

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

**BRIEFING ON JORDAN FOR THE COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN
PRESESSIONAL WORKING GROUP – February/March 2012**

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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 Jordan 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 Jordan

In Jordan, corporal punishment of girls and boys is lawful in the home and in at least some other forms of childcare. As at 8 June 2011, the state party report to the Committee on the Elimination of Discrimination Against Women (CEDAW/C/JOR/5) is available only in Arabic and we have been unable to establish whether or not it addresses violence that may lawfully be inflicted on girls in the name of discipline.

In the home, article 62 of the Penal 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.

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).

In the penal system, corporal punishment is unlawful as a sentence for crime and as a disciplinary measure in penal institutions.

With regard to alternative care settings, corporal punishment is reportedly unlawful in institutions but we have no details of applicable law. Article 62 of the Penal Code (see above) would presumably allow corporal punishment in informal care settings.

Recommendations by human rights treaty monitoring bodies

Following examination of the state party’s third report in 2006, the Committee on the Rights of the Child expressed concern at the legality of corporal punishment, including under article 62 of the Penal Code, and recommended prohibition in the home and all other settings (CRC/C/JOR/CO/3, paras. 46,

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.

47 and 48). The Committee had previously recommended prohibition in the home and schools in its concluding observations on the second report in 2000 (CRC/C/15/Add.125, para. 42).

Jordan was reviewed under the Universal Periodic Review process in 2009. The Government accepted the recommendations to prohibit all corporal punishment of children.²

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 Jordan, in particular asking what legislative and other measures have been taken by the state party to prohibit and eliminate corporal punishment, to ensure girls enjoy their rights as human beings 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, including the home, as a matter of urgency.

*Briefing prepared by the Global Initiative to End All Corporal Punishment of Children
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² 29 May 2009, A/HRC/11/29, *Report of the Working Group on the Universal Periodic Review: Jordan*, para. 92.24