

**BRIEFING FROM THE GLOBAL INITIATIVE
TO END ALL CORPORAL PUNISHMENT OF CHILDREN**

**BRIEFING ON KUWAIT FOR THE COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN
PRESESSIONAL WORKING GROUP – January/February 2011**

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The human rights obligation to prohibit corporal punishment of girls and boys

The legality and practice of corporal punishment of girls breaches their fundamental rights to respect for their human dignity and physical integrity, to equality under the law and to protection from all forms of violence – rights guaranteed in the Convention on the Elimination of All Forms of Discrimination Against Women and other international human rights instruments. There are strong links between corporal punishment of children – girls and boys – and all other forms of violence, including gender-based violence: as the Committee on the Rights of the Child emphasised in its General Comment No. 8 (2006),¹ addressing corporal punishment is “a key strategy for reducing and preventing all form of violence in societies”. This briefing describes the legality of corporal punishment of children in Kuwait and urges the Committee on the Elimination of Discrimination Against Women to include the issue in its examination of the state party’s implementation of the Convention.

Corporal punishment of children in Kuwait

In Kuwait,² corporal punishment is reportedly prohibited in schools (information unconfirmed) but it is lawful in other settings.

Corporal punishment is lawful in the home under article 29 of Law No. 16, which provides for the right of parents to discipline their children. Provisions against violence and abuse in the Penal Code (1960) and the Juvenile Law (1983) are not interpreted as prohibiting corporal punishment in childrearing.

In the penal system, corporal punishment is unlawful as a sentence for crime under articles 6 and 14 of the Juvenile Law. However, this 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.

Corporal punishment is lawful in alternative care settings.

Recommendations by human rights treaty monitoring bodies

In 1998, following examination of the state party’s initial report, the Committee on the Rights of the Child expressed concern at corporal punishment and recommended prohibition in the family, schools and other settings, together with relevant awareness raising campaigns and the promotion of alternative forms of discipline (CRC/C/15/Add.96, Concluding observations on initial report, para. 21).

¹ General Comment No. 8 on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment” is available at www2.ohchr.org/english/bodies/crc/comments.htm.

² As at 13 December 2010, the state party’s report (CEDAW/C/KWT/3-4) is available only in Arabic at <http://www2.ohchr.org/english/bodies/cedaw/cedaws50.htm>

We hope the Committee on the Elimination of Discrimination Against Women will raise the issue of corporal punishment of girls in its List of Issues for Kuwait, in particular seeking information on the legality of *Shari'a* punishments in criminal law and asking what legislative and other measures have been taken by the state party to prohibit and eliminate corporal punishment and thus ensure girls enjoy their rights to respect for their human dignity and physical integrity and to equal protection under the law.

In light of General Recommendation No. 19 on Violence against women adopted by the Committee on the Elimination of Discrimination Against Women in 1992, of the links between corporal punishment of children and all other forms of violence, including gender-based violence, and of the Committee on the Rights of the Child's General Comment No. 8 (2006), we hope the Committee will subsequently recommend to the state party that explicit prohibition of all corporal punishment of children be enacted in relation to all settings as a matter of urgency, including the home and the justice system.

*Briefing prepared by the Global Initiative to End All Corporal Punishment of Children
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