

# Ending family violence in Jordan – challenging physical punishment of girls and boys



Information for the Committee on the Elimination of Discrimination Against Women's 66<sup>th</sup> session, from the Global Initiative to End All Corporal Punishment of Children ([www.endcorporalpunishment.org](http://www.endcorporalpunishment.org)), January 2017

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## **Introduction: violence against children in their homes in Jordan and CEDAW's examination of the sixth state party report**

In Jordan, violent punishment may lawfully be inflicted onto children by parents and carers. Despite the recent review of the Criminal Code, legal prohibition has not yet been achieved. The Children's Rights and the Protection from Domestic Violence Bills provide an opportunity for achieving the necessary law reform.

**We hope the Committee on the Elimination of Discrimination Against Women will raise the issue of violent punishment of girls and boys in its examination of Jordan. In particular, we hope the Committee will, in its concluding observations on the sixth state party report, recommend that Jordan take immediate action to ensure that *no* form of violence within the domestic sphere is condoned, including by parents against their children, and that legislation be enacted to prohibit all corporal punishment of children.**

The remainder of this briefing provides the following further details:

1. The current law relating to family violence and corporal punishment of children in Jordan and immediate opportunities for reform
  2. Treaty body and UPR recommendations on the issue made to Jordan to date.
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## **1 Laws on the use of force in “correcting” children in Jordan and immediate opportunities for prohibiting violent punishment of girls and boys**

### *Summary*

1.1 In Jordan, children do not benefit from the same levels of protection from assault than adult family members. They may lawfully be subjected to violent punishment under the guise of “discipline” by their parents and carers. The current examinations of the Children's Rights Bill and the Protection from Domestic Violence Bill provide the opportunity for law reform.

### *Detail*

1.2 Corporal punishment is lawful in the home. 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”.<sup>1</sup> The Government went on to accept the recommendation to consider prohibiting all corporal punishment, including in the home, made during the review.<sup>2</sup> However, recent reform of the Criminal Code prohibited some but not all

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

<sup>2</sup> 29 May 2009, A/HRC/11/29, Report of the working group, para. 92(24)

corporal punishment in childrearing. 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.

1.3 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.

1.4 In 2013, a number of bills were under discussion which provide opportunities for enacting prohibition, including the Children’s Rights Bill and the Protection from Domestic Violence Bill.<sup>3</sup> 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.<sup>4</sup> It also reported that the process of amending the draft law for protection against domestic violence had begun.<sup>5</sup>

**1.5 We hope the Committee will urge the state party to ensure that law reform prohibiting all violent punishment of children is immediately enacted and that all legal defences be repealed.**

## **2 Recommendations by human right treaty monitoring bodies and during the Universal Periodic Review**

2.1 **CRC:** Recommendations to prohibit and eliminate all corporal punishment of children have been made three times to Jordan by the Committee on the Rights of the Child – in 2000, 2006 and 2014.<sup>6</sup>

2.2 **UPR:** During the Universal Periodic Review of Jordan in 2009, the Government accepted a recommendation to consider prohibiting corporal punishment in all settings.<sup>7</sup>

*Briefing prepared by the Global Initiative to End All Corporal Punishment of Children*  
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<sup>3</sup> 29 July 2013, A/HRC/WG.6/17/JOR/1, National report to the UPR, para. 10

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

<sup>5</sup> 6 January 2014, A/HRC/25/9, Report of the working group, para. 112

<sup>6</sup> 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

<sup>7</sup> 29 May 2009, A/HRC/11/29, Report of the working group, para. 92(24)