

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

**BRIEFING ON OMAN 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 Oman 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 Oman

In Oman,² corporal punishment is unlawful in schools but it is lawful in other settings.

In the home, provisions against violence and abuse in the Basic Law (1996), the Penal Code (1974), and the Code of Criminal Procedure (1999) are not interpreted as prohibiting corporal punishment in childrearing.

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, which does not include corporal punishment. In 2003, research conducted by UNICEF in conjunction with the Ministry of Social Development found that some teachers used corporal punishment, despite its prohibition in schools. Other studies have shown that it is also prevalent in the home, particularly among families with the lowest levels of educational attainment.³

In the penal system, corporal punishment appears to be unlawful as a sentence for crime. It is not a permitted sanction under the Code of Criminal Procedure and the Basic Law prohibits torture and degrading treatment. However, the Basic Law states that Shari’a is the “basis for legislation” (article 2) and we have yet to confirm that persons under 18 may not be liable to corporal punishments under Shari’a law. In 2006 a draft Juveniles Law was under discussion, but we have no up to date information.

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 initial state party report (CEDAW/C/OMN/1) was available only in Arabic at <http://www2.ohchr.org/english/bodies/cedaw/cedaws50.htm>

³ Reported in the second state party report to the Committee on the Rights of the Child CRC/C/OMN/2 (2006), para. 175

There is no explicit prohibition of corporal punishment as a disciplinary measure in penal institutions. Special protection measures for juveniles deprived of their liberty are provided by the Prison Regulation System No. 28/94, but we have no details of its provisions.

There is no prohibition of corporal punishment in alternative care settings.

Recommendations by human rights treaty monitoring bodies

The Committee on the Rights of the Child has twice recommended to Oman that corporal punishment of children be explicitly prohibited in all settings, including the home – in its concluding observations on the state party's second report in 2006 (CRC/C/OMN/CO/2, paras 33, 34 and 35) and on the initial report in 2001 (CRC/C/15/Add.161, paras. 35 and 36, 47 and 48)

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 Oman, in particular seeking information on the imposition of corporal punishment under Shari'a criminal law and asking what legislative and other measures have been taken by the state party to prohibit and eliminate corporal punishment in all settings 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.

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