



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

**BRIEFING ON JORDAN FOR THE
COMMITTEE ON THE RIGHTS OF THE CHILD,
PRESESSIONAL WORKING GROUP – October 2013**

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This briefing describes the legality of corporal punishment of children in Jordan and recent law reform in this respect. In light of the Committee’s General Comment No. 8 on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment”, its previous recommendations on the issue, the Government’s acceptance of the recommendation made during the UPR in 2009 and the importance of eradicating this form of violence given by the UN Secretary General’s Study on Violence against Children, we hope the Committee will:

- **in its List of Issues for Jordan, raise the issue of corporal punishment of children, in particular asking what steps are being taken towards further law reform to prohibit all corporal punishment, however light, in the home and other settings?**
- **in its concluding observations on Jordan’s fourth/fifth report, recommend that legislation is amended as necessary to clarify that no form of corporal punishment, however light, is lawful, and that prohibition is enforced through appropriate public education and professional training on positive, participatory and non-violent forms of education and childrearing.**

1 Jordan’s report to the Committee on the Rights of the Child

1.1 The fourth/fifth state party report to the Committee on the Rights of the Child describes recent law reform which amended article 62 of the Penal Code to address the concerns and recommendations on corporal punishment made by the Committee in its previous concluding observations.¹ However, while we have been unable to obtain an official English translation of the amended law, indications are that law reform has limited the

¹ 1 March 2013, CRC/C/JOR/4-5, Fourth/fifth state party report, para. 102

legal defence for corporal punishment and not abolished it in its entirety (see next section).

- 1.2 A law on child rights is being drafted with the support of UNICEF (a re-draft of a previous version which was withdrawn from the National Assembly in 2008 so as to ensure the new law is harmonised with the Convention on the Rights of the Child). **We hope the Committee will urge the Government of Jordan to ensure that the new law explicitly prohibits all corporal punishment, however light, and that the provision for disciplining children according to “general custom” in article 62 of the Penal Code is repealed altogether.**

2 The legality of corporal punishment of children in Jordan

- 2.1 *Summary*: In Jordan, corporal punishment is unlawful in schools, in the penal system and possibly in care institutions, but it is lawful in the home and in other care settings.
- 2.2 *Home (lawful)*: In reporting to the Universal Periodic Review in 2009, the Government stated that physical assault “in all its forms” is prohibited under the Criminal Code and that “laws do not prescribe any form of corporal punishment”.² The Government went on to accept the recommendation to consider prohibiting all corporal punishment, including in the home, made during the review.³ However, it seems that recent law reform prohibited some but not all corporal punishment in childrearing.
- 2.3 Prior to reform, article 62 of the Criminal Code 1960 stated that the law permits “disciplinary beating of children by their parents in a manner allowed by public customs”. According to the National Council for Family Affairs, this defence for the use of corporal punishment was amended to state that the law permits “types of discipline inflicted by parents on their children in a way that does not cause harm or damage to children within what is permitted by general custom”.⁴ This effectively prohibits corporal punishment which results in demonstrable harm or injury but does not explicitly prohibit all corporal punishment, however light.
- 2.4 *Schools (unlawful)*: Corporal punishment is prohibited under the School Discipline Regulation, Instruction No. 4 on School Discipline 1981, issued in accordance with Law No. 16 1964.
- 2.5 *Penal system – sentence for crime (unlawful)*: Corporal punishment is not a permitted penalty under article 18 of the Juveniles Law 1968.
- 2.6 *Penal system – disciplinary measure in penal institutions (unlawful)*: Corporal punishment is unlawful under the Prisons Act 2004. In institutions run by the Ministry of Social Development for the care, education and rehabilitation of juveniles in conflict with the law, corporal punishment is considered unlawful under the Criminal Code 1960 and under regulations governing these institutions: we have yet to confirm that prohibition is explicit.

² 9 February 2009, A/HRC/WG.6/4/JOR/1, National report to the UPR, page 4

³ 29 May 2009, A/HRC/11/29, Report of the working group, para. 92(24)

⁴ National Council for Family Affairs ([n.d.]), “Case study: The need to reconsider the text on the forms of discipline of Article 62 of the Jordanian Penal Code which needs to clarify the concept of general custom in item (a) ‘forms of discipline inflicted on children by their parents in a manner that is legalized by general custom’”, at www.csp-jordan.org/EN/documents/NCFA%20English.docx, accessed 3 June 2013

2.7 *Alternative care settings (?partial prohibition)*: Corporal punishment is possibly prohibited in institutions (unconfirmed) but there is no explicit prohibition in relation to other forms of care and article 62 of the Criminal Code 1960 allowing “types of discipline ... permitted by general custom” presumably applies to all persons with parental authority.

3 Nature and prevalence of corporal punishment in Jordan

- 3.1 A comparative study on gender and physical punishment found that in Jordan 66% of girls and 80% of boys involved in the study had experienced “mild” corporal punishment (spanking, hitting, or slapping with a bare hand; hitting or slapping on the hand, arm, or leg; shaking; or hitting with an object), and 21% of girls and 31% of boys had experienced severe corporal punishment (hitting or slapping the child on the face, head, or ears; beating the child repeatedly with an implement) by someone in their household in the past month.⁵
- 3.2 A 2007 study found that children are subjected to varying degrees of violence in schools. “Severe violence”, defined by the study to include hitting a child with an object such as a rod, rope or cane and biting and burning the child, was the most common kind of violence, suffered by 57% of the 3,130 children who participated in the study; 50% suffered “mild” violence from teachers and other staff at school – including slapping, pinching, pulling hair, pushing or shoving and twisting arms or legs.⁶

4 Recommendations by human rights treaty bodies and during the UPR

- 4.1 *CRC*: The Committee on the Rights of the Child has twice recommended prohibition of corporal punishment in the family and other settings in Jordan – in its concluding observations on the second report in 2000⁷ and on the third report in 2006.⁸
- 4.2 *UPR*: Jordan was examined in the first cycle of the Universal Periodic Review in 2009 (session 4). The Government accepted the recommendation “to prohibit all forms of corporal punishment also at home and effectively enforce the ban of corporal punishment in all settings”.⁹

Briefing prepared by the Global Initiative to End All Corporal Punishment of Children
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⁵ Lansford, J. et al (2010), “Corporal Punishment of Children in Nine Countries as a Function of Child Gender and Parent Gender”, *International Journal of Pediatrics*

⁶ Elayyan, K. (2007), *Violence against children in Jordan study: Summary*, UNICEF

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

⁸ 29 September 2006, CRC/C/JOR/CO/3, Concluding observations on third report, paras 46, 47 and 48

⁹ 29 May 2009, A/HRC/11/29, Report of the working group, para. 92(24)