

BRIEFING ON JORDAN FOR THE HUMAN RIGHTS COMMITTEE, COUNTRY REPORT TASK FORCE, 119th session (March 2017)

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

This briefing describes the legality of corporal punishment of children in Jordan. In light of the obligation under international human rights treaties to prohibit all corporal punishment of children, the global commitment to ending violence against children – including corporal punishment – in the context of the 2030 Agenda for Sustainable Development, the recommendations of the UN Secretary General’s Study on Violence against Children, and the recommendations made to Jordan by the Committee on the Rights of the Child (in 2000, 2006 and 2014) and during the UPR in 2009 (which the Government accepted), we hope the Human Rights Committee will:

- **raise the issue of corporal punishment of children in its List of Issues for Jordan, in particular asking what steps have been taken to legally prohibit all corporal punishment of children including in the home and in all day care and alternative care settings, and**
- **recommend in its concluding observations on Jordan’s fifth report that the legal defence of corporal punishment contained in the Criminal Code be repealed and that legislation be immediately enacted to explicitly prohibit all corporal punishment of children.**

1 Jordan’s report to the Human Rights Committee

- 1.1 Jordan’s fifth state party report to the Human Rights Committee (CCPR/C/JOR/5) states that “Jordanian laws do not prescribe any form of corporal punishment” (unofficial translation).¹ Corporal punishment of children is prohibited in the penal system and in schools but can be lawfully inflicted on children at home and in day care and alternative care settings, due to the legal defence included in the Criminal Code.
- 1.2 Although there is no explicit authorisation of corporal punishment in the legislative corpus of Jordan, the near universal acceptance of corporal punishment of children necessitates a clear legal prohibition. There are draft laws currently under discussion that provide opportunities for immediate prohibition.
- 1.3 **We hope the Committee will raise the issue of corporal punishment of children in its review of Jordan, and recommend that the legal defence of corporal punishment contained in the Criminal Code be repealed, and that legislation be immediately enacted to explicitly prohibit all corporal punishment of children.**

¹ 27 July 2016, CCPR/C/JOR/5, Fifth periodic report of Jordan

2 The legality of corporal punishment of children in Jordan

- 2.1 **Summary:** In Jordan, corporal punishment is unlawful in the penal system and in schools, but it is not fully prohibited in the home and in all forms of alternative care and day care.
- 2.2 **Home (lawful):** 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”. 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”. This effectively means that some level of violent punishment is still legally tolerated. Provisions against violence and abuse in the Juveniles Law 1968 and the Protection from Family Violence Law 2009 are not interpreted as prohibiting all corporal punishment in childrearing. The National Plan of Action for Children 2004-2013 makes no reference to law reform to prohibit corporal punishment.
- 2.3 In 2013, a number of bills were under discussion which provide opportunities for enacting prohibition, including the Juveniles Bill, the Children’s Rights Bill and the Protection from Domestic Violence Bill.² The Government reported to the Universal Periodic Review in October 2013 that the draft law on the rights of the child was “in the legislative process” but that at the request of civil society the Government had agreed to withdraw the draft and undertake a more rights-based dialogue before adopting the Bill.³ It also reported that the process of amending the draft law for protection against domestic violence had begun and that the law on juveniles had been finalised and complies with international standards.⁴
- 2.4 **Alternative care settings (lawful):** 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 1960 allowing discipline “within what is permitted by general custom” presumably applies to all persons with parental authority.
- 2.5 The Government reported to the Universal Periodic Review in 2013 that article 68 of the Civil Service Regulation (no. 134 of 2009) was amended in order to prevent child abuse, with disciplinary sanctions increased for causing bodily harm to children in educational, rehabilitation and training establishments, welfare homes, refuges and other institutions.⁵ In 2014, the Government reported to the Committee Against Torture that corporal punishment is prohibited in educational, rehabilitation or training institutions, welfare homes and shelters under articles 67 and 86 of the Civil Service Code 2008 and that directives regulating welfare institutions prohibit corporal punishment; regulations governing private and voluntary institutions supervised by the Ministry of Social Development have been amended to prohibit all forms of violence.⁶ We have yet to confirm the information on prohibition and to ascertain its force in relation to the defence in the Criminal Code.
- 2.6 **Day care (lawful):** Article 62 of the Criminal Code 1960 allowing discipline “within what is permitted by general custom” presumably applies to all persons with parental authority. Directive No. 1 of 2008, on the licensing of kindergartens, was amended in 2012, and standards for protecting children in kindergartens were incorporated into the text.⁷ We have yet to establish whether or not this included prohibition of all forms of corporal punishment.
- 2.7 **Schools (unlawful):** 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.

² 29 July 2013, A/HRC/WG.6/17/JOR/1, National report to the UPR, para. 10

³ 6 January 2014, A/HRC/25/9, Report of the working group, para. 112

⁴ 6 January 2014, A/HRC/25/9, Report of the working group, para. 112

⁵ 29 July 2013, A/HRC/WG.6/17/JOR/1, National report to the UPR, para. 56

⁶ 20 August 2014, CAT/C/JOR/3, Third state party report, paras. 67 and 113

⁷ 29 July 2013, A/HRC/WG.6/17/JOR/1, National report to the UPR, para. 55

- 2.8 **Penal institutions (unlawful):** Corporal punishment is unlawful as a disciplinary measure in penal institutions under the Prisons Act 2004, which makes no provision for corporal punishment among permitted disciplinary measures (arts. 38, 39 and 40). But the Act states that force may be used against a detainee, “proportionately and if all other means have been exhausted” (art. 6).
- 2.9 Other applicable law includes Acts Nos. 11 and 52 (interim Juveniles Acts) 2002, but we have been unable to examine these texts. 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 1960 and under regulations governing these institutions: we have yet to confirm that prohibition is explicit. A draft Juveniles Law is under discussion which reportedly complies with international human rights standards for juveniles in detention.⁸ In July 2014, the Jordanian Parliament approved the 2014 draft juvenile law, which was expected to be passed to the Senate before being presented to the King for ratification.⁹
- 2.10 **Sentence for crime (unlawful):** Corporal punishment is not a permitted penalty under article 18 of the Juveniles Law 1968.

3 Recommendations by human rights treaty bodies and during the UPR

- 3.1 **CRC:** On three occasions, the Committee on the Rights of the Child has recommended to Jordan that legislation be enacted to explicitly prohibit corporal punishment in all settings, including the home – in 2000, 2006 and 2014.¹⁰
- 3.2 **UPR:** At the first cycle Universal Periodic Review of Jordan in 2009, the Government accepted the recommendation to consider prohibiting corporal punishment of children in all settings.¹¹

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⁸ 6 January 2014, A/HRC/25/9, Report of the working group, para. 112

⁹ <http://www.penalreform.org/news/jordan-moves-restorative-justice-adoption-noncustodial-alternatives-children/>, accessed 7 May 2015

¹⁰ 2 June 2000, CRC/C/15/Add.125, Concluding observations on second report, paras. 41 and 42; 29 September 2006, CRC/C/JOR/CO/3, Concluding observations on third report, paras. 46, 47 and 48; 8 July 2014, CRC/C/JOR/CO/4-5, Concluding observations on fourth/fifth report, paras. 27 and 28

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