prevent ill-treatment and abuse within the family and to provide physical and psychological recovery and social reintegration to children victims of such ill-treatment and abuse, and at the lack of information provided on this matter. The Committee also notes with concern that disciplinary measures in schools often consist of corporal punishment although it is prohibited by law.

“The Committee recommends that special attention be paid by the authorities to the problem of ill-treatment and abuse of children within the family and of corporal punishment in schools. In this regard, the Committee stresses the need for information and education campaigns to prevent and combat the use of any form of physical or mental punishment within the family or in schools, as well as for the establishment of a complaint mechanism intended to benefit children victims of such ill-treatment or abuse.”

Committee on Economic, Social and Cultural Rights

(24 September 2001, E/C.12/1/Add.63, Concluding observations on fourth report, paras. 24 and 40)

“The Committee expresses its concern about the persistent occurrence of domestic violence against both women and children and the lack of legislation to criminalize such violence....

“The Committee strongly recommends that the State party adopt legislation and other measures to combat domestic violence and spousal rape, and vigorously implement such legislation and other measures in order to provide adequate protection for victims of such practices.”

TUNISIA

Lawfulness of corporal punishment

Home

Corporal punishment is lawful in the home. Article 313 of the Criminal Code permits certain forms of corporal punishment against children when inflicted by persons authorised to do so.

The Code of Child Protection (1995, in force 1996) protects children from “usual ill-treatment”, defined in article 24 as “abidance of the child to torture, repeated violations against his/her physical integrity, or her/his detention, or the habit of depriving her/him of food, or to commit any brutal act which is susceptible to affect the emotional or psychological well being of the child”. “Usual ill-treatment” is punishable under article 224 of the Criminal Code.

Schools

Corporal punishment is lawful in schools. Ministerial Circular No. 101 (1997) prohibits all forms of corporal punishment and practices hurting the dignity of children, but this is not reflected in law.

Penal system

Corporal punishment is unlawful as a **sentence for crime**. It is not an available measure under the Code of Child Protection, the Code of Criminal Procedure (as amended in 1993 by Law No. 93-73) or the Criminal Code (as amended in 1999 by Law No. 99-89).

Corporal punishment is unlawful as a **disciplinary measure** in penal institutions. From the age of 13, children may be detained in a juvenile institution or a prison under article 99 of the Code of Child Protection Law No. 2001-52 (2001) on the organisation of prisons provides for the physical and moral integrity of detainees. Corporal punishment is not among the permitted disciplinary measures for unacceptable behaviour in article 38 of Law/Decree No. 2423 (1995) regulating detention centres for children.

Alternative care

There is no explicit prohibition of all forms of corporal punishment in other institutions and childcare.

Prevalence research

A study published in 1987 reported that only 20% of interrogated families reported that they never beat their children, that it is considered normal in the traditional culture to inflict corporal punishment on children and wives when they disobey, and that 64% of parents consider that beating their child is good for his/her education. Young boys under 12 are more exposed to corporal punishment than girls, and fathers are generally responsible for inflicting punishment, though mothers and teachers also beat children. (Moncef, M., 1987, “L’enfant battu et les attitudes culturelles: l’exemple de la Tunisie”, *Child Abuse & Neglect*, vol.II, pp.137-141, cited in OMCT, *Rights of the Child in Tunisia*)

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(13 June 2002, CRC/C/15/Add.18, Concluding observations on second report, paras. 33 and 34 (a, b and c))

“While noting the provision in the Code of Child Protection regarding ill-treatment (art. 24) and the relevant provision in the Penal Code (art. 224), as well as the Ministerial Circular of December 1997 banning all forms of corporal punishment and practices hurting the dignity of children, the Committee is concerned that, as noted by the delegation, corporal punishment is only a crime if it is prejudicial to the health of the child. It notes with concern that violence as a means of discipline in the home and at school continues to be acceptable in the State party. The Committee regrets that no follow-up to the Committee’s previous recommendation has been initiated to protect children from ill-treatment (ibid., para. 17). The Committee is furthermore concerned that there is insufficient information about and awareness of domestic violence and its harmful impact on children.

“The Committee urges the State party to:

- a) take all legislative measures to prohibit in the most effective way possible all forms of physical and mental violence, including corporal punishment and sexual abuse, against children in the family, in the schools and in institutions;
- b) conduct a study to assess the nature and extent of ill-treatment and abuse of children, and design policies and programmes to address it;
- c) carry out public education campaigns about the negative consequences of ill-treatment of children and promote positive, non-violent forms of discipline as an alternative to corporal punishment....”

Committee on the Rights of the Child

(21 June 1995, CRC/C/15/Add.39, Concluding observations on initial report, para. 17)

“As far as protection from ill-treatment is concerned, the Committee recommends that the social preventive approach be strengthened and that further measures be undertaken to educate parents about their responsibilities towards their children, including through the provision of family education which should emphasize the equal responsibilities of both parents and contribute to the prevention of the use of corporal punishment.”

UNITED ARAB EMIRATES

Lawfulness of corporal punishment

Home

Corporal punishment is lawful in the home.

Schools

Corporal punishment has been prohibited in schools since 1974. Teachers using corporal punishment may be subject to written warnings, making a written statement that the offence will not be repeated, and deduction of salaries.

Penal system

Corporal punishment is lawful as a **sentence for crime**. Under the Juvenile Delinquents and Vagrants Act (1976), a child over 16 may be punished under the Penal Code (article 8). Offences for which flogging can be ordered include murder, violent assault, alcohol and drugs related offences, theft and sex crimes. In 2003 it was reported that a 15-year-old girl had been sentenced by the Abu Dhabi Criminal Court to flogging for committing adultery but her appeal to the Supreme Federal Court on the grounds of her young age failed because it was ruled that Shari’a courts are solely responsible for applying Shari’a laws for punitive crimes, blood money, drugs, juvenile delinquencies and others, and that according to Shari’a law she had already reached adulthood by reaching puberty as confirmed by a medical doctor.

In January 2002, the Federal National Council endorsed an amended Penal Code in which some punishments were moderated, others made more rigorous. Article 85 allows a suspension or revocation of an execution order in place of a sentence of flogging. A draft juvenile justice law was also under consideration but we have no further details.

There is no explicit prohibition of corporal punishment as a **disciplinary measure** in penal institutions.

Alternative care

There is no explicit prohibition of corporal punishment in other institutions and forms of childcare.

Prevalence research

None identified.

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(13 June 2002, CRC/C/15/Add.183, Concluding observations on initial report, paras. 32, 33, 34 and 35 (a, b, c and d))

“Contrary to article 37 (a) of the Convention, the Committee is seriously concerned that there is a possibility that persons under 18 may be subjected to judicial sanctions such as flogging.

“The Committee recommends that the State party take immediate steps to abolish the imposition of flogging and other forms of cruel, inhuman or degrading treatment and punishment to persons who have committed crimes when they were under 18.

“The Committee is concerned that there is insufficient information and awareness of the ill-treatment of children, including corporal punishment, within the family, schools and institutions.

“The Committee recommends that the State party:

- a) conduct a study to assess the nature and extent of ill-treatment and abuse of children, and design policies and programmes to address it;
- b) take legislative measures to prohibit all forms of physical and mental violence, including corporal punishment and sexual abuse of children in the family, schools and in institutions;
- c) carry out public education campaigns about the negative consequences of ill-treatment of children and promote positive, non-violent forms of discipline as an alternative to corporal punishment....”

WESTERN SAHARA

Lawfulness of corporal punishment

Home

Corporal punishment is lawful in the home.

Schools

No information.

Penal system

No information.

Alternative care

No information.

Prevalence research

None identified.

YEMEN

Lawfulness of corporal punishment

Home

Corporal punishment is lawful in the home.

Children are legally protected from violence and abuse by the Children’s Rights Act (2002), due to be brought into force in 2004, and the Penal Code (1994).

Schools

Corporal punishment is prohibited in schools by article 68 of the regulations governing school punishment.

Penal system

Corporal punishment is lawful as a **sentence for crime**. Despite numerous legal prohibitions of torture and inhuman treatment (e.g. Public Rights Act, Juvenile Welfare Act, Code of Criminal Procedure, Constitution, Organisation of Prisons Act, Police Forces Act), corporal punishment is still available as a sentence, including stoning, flogging and amputation. In 1994, the Constitution was amended to state that Shariah is “the source of all legislation” (article 3). Between the ages of 7 and 15 a judge can impose only the measures provided for in the Juvenile Welfare Act (1992), and corporal punishment is not explicitly listed among the permitted sentences in articles 36 and 37 of the Act. Article 14 states that a juvenile may not be ill-treated or placed in chains, prohibits the use of physical coercion and safeguards the dignity of the juvenile. Part V of the Children’s Rights Act deals with juvenile justice and does not prohibit doctrinal punishments. Under article 125, a child aged 10 or under who has committed a criminal offence shall not be liable to the penalty or administrative measures prescribed in the Penal Code (1994). However, a young person “in full possession of his mental faculties” is liable to up to a third of the maximum penalty prescribed for the offence, and between the ages of 15 and 18 young persons convicted of an offence are given reduced sentences of the Penal Code. The Penal Code and the Code of Criminal Procedure (1994) allow for sentences of retribution (*qasas*) and doctrinal punishment (*hadd*) “which entail loss of life or limb” (Code of Criminal Procedure, articles 406, 410, 479). Article 243 of the Penal Code states: “A punishment identical to the crime itself shall be inflicted on anyone who commits an assault of any kind against another person, causing him to suffer a permanent physical disability, by breaking one of his joints, plucking out an eye, amputating an ear or inflicting a measurable bodily wound....” Many of the provisions in criminal law which protect the dignity of the offender or prohibit inhuman treatment include the clause that they “shall be without prejudice to the right of victims to claim retribution (*qasas*), blood money (*diyya*) and indemnity for bodily injury (*arsh*)”.



There is no explicit prohibition of all corporal punishment as a **disciplinary measure** in penal institutions. Under article 4 of the Organisation of Prisons Act (1991) the prison director must ensure that prison staff members treat detainees humanely and with respect for their dignity. The Juvenile Welfare Act (article 14) prohibits the mistreatment of juveniles and the use of physical coercion when enforcing court rulings.

Alternative care

There is no explicit prohibition of all forms of corporal punishment in other institutions and forms of childcare.

Prevalence research

A sample of 1325 city schoolchildren and 274 rural schoolchildren in Yemen, together with their parents and teachers, participated in questionnaire based research into the prevalence of corporal punishment, reported in 2004. It was found that 80% of mothers in the rural area and 59% of mothers in the city use corporal punishment to discipline their children. Boys were significantly more likely than girls to be spanked, and the lower the level of the mothers' education, the more likely they were to use corporal punishment. Experience of severe corporal punishment was linked with poor educational achievement for the child, and corporal punishment was found to contribute to a child's mental health difficulties. The most common forms of punishment were hitting with the hand, a belt, stick or other implement. Other measures included locking, tying, biting and pinching. (Alyahri, A., 2004, "Mental health, education and corporal punishment in Yemeni school-aged children", Institute of Psychiatry, King's College London)

A synthesis in 2005 of research on physical and humiliating punishment of children in Yemen found that almost 90% of children reported that physical and humiliating punishment is the main method of disciplining them in the family. The most common form of punishment in the home was beating, especially for girls in rural areas. Severe physical punishment, including hitting with a stick, was more commonly used against boys in urban areas. Punishments were usually inflicted by mothers and fathers, but also by elder brothers. Corporal punishment in schools was found to be even more common and more severe, with over 90% of children reporting that it is the most commonly used form of punishment. A third of children in social care institutions reported experiencing severe treatment and a further third reported moderate treatment, including being beaten with a stick. Parents report that punishment usually begins to be inflicted on children between the ages of 5 and 7, though children as young as 1 are punished, and ceases at the age of 15. (Habasch, R., 2005, *Physical and Humiliating Punishment of Children in Yemen*, Save the Children Sweden)

Recommendations by human rights treaty bodies

Committee on the Rights of the Child

(3 June 2005, Unedited version, CRC/C/15/Add.266, Concluding observations on third report, paras. 41 and 42 (a, b, c and d))

"The Committee is deeply concerned that corporal punishment is still used as a disciplinary measure in schools despite official prohibition and is widely practised within the family and in other settings. The Committee is further concerned that corporal punishment, including flogging is still lawful as a sentence for crime.

"The Committee recommends that the State party, as a matter of urgency:

- a) review existing legislation and explicitly prohibit all forms of corporal punishment;
- b) abolish by law the possibility of sentencing a child to any form of physical punishment;
- c) undertake well-targeted public awareness campaigns on the negative impact of corporal punishment on children, and provide teachers and parents with training on non-violent forms of discipline as an alternative to corporal punishment; and
- d) reiterates its previous concluding recommendations (CRC/C/15/Add. 102, paras, 21 and 34) and joins its voice to the ones made by the Human Rights Committee (CCPR/C/75/YEM, para. 16), and the Committee Against Torture (CAT/C/CR/31/4, para. 7)."

Committee on the Rights of the Child

(10 May 1999, CRC/C/15/Add.102, Concluding observations on second report, paras. 21 and 34)

"Although the Committee is aware that ill-treatment of children is prohibited by law, it remains concerned that the use of corporal punishment by parents is widely regarded to be acceptable. The Committee recommends that the State party reinforce measures to raise awareness on the negative effects of corporal punishment and ensure that discipline in schools, families and all institutions is administered in a manner consistent with the child's dignity, in the light of articles 3, 12, 19 and 28 of the Convention. The Committee further suggests that the State party ensure that alternative disciplinary measures are developed within the family and in schools and other institutions.

"While noting that the State party has in place domestic legislation relating to juvenile justice, the Committee remains concerned at the general situation of the administration of juvenile justice and in particular its compatibility with the Convention, as well as with other relevant United Nations standards. The Committee is especially concerned about the lack of detention centres for female juvenile offenders; the use of detention other than as a measure of last resort; the poor living conditions in detention centres; the use of physical punishment, including flogging, and torture in detention centres; the lack of rehabilitation measures and educational facilities for juvenile offenders; and the placement of 'potential delinquents' in detention centres instead of care institutions for their rehabilitation. Furthermore, the Committee considers that the age of criminal responsibility, set at 7 years, is too low. The Committee reiterates its recommendations (see CRC/C/15/Add.47, para.21) that the State party take all measures to review its legislation in order to reflect fully the provisions of the Convention, in particular articles 37, 40 and 39, as well as other relevant

international standards in this area, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Training programmes on relevant international standards should be organized for all professionals working in the system of juvenile justice. The Committee recommends that the State party consider seeking technical assistance from, inter alia, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF through the Coordination Panel on Juvenile Justice.”

Human Rights Committee

(26 July 2002, CCPR/CO/75/YEM, Concluding observations on third report, para. 16)

“The Committee is extremely concerned to find that amputation and flagellation, and in general corporal punishment are still prescribed by law and practised, contrary to article 7 of the Covenant.

The State party should take appropriate measures to put an end to such practices and to ensure respect for the provisions of the Covenant.”

Human Rights Committee

(3 October 1995, CCPR/C/79/Add.51; A/50/40, paras. 242-265, Concluding observations on second report, paras. 256 and 262)

“... The Committee is also deeply concerned about the maintenance of corporal punishments like amputation of limbs and whipping, which is in violation of article 7 of the Covenant.

“... The Committee recommends that the Government take the initiative for the total abolishment of corporal punishment.”

Committee Against Torture

(5 February 2004, CAT/C/CR/31/4, Concluding observations on initial report, paras. 6 (b) and 7 (b))

“The Committee expresses its concern about the following:

b) The nature of some criminal sanctions, in particular flogging and amputation of limbs, which may be in breach of the Convention....

“The Committee recommends that the State party:

b) Take all appropriate measures to ensure that criminal sanctions are in full conformity with the Convention....”

SUMMARY TABLE LEGAL STATUS OF CORPORAL PUNISHMENT OF CHILDREN

	Prohibited in the home	Prohibited in schools	Prohibited in the penal system		Prohibited in alternative care
			As a sentence for crime	As a disciplinary measure in penal institutions	
Algeria	NO	YES	YES	?	NO
Bahrain	NO	YES	?	?	?
Djibouti	NO	YES ¹	?	NO	?
Egypt	NO	YES	YES	YES ²	NO
Iran	NO	YES	NO	NO	NO
Iraq	NO	YES	YES	?	?
Jordan	NO	YES	YES	YES	YES ³
Kuwait	NO	YES	YES ⁴	NO	?
Lebanon	NO	NO ⁵	YES	YES	NO
Libyan Arab Jamahiriya	NO	YES	NO	?	?
Morocco	NO	NO ⁶	YES	YES	NO
Oman	NO	YES	?	NO	NO
Palestine	NO	NO ⁷	YES ⁸	NO	NO
Qatar	NO	NO ⁹	NO ¹⁰	?	NO
Saudi Arabia	NO	YES	NO	NO	NO
Sudan	NO	NO	NO	NO	NO
Syrian Arab Republic	NO	NO ¹¹	YES	?	NO
Tunisia	NO	NO ¹²	YES	YES	NO
United Arab Emirates	NO	YES	NO	NO	NO
Western Sahara	NO	?	?	?	?
Yemen	NO	YES	NO	NO	NO

¹Information unconfirmed

²Prohibited in prisons, but possibly not in social welfare institutions

³Information unconfirmed

⁴But corporal punishment possibly reintroduced under plans to amend Penal Code to comply with Islamic law

⁵Prohibited by Ministerial direction

⁶Prohibited by Ministerial direction

⁷Prohibited by Ministerial direction

⁸But possibly lawful under Shari'a

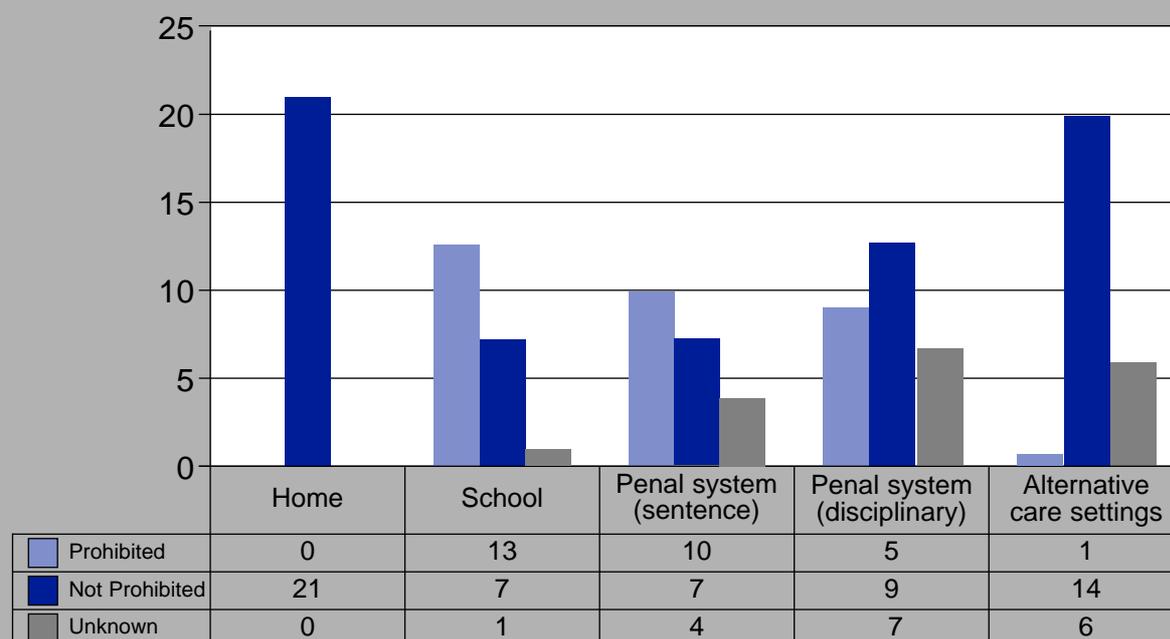
⁹Prohibited by Ministerial Decree

¹⁰But possibly prohibited by recent legal reform

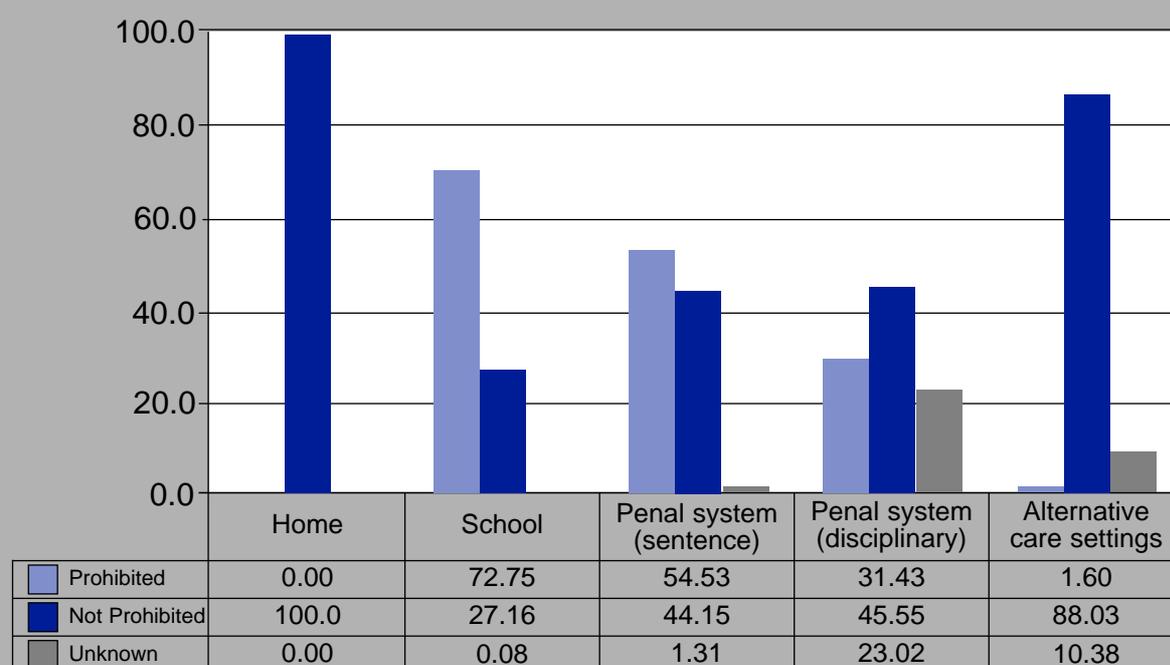
¹¹But Ministry of Education advises against use

¹²Prohibited by Ministerial Circular

Middle East and North Africa states prohibiting corporal punishment of children



Percentage of child population legally protected from corporal punishment



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The Global Initiative to End All Corporal Punishment of Children which is administered by the Association for the Protection of All Children, APPROACH Ltd, a registered charity No. 328132. Registered office 94 White Lion Street, LONDON N1 9PF, UK.

This report is one in a series prepared by the Global Initiative for submission to each of the nine regional consultations being held in connection with the UN Secretary General's Study on Violence against Children.

The Global Initiative was launched during the Commission on Human Rights in Geneva in 2001. It aims to act as a catalyst to encourage more action and progress towards ending all corporal punishment in all continents; to encourage governments and other organisations to "own" the issue and work actively on it; and to support national campaigns with relevant information and assistance. The context for all its work is implementation of the Convention on the Rights of the Child. We believe ending all corporal punishment is fundamental to improving the status of children and realising their rights to respect for their human dignity and physical integrity and to equal protection under the law.



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

The aims of the Global Initiative are to:

- forge a strong alliance of human rights agencies, key individuals and international and national non-governmental organisations against corporal punishment;
- make corporal punishment of children visible by building a global map of its prevalence and legal status, ensuring that children's views are heard and charting progress towards ending it;
- lobby governments systematically to ban all forms of violence including corporal punishment and to develop public education programmes;
- promote awareness-raising of children's rights to protection and public education on positive, non-violent forms of discipline for children;
- provide detailed technical assistance to support states with these reforms.

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