

Corporal punishment of children in Jordan: Briefing for the Universal Periodic Review, 17th session, 2013

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

Corporal punishment of children breaches their rights to respect for human dignity and physical integrity and to equal protection under the law. It is recognised by the Committee on the Rights of the Child and other treaty bodies, as well as by the UN Secretary General's Study on Violence against Children, as a highly significant issue, both for asserting children's status as rights holders and for the prevention of all forms of violence.

In June 2006, the Committee on the Rights of the Child adopted General Comment No. 8 on "The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment", which emphasises the immediate obligation on states parties to prohibit all corporal punishment of children, including within the home. Other treaty bodies and also regional human rights mechanisms have condemned all corporal punishment. In October 2006, the report of the UN Secretary General's Study on Violence against Children was submitted to the General Assembly. It recommends universal prohibition of all corporal punishment as a matter of priority.

The Global Initiative to End All Corporal Punishment of Children has regularly briefed the Committee on the Rights of the Child on this issue since 2002, since 2004 has similarly briefed the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights and the Human Rights Committee, and in 2011 began briefing the Committee on the Rights of Persons with Disabilities. There is growing progress across all regions in challenging this common form of violence against children. But many States persist in ignoring treaty body recommendations to prohibit and eliminate all corporal punishment. We hope the Working Group of the UPR will give particular attention to states' response, or lack of response, to the concluding observations from treaty bodies on this issue, as well as to the recommendations made during the first cycle of the UPR.

Corporal punishment of children is lawful in Jordan despite the Government's acceptance of the recommendation to consider prohibition made during the UPR in 2009 and the recommendations on the issue by the Committee on the Rights of the Child.

We hope the Working Group will note with concern the legality of corporal punishment in Jordan. We hope states will raise the issue during the review in 2013 and recommend to Jordan that legislation is enacted to explicitly prohibit corporal punishment of children in the home and all forms of care as a matter of priority.

1 The initial review of Jordan by the Human Rights Council (2009)

1.1 Jordan was reviewed in the first cycle of the Universal Periodic Review in 2009 (session 4). The issue of corporal punishment of children was raised in the compilation of UN information,¹ and the following recommendation was made and was accepted by the Government:²

“Consider changing legislation to prohibit all forms of corporal punishment also at home and effectively enforce the ban of corporal punishment in all settings (Slovenia)”

1.2 Prohibiting and eliminating corporal punishment of children is a key obligation under the Convention on the Rights of the Child and other international human rights instruments. But too often it is an obligation ignored or evaded by governments. We note that 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”.³ In fact, however, the law authorises “disciplinary beating” of children (see below).

1.3 Despite Jordan’s acceptance of the recommendation, there has been no change in the legality of corporal punishment of children since the initial review. Today, as in 2009, corporal punishment in Jordan is lawful in the home and in alternative care settings.

2 Legality and practice of corporal punishment in Jordan

2.1 ***Home (lawful)***: Article 62 of the Criminal Code 1960 states that the law permits “disciplinary beating of children by their parents in a manner allowed by public customs”. Provisions against violence and abuse in the Juveniles Law 1968 and the Protection from Family Violence Law 2009 are not interpreted as prohibiting corporal punishment in childrearing.

2.2 ***Schools (prohibited)***: Corporal punishment is prohibited under the School Discipline Regulation, Instruction No. 4 on School Discipline 1981.

2.3 ***Penal system (prohibited)***: Corporal punishment is unlawful as a sentence for crime under article 18 of the Juveniles Law. It is unlawful as a disciplinary measure in penal institutions under the Prisons Act 2004. Corporal punishment in institutions run by the Ministry of Social Development for the care, education and rehabilitation of juveniles in conflict with the law is considered unlawful under the Criminal Code and under regulations governing these institutions: we have yet to confirm that prohibition is explicit.

2.4 ***Alternative care settings (not fully prohibited)***: Corporal punishment is possibly prohibited in institutions but there is no explicit prohibition in relation to other forms of care and article 62 of the Criminal Code (see above) potentially applies.

2.5 A comparative study of the relationship between 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

¹ 21 November 2008, A/HRC/WG.6/4/JOR/2, Compilation of UN information, para. 21

² 29 May 2009, A/HRC/11/29, Report of the Working Group, para. 92(24)

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

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.⁴ A 2007 study found that children are subjected to 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 most common, suffered by 57% of the 3,130 children who took part in the study; 50% of the children suffered “mild” violence from teachers and other staff at school, including slapping, pinching, pulling hair, pushing or shoving and twisting arms or legs. The study noted that violence against children in the home often took place in the context of “discipline”: 53% of children had experienced “mild” violence from their parents, 34% “severe” violence.⁵

3 Recommendations by human rights treaty monitoring bodies

3.1 **CRC:** The Committee on the Rights of the Child has twice recommended prohibition of all corporal punishment of children, including in the home, in Jordan – following examination of the state party’s second report in 2000⁶ and the third report in 2006.⁷

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⁴ 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*

⁵ Elayyan, K. (2007), *Violence against children in Jordan study: Summary*, UNICEF

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

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