



**Convention on the  
Rights of the Child**

Distr.: General  
27 February 2013  
English  
Original: Arabic

---

**Committee on the Rights of the Child**

**Consideration of reports submitted by States  
parties under article 12, paragraph 1, of the  
Optional Protocol to the Convention on the Rights  
of the Child on the sale of children, child  
prostitution and child pornography**

**Initial reports of States parties due in 2009**

**Jordan\***

[31 January 2011]

---

\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited.

## Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction .....	1–3	4
II. General guidelines.....	4–11	4
A. Report preparation process .....	4	4
B. Compliance with the general principles of the Convention on the Rights of the Child .....	5	4
C. Implementation of the Optional Protocol and its contribution to implementation of the Convention on the Rights of the Child .....	6	4
D. Legal status of the Optional Protocol.....	7–8	5
E. Reservations to the Optional Protocol .....	9	5
F. Factors and difficulties affecting fulfilment of the obligations under the Optional Protocol.....	10	5
G. Relevant legislative texts .....	11	5
III. Data on offences set forth in the Optional Protocol .....	12–13	6
A. Database programmes.....	12	6
B. Data on child labour.....	13	6
IV. General measures of implementation .....	14–42	6
A. Implementation of the Optional Protocol in the Kingdom.....	14–19	6
B. Dissemination of and training in the Optional Protocol.....	20–21	7
C. Budget allocated to activities relating to implementation of the Optional Protocol.....	22–24	8
D. Overall strategy of the State.....	25–34	9
E. Monitoring and detection mechanisms .....	35–42	11
V. Preventive measures .....	43–48	12
A. Protection of children most vulnerable to the offences referred to by the Optional Protocol.....	43–45	12
B. Awareness-raising campaigns.....	46–48	13
VI. Prohibition and related matters.....	49–98	13
A. Material elements of the prohibition of the sale of children, child prostitution and child pornography .....	49–51	13
B. Child prostitution .....	52–58	14
C. Pornography.....	59–64	15
D. Sale of children .....	65–67	16
E. Transfer of organs of the child for profit .....	68	17
F. Engagement of the child in forced labour .....	69–77	17
G. Criminalization of improperly inducing consent for the adoption of a child .....	78–81	18

H.	Aggravating circumstances applicable to specific offences.....	82	19
I.	Statute of limitations for specific offences .....	83–84	20
J.	Criminal liability of legal persons.....	85–95	20
VII.	Protection of the rights and interests of victims .....	99–123	23
A.	Ensuring legal and psychological training for those who work with victims .....	105–107	24
B.	Social reintegration .....	108–118	24
C.	Recovery of identity .....	119	26
D.	Remedies .....	120	27
VIII.	International assistance and cooperation.....	121–123	27
IX.	Conclusion .....	124	27
Annexes			
1.	Ministries and institutions involved in the preparation of the report.....		28
2.	Jordan Child Budget Analysis .....		29

## **I. Introduction**

1. Jordan is pleased to submit its initial report under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

2. The Optional Protocol was ratified by the Government of the Hashemite Kingdom of Jordan in 2006 and it was published on page 4058 of Official Gazette No. 4787 of 16 October 2006. Jordan made no reservations to any of its articles, furthermore, and its ratification thereof is a sign of its commitment to attaining the highest standards for children and its concern to ensure all forms of protection, care and security for children.

3. Jordan's third report on the implementation of the Convention on the Rights of the Child, submitted in 2004, contained essential information about the State party. The present report will therefore be confined to providing information on domestic legislation and measures taken by Jordan to implement and give effect to the provisions of the Optional Protocol.

## **II. General guidelines**

### **A. Report preparation process**

4. The report was prepared by the Ministry of Foreign Affairs and the National Council for Family Affairs, in collaboration with relevant national institutions. The process entailed working through a steering committee, co-chaired by them and comprising as members the secretaries general of ministries working in areas relating to the two Optional Protocols to the Convention on the Rights of the Child, and a technical committee composed of the relevant national institutions, which played a part in feeding the necessary information into the two reports. A committee of experts in preparing reports from the Ministry of Foreign Affairs and the National Council for Family Affairs was also formed to assist in briefing the ministries and official institutions listed in annex 1 on the process.

### **B. Compliance with the general principles of the Convention on the Rights of the Child**

5. The matter of compliance with these principles has already been covered in the periodic reports submitted by Jordan on the implementation of the Convention on the Rights of the Child. Legislation, programmes, measures and policies reflecting Jordan's commitment to these principles in implementing the provisions of the Optional Protocol will be discussed later in this report.

### **C. Implementation of the Optional Protocol and its contribution to implementation of the Convention on the Rights of the Child**

6. The measures taken by the State for implementation of the Optional Protocol have contributed to the implementation of various articles of the Convention on the Rights of the Child. Details of the measures for giving effect to and implementing the provisions of the Protocol and the Convention will be described elsewhere in the report.

## **D. Legal status of the Optional Protocol**

7. Conventions ratified by the Hashemite Kingdom of Jordan are an integral part of its domestic legislation and take precedence in the event of any conflict with that legislation.

8. This approach is supported by the jurisprudence of the Jordanian Court of Cassation, including its Decision No. 945/2009, in which the Court, sitting as a civil court, held that: “In case law and doctrine, there is a consensus that international treaties concluded by a State rank higher than the domestic laws of that State and that these treaties take precedence if their provisions conflict with the State’s internal law. Furthermore, the application of international treaties and laws is the province of the judiciary and parties to proceedings have no discretion as to the treaty or law that they wish to invoke insofar as the matter is one of public order and hinges on completion of the constitutional procedures relating to agreements and treaties in the country where the dispute is being heard.”

## **E. Reservations to the Optional Protocol**

9. Jordan has made no reservations to any article of the Optional Protocol.

## **F. Factors and difficulties affecting fulfilment of the obligations under the Optional Protocol**

10. Despite the efforts made at the national level by official government child protection agencies and civil society institutions, more accurate and detailed child-related data is still needed, particularly concerning the offences set forth in the Optional Protocol. There also remains a need to raise awareness and promote education about reporting mechanisms and dangers that might lead children to fall victim to the offences covered by the Protocol.

## **G. Relevant legislative texts**

11. A list of legislative texts arranged in the order in which they are cited in relation to the Optional Protocol is as follows:

### **Laws**

- The National Centre for Human Rights Act No. 51 of 2006;
- The General Budget Act;
- The Code of Shariah Procedure (Act No. 31 of 1959), as amended;
- The Rights of Persons with Disabilities Act No. 31 of 2007;
- The National Council for Family Affairs Act No. 27 of 2001;
- The Juvenile Probation Act No. 37 of 2006;
- The Education Act No. 3 of 1994, as amended;
- The Personal Status Code (Act No. 61 of 1976), as amended;
- The Human Trafficking Prevention Act No. 9 of 2009;
- The Domestic Violence Protection Act No. 6 of 2008;
- The Criminal Code (Act No. 16 of 1960), as amended;
- The Tourism Act No. 20 of 1988, as amended;

- The Temporary Information System Crimes Act of 2010;
- The Human Organ Transplant Act No. 23 of 1977, as amended;
- The Labour Code (Act No. 8 of 1996), as amended;
- The Narcotic Drugs and Psychotropic Substances Act No. 11 of 1988, as amended;
- The Juveniles Act No. 24 of 1968, as amended;
- The Civil Status Code (Act No. 9 of 2001), as amended;
- The Temporary Electronic Transactions Act No. 85 of 2001, as amended;
- The Code of Criminal Procedure (Act No. 9 of 1961), as amended;
- The Extradition of Fugitive Criminals Act of 1927.

#### **Regulations**

- The Child Welfare Regulation No. 34 of 1972;
- The Residential Children's Care Homes (Licensing and Management) Regulation No. 49 of 2009;
- The Family Protection Homes Regulation No. 48 of 2004.

#### **Directives**

- Directive on hotel and tourism facilities, restaurants, resorts, nightclubs and professional duties (1999).

### **III. Data on offences set forth in the Optional Protocol**

#### **A. Database programmes**

12. A list of families at risk is kept and the records of approved social services offices have been used to develop national and local databases of such families in the sections of the Ministry of Social Development's Department of Family Protection. A total of 16,500 domestic violence cases have been recorded by these social services offices since the Department was first established.

#### **B. Data on child labour**

13. A study on child labour carried out by the Department of General Statistics and the International Labour Organization (ILO) indicated that forced labour in Jordan is non-existent. The proportion of working children in Jordan stands at 1.8 per cent of the total number of children in the 5–7 age group, according to the national survey on child labour (2007–2008) conducted by the Department.

### **IV. General measures of implementation**

#### **A. Implementation of the Optional Protocol in the Kingdom**

14. The Optional Protocol is implemented throughout the Kingdom.

### **Bodies concerned with giving effect to the Optional Protocol**

15. The following bodies cooperate and coordinate in order to give effect to the provisions of the Optional Protocol: the Ministry of Justice, the Ministry of Social Development, the Ministry of Labour, the Ministry of the Interior, the Ministry of Tourism, the Directorate of Public Security, the Judicial Council, the Ministry of Health, the Ministry of Education, the National Council for Family Affairs and the Higher Council for the Affairs of Persons with Disabilities.

### **National Centre for Human Rights**

16. The National Centre for Human Rights is an independent body that monitors the situation of children's rights in Jordan and cases of violence and abuse against children. It also receives citizens' complaints and refers them for consideration to the competent government agencies.

17. Founded at the end of 2002 pursuant to the Temporary Act No. 75 of 2002, now a permanent law (Act No. 51 of 2006), the Centre is an independent national institution enjoying the status of a legal person and having full financial and operational autonomy in the performance of its intellectual, political and humanitarian activities relating to human rights.

18. The aims of the Centre are to protect human rights; disseminate a human rights culture; monitor the human rights situation; provide legal advice and assistance where needed; take administrative and legal measures for addressing complaints relating to human rights violations and transgressions in order to bring an end to such violations and eliminate their effects; carry out visits to such facilities as correctional and rehabilitation centres and social defence institutions (juvenile homes); prepare studies and research; provide information; hold seminars and training courses; run campaigns and declare positions; publish data and printed materials; and prepare reports on the human rights situation.

19. The Centre acquired membership of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) after receiving ICC accreditation as an independent and impartial national institution. The funding methods for such institutions are spelt out in the Principles relating to the Status of National Institutions (the Paris Principles). Information about the Centre's activities and accomplishments is provided on the Centre's website ([www.nchr.org.jo](http://www.nchr.org.jo)).

## **B. Dissemination of and training in the Optional Protocol**

### **Awareness-raising and education programmes**

20. A handbook for mosque preachers on early childhood development was prepared in 2003 under supervision of the National Family Protection Team, in association with the United Nations Children's Fund (UNICEF) and the Ministry of Awqaf. The handbook included awareness and training programmes for families on appropriate forms of child-rearing and on child security and safety. In 2008, a leaflet on the psychological, social and legal consequences of child beating was produced and circulated to parliamentarians and the public.

### **The Ajyaluna campaign**

21. The Jordan River Foundation launched the Ajyaluna (Our Generations) national awareness campaign, which centres on the prevention of child abuse and is run through the mass and print media. The campaign addresses issues relating to child abuse by advocating positive interaction and enhancing awareness and understanding of child abuse with respect

to its definition, the forms it takes and the effects and risk factors associated with it. It also suggests other methods that families can use for dealing with their children and provides information on the role of institutions working in the area of child and family protection.

### C. Budget allocated to activities relating to implementation of the Optional Protocol

22. In 2010, the form and content of the annual General Budget Act were updated to correspond with the advanced phases of results-oriented budgeting and establish the concept of accountability, transparency and monitoring for evaluation. The new budgeting models created in line with that concept comprised information on strategic objectives and the functions undertaken by each ministry. The aim of this was to secure in the general budget the needs and rights of children, especially in the areas of health, education and social protection, in such a way as to guarantee the requisite allocations and their consistency with Jordan's national strategies and plans, in particular the National Plan of Action for Children (2004–2013), which is designed to build a Jordan fit for children.

23. In order to ring-fence the sums and services earmarked for children under the annual General Budget Act, the general budgeting models for 2011 were adjusted to conform with the framework for child-friendly budgets, taking into account everything relating to this area by establishing performance indicators for the strategic objectives and programmes of every ministry and department. Also taken into account were all matters relating to children and their needs as part of the key information on each ministry and department and on the services delivered through their respective programmes. This was unprecedented insofar as such data had never before been highlighted in previous government budgets.

#### Jordan Child Budget Analysis (2009)

24. As part of the child-friendly budget project, the National Council for Family Affairs prepared in conjunction with UNICEF a study analysing child budgets in Jordan, the first of its kind to be conducted at the Arab and international levels. The aim was to provide a baseline for continuous child budget monitoring in Jordan by analysing policies, plans and budgets relating to children's rights in four areas (development, education, health and employment) in order to provide usable information for attracting support to give effect to these rights. The spending patterns for Jordan's ministries showed the following:

<i>Percentage of the Kingdom's total budget</i>	<i>2008 estimate</i>	<i>2009 budget</i>	<i>2010 budget</i>	<i>2011 budget</i>
Health	6.7	8.0	7.3	6.7
Education	7.9	8.9	8.8	8.7
Social development	1.5	1.9	1.9	1.9
Labour	0.26	0.32	0.29	0.28
<i>Percentage of child allocations in the Ministry's budget</i>				
	<i>2008 estimate</i>	<i>2009 budget</i>	<i>2010 budget</i>	<i>2011 budget</i>
Health	36.4	37.1	36.4	36.8
Education	93.1	93.3	93.1	93.4
Family affairs, protection and persons with disabilities	12.5	10.3	13.4	14.6
Labour	9.9	9.9	10.5	10.1

*Source:* Jordan Child Budget Analysis (2009).



## **D. Overall strategy of the State**

### **National Child Labour Strategy**

25. The Ministry of Labour, in coordination with a national task force representing some 35 public, private and civil society institutions and with ILO financial and technical assistance, prepared a national strategy in 2006 for curbing child labour through dialogue and participation. This strategy is focused on the principles laid down in the ILO Convention No. 13 concerning the Minimum Age for Admission to Employment (1973) and the ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999).

### **National Family Protection and Violence Prevention Strategy, 2005–2009**

26. The Strategy's vision was centred on the formation of cohesive and mutually supportive families whose members enjoy the right to physical, mental and psychological integrity in a social, cultural and legal environment that fosters family security, safeguards the family against disintegration and protects its members from violence. The Strategy included several key areas of focus: prevention, the aim of which was to stop domestic violence, promote healthy behaviour within the family, eliminate social and cultural risk factors, detect and identify domestic violence early on, and ensure measures for ending such violence through awareness and education programmes; protection, which emphasized the need to enhance the effectiveness and timeliness of the response by the community and by governmental and non-governmental institutions to cases of domestic violence through the provision of quality services, in addition to the need to improve organizational and procedural efficiency at the institutional level in order to guarantee delivery of the best services to victims; human and material resources, which addressed the matter of human resources development and institutional capacity-building for family protection and security agencies; legislation, policies and legal issues, which covered the Government's commitment to the development of legislation and laws in line with the principles of prevention of and protection from domestic violence; partnership and coordination, which underscored the fact that programmes, policies and legislation relating to domestic violence must be comprehensive, integrated and based on the multisectoral participatory approach; and studies and research, which stressed the need to promote research on protecting the family from domestic violence through identifying priorities, the consequences and costs of violence, and the effectiveness of programmes.

### **National Framework for Family Protection against Violence**

27. The National Framework for Family Protection against Violence is Jordan's response to tackling the problem of violence in the family, specifically through the National Family Protection Project launched in 2000, which comprises a number of governmental and non-governmental institutions and is based on the principle of engaging these institutions in securing delivery of the best services to victims, perpetrators and their families. It became apparent that partnership and coordination among all agencies and institutions should be enhanced and that a robust multi-institutional approach to addressing the problem of violence was needed. Accordingly, as a national umbrella for the coordination of family programmes, the National Council for Family Affairs adopted and developed the National Framework for Family Protection against Violence with the aim of identifying the roles and responsibilities of the agencies dealing with victims of domestic violence, in cooperation with all partners. The Framework was approved by the Cabinet and the concerned agencies were requested to implement it.

**National Plan of Action for Children**

28. The National Plan of Action for Children incorporated a number of components relating to the protection of children from exploitation and set out the key activities to be implemented in order to provide such protection. Its main achievements were reflected in the report prepared by the National Council for Family Affairs as part of the follow-up and evaluation of the Plan, covering the period 2004–2009. Criteria and mechanisms have been developed for identifying children at risk through studies by social workers at the Department of Family Protection/Directorate of Public Security and through medical reports, particularly forensic reports. Family counselling services have also been developed, most notably in the religious courts, in order to resolve domestic problems before they intensify. The Code of Shariah Procedure was accordingly amended, pursuant to Act No. 50 of 2007, to include counselling and family reconciliation offices under the provision of article 11 thereof.

**National Strategy for the Prevention of Human Trafficking**

29. Launched on 2 March 2010, the National Strategy for the Prevention of Human Trafficking included a framework for action comprising four key areas of concern: prevention, protection, legal prosecution, and building partnerships and local, regional and international cooperation. It emphasized the adoption of a human rights approach in line with international standards for the protection and assistance of victims and persons harmed by human trafficking offences, particularly children, taking into account the best interests of the child.

**National Strategy for Persons with Disabilities (2007–2015)**

30. The National Strategy for Persons with Disabilities (2007–2015) was prepared in order to achieve the royal visions of creating a Jordanian society in which persons with disabilities enjoy a dignified and sustainable life enabling their effective participation on a basis of equity and respect. As a result of the Strategy, the Persons with Disabilities Act No. 12 of 1993 was repealed, the Rights of Persons with Disabilities Act No. 31 of 2007 was promulgated and the Higher Council for the Affairs of Persons with Disabilities was established pursuant to article 6 thereof.

31. The second phase of the Strategy (2010–2015) includes a component focused on minimizing and ending, through systematic and coherent planning, all practices that might cause persons with disabilities, particularly children, to be subjected to violence, exploitation and abuse.

**Projects for combating child labour**

32. On 8 April 2009, the Ministry of Labour and the National Council for Family Affairs signed a memorandum of understanding, pursuant to which the National Committee on Child Labour was established to work on reviewing national initiatives on child labour. The Committee is also the main engine driving forward policy development and the amendment of legislation.

33. A four-year programme targeting eight governorates, namely Jarash, Balqa', Irbid, Amman, Ma'daba, Zarqa', Aqabah and Karak, was started in 2008 with the aim of removing 4,000 children from exploitative labour situations through the provision of quality education facilities and activities designed to protect children or persons vulnerable to such situations.

34. The Ministry of Labour also signed a memorandum of understanding with UNICEF, on 28 May 2009, on technical assistance with respect to the establishment of a child labour unit and provision of the resources needed for the unit to function effectively.

## E. Monitoring and detection mechanisms

### Follow-up and evaluation report on the National Plan of Action for Children

35. This report is being prepared by the National Council for Family Affairs on the basis of its role, as provided for in Act No. 27 of 2001, of working to formulate and develop child policies and programmes; promote educational, social, cultural and media programmes and activities for children; monitor the efforts to achieve the objectives of international instruments and conventions relating to the family, women, children and young persons ratified by the Hashemite Kingdom of Jordan; follow up reviews and evaluations of the outcomes of family-related programmes and activities; and propose mechanisms and programmes for the development of those activities and programmes. The report sets out the achievements of Jordan's National Plan of Action for Children 2004–2009, as well as the challenges encountered in implementing some of the Plan's activities and the follow-up and evaluation process.

### Annual report of the National Centre for Human Rights on the human rights situation in Jordan

36. The intention of the report is to identify and monitor violations of human rights and public freedoms; scrutinize human rights compliance in the Kingdom with a view to addressing any transgressions or violations of those rights; and follow up measures taken to that end, including measures to resolve such matters or refer them to the executive, the legislature or the competent judicial authority in order to bring them to an end and eradicate their effects. The Centre is empowered to perform this task pursuant to Act No. 51 of 2006. It also prepares periodic reports on juvenile homes from the legislative and de facto points of view, including through monitoring the practices of law enforcement bodies.

### Complaints line at the Department of Family Protection

37. Complaints are received by various means, including personal visits by victims or relatives; calls to the 24-hour freephone number 111 from victims, relatives, neighbours or members of the public; referral from security centres, hospitals, schools, government or national agencies or relevant civil society institutions; the media; regular or electronic mail addressed to the Department; and trusted sources of information. It must be said here that the Department observes the principle of confidentiality in receiving and handling cases and that the identity of informants is never disclosed.

### Number of calls about children made to the Department of Family Protection (complaints line)

<i>Year</i>	<i>Total number of calls</i>	<i>Number of calls about children</i>
2008	<b>399</b>	209
2009	<b>615</b>	320
2010 as at 1 June	<b>179</b>	102

### Family Support Line (110)

38. The intention of this telephone line run by the Jordan River Foundation is to ensure secure, stable and healthy lives for children and their families; sensitize parents as to how children of different ages should be treated; and provide mental and emotional support for families by offering educational, social and psychological advice. Essentially, it is a dedicated family and child advice line to which free calls can be made from landline and mobile telephones.

39. Between December 2007 (the launch date) and the end of June 2010, a total of 11,045 calls were made to the line, including 9,757 relating to children. A total of 3,761 calls were received from children.

### **Social Support Centre**

40. On 10 December 2007, the Ministry of Labour signed a memorandum of understanding with the Jordanian Hashemite Fund for Human Development for the establishment of the first ever centre devoted to serving workers and their families (the Social Support Centre). The Centre's key accomplishments since its inauguration on 1 January 2008 include constant updating of the field survey, the provision of labour inspector training and the establishment of its own database. In the final analysis of data on child labour collected by labour inspectors and the Centre's researchers in 2008 and 2009, there were 2,150 cases of working children in the 7–17 age group.

41. The Social Support Centre runs awareness campaigns targeting schools with high dropout rates, in addition to campaigns targeting families of working children with the aim of sensitizing them to the potential risks to children in the workplace and to the fact that their children are losing the opportunity of education. Working children are withdrawn from employment and rehabilitated through an integrated system of services and programmes.

42. In collaboration with the Ministry of Education, the Centre also runs an education programme for dropouts, covering six grades at levels one, two and three; a psychosocial counselling programme designed to modify the behaviour of working children, develop their social skills and improve their self-image; a recreational and extracurricular activity programme for developing children's abilities and talents; and programmes for creating alternatives to child labour and protecting younger siblings from early entry to the labour market.

## **V. Preventive measures**

### **A. Protection of children most vulnerable to the offences referred to by the Optional Protocol**

#### **Vagrancy and begging**

43. Vagrancy and begging are social problems that the Ministry of Social Development is working to address, in conjunction with partners and in conformity with the legislation governing its activities, by organizing anti-begging campaigns (from 7 a.m. to 11 p.m. year-round) and sensitizing the community to the causes and consequences of begging and to ways of preventing it. The statistics of the Anti-Begging Section for the first nine months of 2008 and 2009 show that 1,321 beggars, including 484 children, were apprehended. The Ministry has mounted a number of anti-begging campaigns through its field directorates, in coordination with the Greater Amman Municipality and the Directorate of Public Security.

44. Alongside the Directorate of Public Security, the Greater Amman Municipality and municipalities elsewhere, the Ministry of Social Development is a member of the committees established to combat begging through which it is taking the necessary action to apprehend child beggars. In accordance with approved rules, these children are taken to welfare centres for beggars, where they are held by judicial order until a social investigation report is prepared in order to ascertain the reasons for their begging and carry out appropriate interventions accordingly.

<i>Year</i>	<i>Number of child beggars apprehended</i>
2008	426
2009	526

### **Young offenders and juveniles in need of protection and care**

45. The Ministry of Social Development devotes particular attention to the issue of juveniles, with over 120 probation officers throughout the Kingdom working to deal with 6,000 cases, 3,000 of them in the central region. Pursuant to the Juvenile Probation Act No. 37 of 1996, before deciding a juvenile case, the court must obtain from the probation officer a written report providing full details of the juvenile's material and social circumstances, moral conduct, intelligence quotient, upbringing and environment, schooling, educational attainment, place of work, state of health and previous offences, in addition to suggested correctional measures.

## **B. Awareness-raising campaigns**

46. Efforts are made to promote awareness among families, children and all segments of society as a means of preventing children from becoming victims of sexual exploitation. Training material is provided through children's theatre workshops called "Man Ana" (Who Am I), which are designed to teach children that their bodies are private, the aim being to put an end to sexual abuse.

### **Preventive legislative measures**

47. Pursuant to the Education Act No. 3 of 1994, as amended, the basic education stage lasts for a period of 10 years and is compulsory and free of charge in government schools.

48. The Personal Status Code (Act No. 61 of 1976), as amended, provides that parents must support a male child until he can earn a living and a girl child until she marries. The father must also pay for his child's education until the child completes a first university degree, in accordance with article 169 of the Code, which states that: "A father who is solvent and required to support his children shall also be required to support the cost of all stages of their education until they obtain a first university degree, provided that the child is academically successful and capable of education. An assessment shall be made according to the situation of the father, be he insolvent or solvent, with the proviso that the amount of support must be not less than the amount needed for sufficiency (*kifayah*)."

## **VI. Prohibition and related matters**

### **A. Material elements of the prohibition of the sale of children, child prostitution and child pornography**

49. The Human Trafficking Prevention Act No. 9 of 2009 provides that the term "human trafficking offences" means: "(1) The recruitment, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation; or (2) The recruitment, transfer, harbouring or receipt of a person under the age of 18 for the purpose of

exploitation, even if this does not involve the threat or use of force or any of the other means set forth in (1) of the present paragraph.”

50. Pursuant to article 3 of the Human Trafficking Prevention Act, the word “exploitation” means: “The exploitation of persons for servitude, forced labour, slavery or practices similar to slavery, the removal of organs, prostitution or any other form of sexual exploitation, which also includes the recruitment, transfer, harbouring or receipt of a person under the age of 18 for the purpose of exploitation, even if this does not involve the threat or use of force or any of the other means set forth in the Act.”

51. The Domestic Violence Protection Act No. 6 of 2008 provides that: “With the exception of offences falling within the jurisdiction of criminal courts, offences against natural persons are regarded as domestic violence if they are perpetrated by a family member against any other family member.”

## **B. Child prostitution**

52. The Criminal Code, as amended in 2010, criminalizes acts classified as the sexual exploitation of children, including child prostitution and child pornography. Anyone who abducts or takes away a minor under 18 years of age, even with his consent, in order to remove him from the custody of his guardian or carer is therefore committing a criminal offence. The Code imposes enhanced penalties if a minor is abducted or taken away by deception or force.

53. The sexual abuse of a child involving no violence or threat is also a criminal offence under the Criminal Code. An enhanced penalty is imposed for such abuse, whether or not it involves violence or threat, if the child is under 18 years of age.

54. Under article 310 of the Criminal Code, it is likewise a criminal offence, carrying a penalty of imprisonment for a term of six months to three years and a fine of 200 to 500 dinars, to lead away a female under 20 years of age, not being a prostitute or of known immoral character, for the purpose of illicit sexual intercourse, either within or without the Kingdom; or to lead away a female in order for her to become, either within or without the Kingdom, a prostitute; or to lead away a female in order for her to leave the Kingdom with intent that she may become an inmate or frequenter of a brothel or to leave her usual place of abode in the Kingdom, such place not being a brothel, with intent that she may, for the purposes of prostitution, become an inmate or frequenter of a brothel within or without the Kingdom; or to lead away a person under 18 years of age in order to commit the act of buggery with that person.

55. The law thus ensure protection for males and females and lays emphasis on special protection for females, regardless of their age, from use in activities for remuneration or any other form of consideration, as provided for in the Optional Protocol.

56. Under article 311 of the Criminal Code, a penalty of imprisonment from one to three years is imposed on anyone who leads away or attempts to lead away a female by threats or intimidation for the purposes of illicit sexual intercourse within or without the Kingdom, or who leads away a female, not being a prostitute or of known immoral character, by false pretences or any means of deception for the purposes of illicit sexual intercourse with another person.

57. In order to ensure further protection, article 311 of the Criminal Code also provides for a penalty of imprisonment for one to three years for anyone who administers to a female a drug, substance or other thing with intent to stupefy or overpower so as thereby to enable any person to have illicit sexual intercourse with such female.

58. With a view to protecting children against involvement in prostitution, article 314 of the Criminal Code imposes a penalty of up to six months' imprisonment or a fine of up to 20 dinars on anyone entrusted with the care of a child between the ages of 6 and 16 who permits the child to be an inmate or frequenter of a brothel.

### C. Pornography

59. Under 319 of the Criminal Code, imprisonment for a term of up to three months or a fine of up to 50 dinars is imposed on anyone who sells or obtains for the purpose of sale or distribution any obscene printed or written material, photograph, drawing, model or any other morally corrupting thing; or who, by whatever other means, prints or reprints such things and materials with intent to sell or distribute them; or who displays in a public place any obscene representation, photograph, drawing or model or any morally corrupting thing; or who distributes such things for display in a public place; or who runs or participates in running premises engaged in selling, disseminating or displaying obscene printed or written materials, photographs, drawings, models or other morally corrupting things; or who advertises or publicizes by whatever means that a person is engaged in selling, printing, reprinting, displaying or distributing such obscene materials and things. The law therefore prohibits the consumption of such pornography, regardless of whether it involves the use of children or, for that matter, adults, and it is a punishable offence to circulate or advertise such pornography in which sexual activities are simulated or sexual parts represented.

60. Pursuant to the Juvenile Probation Act, a committee of the agencies concerned was set up to apply measures to prevent begging, proscribe the sale of tobacco, alcoholic beverages and volatile substances to persons under 18 years of age, ban the entry of such persons to nightclubs and hotel bars, and prohibit cafes and restaurants from serving them with tobacco pipes and alcoholic beverages. To that end, it conducts periodic inspections, produces reports and makes recommendations to the Minister concerning the closure of offending premises.

61. Article 12 of the Tourism Act No. 20 of 1988, as amended, also provides that: "For the purposes of this Act, a holder of a license to practice any tourism profession or own a tourism enterprise shall be deemed to be in breach of his obligations under this Act and of his professional duties, in any of the following instances, whether those obligations, duties and services are contracted or are a recognized fact: ... (c) If he commits an act that damages the interest or reputation of national tourism or the tourism professions, including engaging in the profession in a manner incompatible with public morals and decency, public order, customary practice in tourism and the respective codes of ethics and conduct."

62. On that basis, the directive of 1999 on hotels, tourist facilities, restaurants, resorts, nightclubs and professional duties provides in article 7, concerning the protection of minors, that:

"(1) Neither the licensee nor any of his staff or agents employed at a tourist facility licensed to sell alcoholic beverages may serve or supply alcoholic beverages to any person under 18 years of age or permit any person under 18 years of age to consume alcoholic beverages in the tourist facility. He and his staff or agents shall consequently be deemed to be in breach of the law and these directives if they do so, or if:

(a) A person under 18 years of age purchases or induces others to purchase or consume alcohol in a tourist facility licensed to sell alcoholic beverages;

(b) A person purchases alcoholic beverages for or supplies them to a person whom he knows to be under 18 years of age;

(c) The licensee or a member of his staff is entitled to ask any person who appears to be under 18 years of age to show his official identity card;

(2) The licensee, his staff or his agent shall be deemed to be in breach of requirements if a person under 18 years of age is employed to serve, sell or supply alcoholic beverages.”

63. Article 9 of the Temporary Information System Crimes Act of 2010 also provides that:

“(a) Anyone who intentionally transmits or disseminates through an information system or the Internet any indecent audible, visual or readable material directed at or damaging to a person under 18 years of age shall be liable to imprisonment for a term of not less than three months and a fine of not less than 300 dinars and not more than 5,000 dinars;

(b) Anyone who intentionally uses an information system or the Internet to prepare, store, process, display, print, disseminate or promote pornographic performances or pornography involving the inducement, encouragement or exploitation of persons under 18 years of age for prostitution or pornography, or their defamation or sale, incitement to offending behaviour or engagement in offending, shall be liable to imprisonment for a term of up to six months and a fine of not less than 500 dinars and not more than 5,000 dinars.”

64. Article 10 provides as follows:

“Anyone who intentionally uses the Internet or any information system to promote prostitution or fornication shall be liable to imprisonment for a period of not less than six months and a fine of not less than 300 dinars and not more than 5,000 dinars.”

#### **D. Sale of children**

65. Article 9 of the Human Trafficking Prevention Act No. 9 of 2009 prescribes enhanced penalties for persons who commit human trafficking offences, specifically hard labour for a fixed term of up to 10 years and a fine of not less than 5,000 dinars and not more than 20,000 dinars for anyone who establishes, organizes, runs, joins or participates in an organized criminal group engaged in human trafficking, or if the victims include females or persons with disabilities, or if the offence is committed through exploitation for prostitution, any form of sexual exploitation, or organ removal.

66. In order to protect children, an enhanced penalty is also imposed if the offender is the victim’s spouse or an ascendant, descendant, guardian or trustee, or if the offence is transnational in nature.

67. Article 11 of the same Act provides that a legal person is liable to a fine of not less than 10,000 dinars and not more than 50,000 dinars if it commits any of the offences provided for in the Act, without prejudice to the responsibility of any of its representatives who committed the offence. The court may decide to suspend wholly or partially the activity of the legal person for a period of not less than one month and not more than one year if it commits one of the offences provided for in articles 8 and 9 of the Act.



## **E. Transfer of organs of the child for profit**

68. Article 4 of the Human Organ Transplant Act No. 23 of 1977, as amended, provides that no organ may be transferred from one live human being to another for material gain or profit; it states that, without prejudice to any penalty set forth in any other piece of legislation, anyone contravening the provisions of the Act is liable to imprisonment for a term of not less than one year or a fine of not less than 10,000 dinars, or to both penalties.

## **F. Engagement of the child in forced labour**

69. Through Jordanian legislation, the child is afforded protection from exploitation for forced labour, article 77 of the Labour Code (Act No. 8 of 1996), as amended, providing as it does that: “(b) In addition to any penalty provided for in the legislation in force, an employer shall be liable to a fine of not less than 500 dinars and not more than 1,000 dinars for all violations that he perpetrates by employing any worker by force, under threat or by deception or coercion, including the withholding of his travel document. Anyone who is an accomplice, instigator or accessory with respect to such employment shall be liable to the same penalty; (c) The fines prescribed in paragraphs (a) and (b) of this article shall be doubled in the event of a repeat offence.”

70. As amended pursuant to Act No. 48 of 2008, the Labour Code also covers agricultural labourers and domestic workers, who may include working children. Protection is consequently ensured for children working within the legal framework, in accordance with the age and circumstances prescribed by law and set forth in international standards.

71. The Jordanian Labour Code provides for various rights that must be afforded in the work setting to children working within the legal framework, in conformity with international conventions, which set the minimum age of employment at 15 years. The Labour Code, however, sets a higher age of 16 years, providing as it does that young persons under 16 years of age may not be employed under any circumstances.

72. The Labour Code (Act No. 8 of 1996), as amended, provides that no young person under 18 years of age may be employed in activities that are hazardous, strenuous or harmful to health. These activities are determined by decisions issued by the Minister after seeking the views of the competent official bodies.

73. Pursuant to Act No. 11 of 2004, the Labour Code was amended to raise the minimum legal age for hazardous activities from 17 to 18 years. Activities in which young persons under the age of 18 may not be employed are specified in a decision of 1997, as amended, and include activities in offices, hotels, restaurants, places of public entertainment and nightclubs. Work is currently under way to amend the list of hazardous activities by the addition of a further number of activities in which the employment of children is prohibited, as provided for in the ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999). These encompass all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; and work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

74. The Narcotic Drugs and Psychotropic Substances Act No. 11 of 1988, as amended, addresses the issue of employing young persons in the area of narcotic drugs and

psychotropic substances. Pursuant to article 8 of the Act, the employment of such persons in the production or manufacture of any narcotic or psychotropic substance, or in the purchase, sale, cultivation, transport or storage of plants producing such substances, is an offence punishable by life imprisonment with hard labour.

75. As provided for in the Juveniles Act, young persons in circumstances where they are deemed to be in need of protection and care include those who engage in activities involving prostitution, vice, moral depravity or gambling, or who work for persons engaged in such activities, or who associate with persons notorious for their bad behaviour; who have no fixed abode or habitually spend the night on the streets; who have no legitimate means of livelihood or a reliable provider in cases where one or both parents are deceased, imprisoned or absent; who are the legitimate or illegitimate child of a parent with a previous conviction for an act of indecency with any of his children, legitimate or illegitimate; or who are exploited for begging or for activities connected with prostitution, vice or moral depravity, or who work for persons engaged in those or any other unlawful activities.

76. The Juveniles Act is currently being revised in order to include community-based alternatives to custodial penalties; ensure its compliance with all measures for achieving the best interests of children in conflict with the law in terms of respecting their confidentiality and privacy and separating juveniles from adults in all trial proceedings so as not to undermine the safeguards of a fair trial; create juvenile courts and a juvenile prosecution office; and adopt non-custodial measures and judicial oversight procedures.

77. These terms are applicable to Shariah court proceedings relating to financial issues in that consideration is given to the child's psychological well-being and to protecting him from entering the courtroom in proceedings involving his custodian.

## **G. Criminalization of improperly inducing consent for the adoption of a child**

78. In accordance with its Constitution, Jordan is committed to applying the provisions of Islamic law. The Islamic institution of *kafalah* (fostering) is therefore in place, together with orphan care, as part of special programmes, including the foster placement programme. The child's original filiation is preserved and cannot be changed for any reason in respect of the child's rights and the financial claims he is able to make, as a consequence of the situation, against his original parents with regard to maintenance, where required, or inheritance.

79. A custodian other than the child's parents or foster carer is under obligation to realize the best interests of the child, without prejudice to any principle or established legal right of the child. As a matter of requirement, the foster family must be able to care for, maintain and raise the child and safeguard him from anything that might cause him material or moral harm, in accordance with article 155 of the Personal Status Code, which provides that:

“The female custodian must be a trustworthy adult of sound mind who does not leave the child unattended and is capable of raising and safeguarding the child. She must not be an apostate, nor married to anyone other than a person who is in a prohibited degree of relationship to the child for marriage purposes, and she must not keep the child in a home where he is unwelcome.”

80. Following its amendment pursuant to Act No. 12 of 2010, article 287 of the Criminal Code provides that anyone who performs an act that leads to the filiation of a child being assigned to a woman who did not give birth to him, or to a person other than his

father, shall be liable to serve a fixed term of hard labour. Article 49 of the Personal Status Code No. 9 of 2001 also provides that:

“A penalty of imprisonment for a term of not less than one year and not more than three years shall be imposed on anyone who:

(a) Intentionally falsifies, obliterates, changes, deletes, replaces or tampers with an entry in the civil register, the register of births and deaths, the family record book, an identity card, or certificates issued by the Department or any of its offices;

(b) Provides false information with intent to obtain a family record book or an identity card for himself or for another person, or signs a false certificate of an applicant for a family record book or identity card;

(c) If the perpetrator of any of the acts enumerated in paragraphs (a) and (b) above is an employee of the Department, he shall be liable to a penalty of hard labour for a fixed term of not less than three years and not more than five years.”

81. The attention devoted in Jordanian legislation to the rights of children of unknown parentage stems from Shariah, which guarantees protection, care, education and other rights to such children. The rights accorded to children of unknown parentage under Shariah are provided for in the Personal Status Code (Act No. 61 of 1976), namely the right to maintenance, property ownership, fosterage, custody, education, health and, if one of the parents is known, inheritance. Such children have the full legal capacity to acquire rights and duties as from when they are an embryo. In Shariah, filiation may also be established by the weakest and most straightforward methods in respect of the child's rights and is irrefutable in the event that it is established.

## **H. Aggravating circumstances applicable to specific offences**

82. The Jordanian legislature imposed a heavier penalty under the Criminal Code for a number of honour crimes than under the Human Trafficking Prevention Act; pursuant to article 57/1 of the Code, if an act has a number of characterizations and they are all mentioned in a judgement, the court may decide to impose the heavier penalty. These crimes are as follows:

(1) Rape of a female under 18 years of age: The penalty prescribed under the Jordanian Criminal Code is heavier than that under the Human Trafficking Prevention Act, with article 292 of the Code providing:

1. Rape of and sexual intercourse with a minor: “(a) Anyone who has sexual intercourse with a female (other than a spouse) without her consent, whether by the use of force, threat, ruse or deception, shall be liable to a penalty of hard labour for a fixed term of up to 10 years; (b) The penalty of hard labour shall be for 20 years if the victim is over 15 and under 18 years of age; 2. Any person who rapes a girl under 15 years of age shall be liable to the death penalty.”

(2) Sexual intercourse with a female (if it takes place without the use of force, threat or ruse) under 18 years of age: The penalty is heavier than that prescribed under the Human Trafficking Prevention Act, with article 294 of the Criminal Code providing: “1. Anyone who has sexual intercourse with a female (other than a spouse) over 15 and under 18 years of age shall be liable to a penalty of hard labour for a period of up to 7 years. 2. If the victim is over 12 and under 15 years of age, the minimum penalty shall be 15 years. 3. If the victim is under 12 years of age, he shall be deemed to have committed the offence provided for under article 292, paragraph 2, of this Act and shall be liable to the penalty prescribed therein.”

(3) Article 38 of the Temporary Electronic Transactions Act No. 85 of 2001 provides that: “Anyone who, through electronic means, commits an act constituting an offence under current legislation shall be liable to imprisonment for a term of not less than three months and not more than one year or a fine of not less than 3,000 dinars and not more than 10,000 dinars, or to both penalties. The heavier penalty shall be imposed if the penalties prescribed in that legislation are greater than the penalty prescribed in this Act.”

## I. Statute of limitations for specific offences

83. The Code of Criminal Procedure (Act No. 9 of 1961) makes a distinction between the time limit for initiation of a public action and the time limit for imposition of penalties. With respect to the time limit for initiation of a public action, article 338 of the Code provides that: “(1) Public and private actions shall lapse on the expiration of 10 years from the date on which the offence was committed if no prosecution in their respect has been brought during that period; (2) Both actions shall likewise lapse on the expiration of 10 years from the last application completed therein if the action was initiated, investigations were conducted and no adjudication was made.”

84. Concerning the time limit for imposition of penalties, article 342 of the Code of Criminal Procedure provides that: “(1) The time limit for imposition of the death penalty and of life sentences shall be 25 years; (2) The time limit for imposition of fixed-term penalties shall be double the period of the penalty handed down by the court, provided that it is not more than 20 years nor less than 10 years; (3) The time limit for imposition of any other criminal penalty shall be 10 years.”

## J. Criminal liability of legal persons

85. Article 11 of the Human Trafficking Prevention Act provides that a legal person is liable to a fine of not less than 10,000 dinars and not more than 50,000 dinars if it commits any of the offences provided for in the Act, without prejudice to the responsibility of any of its representatives who committed the offence. The court may decide to suspend wholly or partially the activity of the legal person for a period of not less than one month and not more than one year if it commits one of the offences provided for in articles 8 and 9 of the Act.

### Data on legal prosecutions and convictions for such offences

86. The table below shows statistical data on offences committed against children in the Hashemite Kingdom of Jordan during the period 2007–2009.

<i>No.</i>	<i>Classification of proceedings</i>	<i>Case status</i>	<i>Number</i>
1.	Rape	New	4
2.	Rape	Settled	20
3.	Rape	Pending	23
4.	Enticement; immoral behaviour; molestation of a woman's private parts	Settled	5
5.	Incitement to prostitution; running a brothel; frequenting a brothel	Settled	1
6.	Performing an act of public indecency	Settled	109

<i>No.</i>	<i>Classification of proceedings</i>	<i>Case status</i>	<i>Number</i>
7.	Performing an act of public indecency	Pending	16
8.	Public sexual indecency	Settled	12
9.	Public sexual indecency	Pending	1
10.	Sale, possession or display of obscene materials	Settled	6
11.	Sale, possession or display of obscene materials	Pending	1
12.	Child abduction and abandonment	Settled	6
13.	Indecent assault (male-female)	New	8
14.	Indecent assault (male-female)	Settled	290
15.	Indecent assault (male-female)	Pending	177
<b>Total</b>			<b>679</b>

#### **Legal provisions establishing jurisdiction over the offences referred to in the Optional Protocol**

87. Articles 7, 8, 9, 10 and 13 of the Criminal Code set out the rules on territorial and personal jurisdiction, stating that the provisions of the Code apply to anyone committing within the Kingdom any of the offences prescribed therein. An offence is also deemed to have been committed in the Kingdom if one of the elements constituting the offence, or an act inseparable from the offence, or a principal or secondary act of complicity, took place on its soil:

(a) The territory of the Kingdom includes the air above it, the territorial sea to a distance of five kilometres from the shore, the airspace above the territorial sea, and Jordanian ships and aircraft;

(b) Foreign territory occupied by the Jordanian army if the offence committed damages the integrity or interests of the army.

88. Jordanian law does not apply to the following:

(1) Offences committed in Jordanian airspace on board a foreign aircraft if the offence is confined to the aircraft. Offences confined to aircraft are, however, subject to Jordanian law if the perpetrator or the victim is Jordanian or if the aircraft lands in the Hashemite Kingdom of Jordan after the offence has been committed;

(2) Offences committed in Jordanian territorial sea or in the airspace above a foreign ship or aircraft if the offence is confined to the ship or aircraft.

89. The provisions of the Jordanian Criminal Code apply to any Jordanian who, outside the Kingdom, perpetrates, instigates or is an accessory to a serious or lesser offence punishable by Jordanian law. The same provisions apply to those persons even if they lose or acquire Jordanian nationality after committing a serious or lesser offence; to offences committed outside the Kingdom by any Jordanian official during or on the occasion of the exercise of his functions; to offences committed outside the Kingdom by foreign service officers and Jordanian consuls who enjoy immunity under international public law; and to any alien residing in the Hashemite Kingdom of Jordan who, outside the Kingdom, perpetrates, instigates or is an accessory to a serious or lesser offence punishable by Jordanian law, if his extradition has not been requested or accepted.

90. Prosecution in the Hashemite Kingdom of Jordan is not, however, precluded by judgements handed down abroad for any of the offences set forth in article 9 of the Criminal Code or for any offence committed in the Kingdom. In both cases, prosecution in the Kingdom is nonetheless barred if a foreign court judgement was delivered as a result of information formally communicated by the Jordanian authorities. Furthermore, any term served by a convicted offender as a result of a judgement enforced against him abroad is deducted from any term of sentence awarded against him in the Kingdom.

91. Article 5 of the Code of Criminal Procedure (Act No. 9 of 1961), as amended, also provides that: “(1) A public prosecution shall be brought against a defendant before the competent judicial authority within which jurisdiction the place of the offence, the defendant’s place of residence, or the place of his arrest, is located. No authority shall take precedence over another except on the basis of the earliest date on which proceedings were initiated before it; (2) In the case of an attempted offence, the offence shall be deemed to have been committed in any place where an act constituting a commencement of execution was carried out and, in the case of a continuing offence, the place of the offence shall be regarded as any place where a state of continuity exists. In the case of habitual offences and continuous offences, the place of the offence shall be deemed to be any place where an act forming part of the offence takes place; (3) If an offence to which the provisions of Jordanian law apply is committed abroad and if its perpetrators have no known abode in the Hashemite Kingdom of Jordan and their arrest therein is inappropriate, a public prosecution shall be brought against them before the judicial authorities in the capital; (4) A public prosecution may be brought against the defendant before the Jordanian courts if the offence was committed by electronic means outside the Kingdom and brought consequences for the country, in whole or in part, or for any of its citizens.”

#### **Practices relating to the extradition of offenders**

92. Article 21 of the Constitution of the Hashemite Kingdom of Jordan provides that the extradition of ordinary criminals is governed by international conventions and laws. Jordan is a party to several agreements relating to the extradition of offenders, including the Extradition Agreement of the League of Arab States, published in Official Gazette No. 1195 of 1 September 1954. The Extradition of Fugitive Offenders Act of 1927, as amended, sets the conditions for the extradition of offenders and also designates the body responsible for the extradition process.

#### **Practices relating to the seizure and confiscation of materials and goods used to commit or facilitate, or derived from the commission of, any of the offences set forth in the Optional Protocol**

93. Article 7 of the Protocol calls on States parties to incorporate into their national legislation measures to provide for the seizure and confiscation of materials, assets and other instrumentalities used to commit or facilitate offences under the Protocol. Article 12 of the Human Trafficking Prevention Act therefore provides that a public prosecutor may issue a decision to close for up to six months premises on which an offence provided for in the Act has been committed by the owner, by any person responsible for managing the premises or by a person working on the premises. The decision must be approved by the Prosecutor-General and may be contested by the aggrieved party before the committee referred to in paragraph (a) of the article.

94. Article 14 of the same Act also provides that the court must make a determination concerning the confiscation of any proceeds derived from any of the offences set forth in the Act.

95. With respect to confiscation in kind, article 44 of the Criminal Code provides that: “Subject to the rights of bona fide third parties, all things derived from a serious or

deliberate lesser offence, or used in, or intended for, the commission of such an offence may be confiscated. In the case of a lesser offence or an infraction, such things may be confiscated only if permitted by law.”

### **Measures for the temporary or permanent closure of premises used to commit these offences**

96. Article 35 of the Criminal Code provides that:

“(1) Premises on which an offence has been committed by or with the consent of the owner may be closed down for a period of not less than one month and not more than one year, where explicitly provided for by law;

(2) If premises are closed down on account of criminal or immoral activities, the offender, all members of his family and anyone who owns or leases the premises in the knowledge of those activities shall be prohibited to engage in the same activities on those premises;

(3) The prohibition shall not extend to the landlord or to any person holding a lien or other financial claim on the premises who was unconnected with the offence.”

97. Article 313 also provides that: “(1) If a tenant of premises is convicted of turning those premises or any part thereof into a brothel, or of managing, keeping, assisting in keeping or permitting the keeping of those premises in the knowledge that they are being used as a brothel, the court may order termination of the lease, eviction of the tenant from the premises and return of the premises to the landlord; (2) If a landlord is convicted on one of the charges mentioned in the preceding paragraph, the court may order closure of the premises concerned in accordance with article 35 of this Code.”

98. The Labour Code of 2008, as amended, provides that, if given to understand that an employer or his representative has physically or in any way sexually assaulted workers in his employment, the Minister may order closure of the enterprise for such period as he deems fit, subject to the provisions of any other legislation in force.

## **VII. Protection of the rights and interests of victims**

99. Article 159 of the Code of Criminal Procedure provides that the Prosecutor-General or the court may, where necessary and by a reasoned decision, use modern technology to protect witnesses under 18 years of age when giving testimony, provided that these means enable any party to the dispute to cross-examine the witness during the trial. Such testimony is deemed to be admissible evidence in the case.

100. Article 308 bis of the Criminal Code also provides that: “Subject to the provisions of article 308 of this Code, mitigating circumstances may not be used with respect to the indecent assault offences set forth in this section if the victim, male or female, was under 18 years of age at the time of the offence and the offender was over 18 years of age.”

101. Under Jordanian legislation, furthermore, the victim is permitted to reserve the right to make a financial claim for injury suffered, as exemplified in the Sharia court system by the victim’s right to claim an indemnity for loss of an organ or substantial bodily injury caused by assault. This compensation is different from the compensation for injury claimed in the ordinary courts.

102. Under the Personal Status Code, a person who assaults a child loses the right to custody of the child in the latter’s interest, as do all other members of that person’s family.

103. The Family Support Line was set up to raise children's awareness of their rights and the child-related provisions of domestic law. It additionally puts children in touch with legal advisors, if necessary.

104. Family divisions have also been established in three courts of justice (Irbid, Salt and Karak), as well as in the Amman law courts. These divisions have two courtrooms: one for preliminary hearings of cases involving domestic violence, which is because of the particular nature of these types of cases, and the other for hearing juvenile cases. There is also a room where civil society organizations are available to provide legal and social advice.

#### **A. Ensuring legal and psychological training for those who work with victims**

105. Workshops on human trafficking issues were organized for judges and public prosecutors, 75 of whom received instruction in the Human Trafficking Prevention Act and in international conventions, treaties and standards relating to human trafficking. Instruction in the Act was also provided for public security and law enforcement officers. A second stage of training for judges and public prosecutors is being planned and prepared and will cover human trafficking issues and techniques for questioning victims in conformity with human rights standards.

106. On 3 May 2009, the Ministry of Labour also signed a memorandum of understanding with Community Housing Foundation International [now renamed Global Communities] on the subject of training labour inspectors in methods of obtaining data on working children and equipping the Ministry to establish policies for withdrawing these children from the workforce. A first batch of 88 inspectors received four days of training in July 2009 and a second batch during the same year.

107. The Ministry of Health is working to train health professionals from all areas of specialization as trainers in techniques for dealing with domestic violence victims, the aim of which is skills acquisition in the area of diagnosing and identifying such victims in hospitals and health centres. The Ministry is also preparing training manuals on dealing with domestic violence victims.

#### **B. Social reintegration**

108. In accordance with a circular issued in 2000, the Ministry of Social Development classified children of unknown parentage into three categories: foundlings; children with unidentified mothers and fathers; and victims of incest, meaning children born as a result of sexual relations between persons in a prohibited degree of relationship for marriage purposes, i.e., blood relatives, and children from an adulterous union whose mothers are known and who were born as a result of unlawful sexual relations necessitating a court judgement against one or both of the parties to those relations. The parentage of such children is typically a matter of dispute.

109. In 2009, the number of foster children amounted to 77, as against 13 between 1 January and 30 April 2010.

110. The table below illustrates the number of identified cases of children of unknown parentage in Jordan during the period 2003–2007, as shown by the records of Al-Hussein Social Foundation.



Year	Category			Total
	Children of unknown mothers	Victims of incest	Foundlings	
2007	35	3	32	<b>70</b>

Source: Ministry of Social Development, 2008.

### Numbers entering and leaving social care homes up to 2009

No. Institution	Carried over from 2007		Entry		Total	Transfer		Total	Handover		Total	Current of beneficiaries
	Males	Females	Males	Females		Males	Females		Males	Females		
1. Dar al-Aman	8	19	23	18	<b>41</b>	3	0	<b>3</b>	16	23	<b>39</b>	29
2. Children's care home/ Ma'daba	39	0	115	0	<b>115</b>	9	0	<b>9</b>	127	0	<b>127</b>	27
3. Children's care home/Shafa Badran (operational since 9 July 2008)	38	0	37	0	<b>37</b>	10	0	<b>10</b>	19	0	<b>19</b>	46
4. Home for the care, education and rehabilitation of girls/Rusayfah	0	37	0	0	<b>129</b>	1	1	<b>0</b>	0	112	<b>112</b>	54
5. Dar al-Wifaq al-Usri (Family Reconciliation Home)	0	23	0	806	<b>806</b>	0	14	<b>14</b>	0	744	<b>744</b>	48
<b>Total</b>	<b>85</b>	<b>79</b>	<b>175</b>	<b>824</b>	<b>1 128</b>	<b>23</b>	<b>15</b>	<b>36</b>	<b>162</b>	<b>879</b>	<b>1 041</b>	<b>204</b>
<b>Grand total</b>		<b>208</b>		<b>716</b>			<b>29</b>		<b>742</b>	<b>1 484</b>		<b>306</b>

Source: Ministry of Social Development.

111. The Ministry of Social Development works to ensure that children of unknown parentage are looked after in families, pursuant to the Child Welfare Regulation No. 34 of 1972, article 3 of which provides that an alternative family, a foster carer or an institution shall be entrusted with the usual duties of the natural family, under supervision of the Ministry, with respect to taking care of the health, safety, comfort and education of a child who enters into their environment. It also provides that they have the right of parental supervision over the child for the period decided by the Minister or the court.

112. The Children's Residential Care Home (Licensing and Management) Regulation No. 49 of 2009 also provides that: "Children's residential care homes shall work to provide an appropriate environment for the child to develop in a secure family setting where he enjoys good physical and mental health so that he grows socially and emotionally adept and capable of learning in the event that there is no possibility of him living in the care of any member of his family of origin or any suitable alternative family."

#### Dar al-Aman

113. Dar al-Aman is a residential centre that offers protection and treatment for abused children and rehabilitation for their families. Since its inauguration in 2000 as an institution of the Jordan River Foundation, it has provided shelter and care, behavioural therapy, counselling and family visits for hundreds of victims from birth to the age of 12 years for boys and 13 years for girls.

114. It is the only home of its type in Jordan and the Arab region, i.e., a home operating as a centre where treatment and psychosocial rehabilitation facilities are provided for its child residents. It offers its services in addition to various children who are ill-treated but not to the extent that they need to be separated from their families and brought to live in the home. It also follows up on children delivered into the care of their family of origin, an alternative family, a protection centre or elsewhere.

#### **Ministry of Social Development/Dar al-Wifaq al-Usri**

115. Dar al-Wifaq al-Usri (Family Reconciliation Home) was established pursuant to the Family Protection Regulation No. 48 of 2004, issued under article 4 of the Ministry of Social Affairs and Labour Act No. 14 of 1956, as amended. Founded by a decision of the Minister of Social Development at the recommendation of the Secretary General of the Ministry, it was named Dar al-Wifaq al-Usri and opened on 17 January 2007.

116. The home provides diagnostic and counselling services for the women and girls whom it takes in and works to resolve their problems and difficulties. It also takes in accompanying children below the age of three and may, in special cases and on the basis of a committee decision, take in children over three and under five years of age for a maximum period of one month.

#### **National Council for Family Affairs**

117. The National Council for Family Affairs was established pursuant to Act No. 27 of 2001, with Her Majesty Queen Rania Al Abdullah as its chairperson. It functions as a supporting umbrella for coordinating and facilitating the work of partner governmental, non-governmental and international institutions working with families, the aim of which is concerted action to achieve a better future for the Jordanian family. The functions and powers vested in the Council include that of working to promote family participation in public life, with special attention directed to the affairs of women, youth and children.

#### **Department of Family Protection**

118. Set up at the Directorate of Public Security in 1997, the Department of Family Protection is the focal institution dealing with all forms of domestic violence and abuse of women and children. Its functions include building the capacity of the police and forensic medicine departments, the judiciary, non-governmental organizations (NGOs) and the Ministry of Social Development for identifying and dealing with cases of domestic violence against women and children; disseminating information; and networking closely with a number of governmental institutions and NGOs in order to develop a services system for children and their families.

### **C. Recovery of identity**

119. As stated in the Jordanian Nationality Act, the rule is that children of unknown parentage enjoy Jordanian nationality, provided that they were born on Jordanian soil, and that under no circumstances may that nationality be withdrawn. Children of unknown parentage likewise have rights under civil laws, specifically the Civil Status Code (Act No. 9 of 2001), which contains articles devoted to regulating their lives and safeguarding their human rights, such as the right to life, survival and development. The Civil Status Code was amended to enable undocumented children of unknown parentage to obtain a birth certificate without recourse to the courts. Under the Nationality Act No. 6 of 1954, furthermore, their right to Jordanian nationality is assured.

## D. Remedies

120. Available remedies are exemplified in the following:

- The National Council for Family Affairs, through the follow-up and assessment report on the National Plan of Action for Children and the periodic reports relating to the Convention on the Rights of the Child and its Optional Protocols;
- The National Centre for Human Rights, through the complaints unit;
- The Department of Family Protection, through the complaints line;
- The River Jordan Foundation, through the Family Support Line 110.

## VIII. International assistance and cooperation

121. As mentioned earlier in the report, the Ministry of Labour signed a memorandum of understanding with UNICEF on 28 May 2008 on technical assistance with respect to the establishment of a child labour unit and provision of the resources needed for the unit to function effectively, which covered in addition the preparation of a number of studies, including:

### **Children in Jordan/Situation Analysis 2006/2007**

122. The Children in Jordan/Situation Analysis was prepared in an innovative and participatory way in cooperation between the National Council for Family Affairs and UNICEF, in consultation with a wide group of governmental and non-governmental partners. This partnership helped to ensure that the study benefited from the most relevant and recent facts and surveys and from review by specialists in concerned ministries and agencies. Groups of adolescents, members of disadvantaged communities, and children with disabilities or those living in care institutions had their say through participation in focus group discussions.

123. The Situation Analysis highlights the many achievements made for children in Jordan. It includes information and statistics on children's health, education and participation, in addition to child protection, keeping in mind that poverty, poor health conditions and lack of education are all factors that deprive children of their dignity, threaten their life and dispel their hopes. It also describes what still needs to be done and what the gaps are.

## IX. Conclusion

124. Jordan expresses the hope that this report has covered some of the State's efforts to implement and give effect to the provisions of the Optional Protocol. Jordan wishes to emphasize that, notwithstanding the substantial progress it has achieved in combating these problems, it looks forward to engaging in further efforts in future, in cooperation and coordination with local and international stakeholders, with a view to reaching the stage where children in Jordan and across the countries of the world enjoy their full rights so as to guarantee their development in a sound environment conducive to enabling them to assume their natural role in society.

## **Annexes**

### **Annex 1**

#### **Ministries and institutions involved in the preparation of the report**

The Jordanian Judicial Council; the Supreme Judge Department; the Ministry of Health; the Ministry of Education; the Ministry of Development; the Ministry of Justice; the Ministry of Labour; the Ministry of Planning and International Cooperation; the Ministry of Awqaf, Islamic Affairs and Holy Places; the Ministry of the Interior; the Ministry of Culture; the Higher Population Council; the Higher Council for Youth; the Higher Council for the Affairs of Persons with Disabilities; the Directorate of the Secretary General; the General Budget Department; the Department of General Statistics; the Civil Status and Passports Department; the Jordanian Armed Forces; and the Ombudsman Bureau.

## Annex 2

### Jordan Child Budget Analysis

#### Report commissioned by the UNICEF Jordan Country Office and the National Council for Family Affairs

##### Foreword

1. Conducted in 2009, the Jordan Child Budget Analysis (CBA) is an innovative study aimed at providing a baseline for data on the continuous monitoring of child budgets in Jordan. In the light of this study, partners came together to build a comprehensive strategy for the promotion of children's rights. The study was the outcome of close cooperation between civil society and the Government and focuses on promoting a strategy designed to ensure a budget commitment to the ongoing integration of children's rights into programmes and budgets implemented by the Government and by civil society institutions in Jordan. UNICEF wishes to express its appreciation for the high level of commitment and engagement by the partners and to thank the following for their dedication in ensuring the success of the project.

2. The Ministry of Culture; the Ministry of Education; the Ministry of Finance; the Ministry of Planning and International Cooperation; the Ministry of Social Development; the Ministry of Health; the Ministry of Labour; the General Budget Department; the Jordan Hashemite Fund for Human Development; Save the Children; the River Jordan Foundation; and auditing and financial consultancy firm Khleif and Samman.

##### Executive summary

3. The aim of a child budget analysis is to analyse policies, plans and budgets associated with child rights to provide information which can be used to advocate for the fulfilment of these rights.

4. The Jordan 2009 CBA is the first study of its kind in Jordan. The objective of the study is to provide a baseline which will be used to plan a long term Child Budget Engagement Strategy. The methodology for the analysis made use of the framework described in the study *Monitoring Child Socio-Economic Rights in South Africa*.<sup>a</sup> This included identifying the rights which form the basis for the study (in this case the Convention on the Rights of the Child); identifying government policies and legislation giving effect to the rights; identifying specific programmes within a ministry resulting in the realization of the rights; and then analysing budget allocations to the ministry programmes. The research team consisted of a combination of local and international consultants, as well as non-government and government researchers, bringing a dynamic mix of data and issues into the process.

5. The study looks primarily at the future budget (Medium-Term Expenditure Framework (MTEF)) and implementation goals in order to provide a monitoring baseline. The primary source of financial data was the General Budget Act of 2009. Information on legislation and policy was collected from each ministry included in the study and specific

---

<sup>a</sup> Streak, J. and Coetzee, E. (2004), *Monitoring child socio-economic rights in South Africa: achievements and challenges*, Institute for a Democratic Alternative in South Africa (IDASA), Cape Town.

sector information was gathered from existing studies and from interviews with ministry officials.

6. The Jordan 2009 CBA adopts a rights-based approach to analysing the Government of Jordan's commitment to children. The study is a mapping exercise which aims to trace the right from the Convention to constitutional, legal and governmental programme level, and then to the exact amount of money allocated to the specific rights article. A limitation in this regard is that with the current aggregated budget structure, where activity spending is not identified, it is not possible to make direct links to specific activities. The Convention on the Rights of the Child was chosen as the set of rights to form the basis of the study.

7. All aspects of the Jordan 2009 CBA were based on a partnership approach. Child rights organizations partnered with the state, which provided researchers and cooperated in providing access, information and resources for the study.

8. This research report is not an end result. The report includes a draft plan for monitoring, marketing, engaging parliament and setting up a Child Rights Committee to indicate how the study can be used to initiate a budget engagement strategy.

9. In addition to the unique nature of the Jordan 2009 CBA, the study was perfectly timed to contribute to some important initiatives. First, the study can be used to deepen the implementation of results-oriented budgeting (implemented in 2008) by focusing on developing child-specific activities and performance indicators. Secondly, the study can be used as a resource to the other countries in the region embarking on anti-poverty and human rights-oriented initiatives.

10. The overarching observation from the Jordan 2009 CBA is that the Government of Jordan has made a commitment to fulfil the rights provided for in the Convention on the Rights of the Child through creating an enabling environment for the establishment of programmes for the country's children. The Government has made impressive progress in many child rights areas over the last 10 years. However, funding levels and skill shortages in specific areas have impeded the Government's efforts to fulfill all of its commitments under the Convention.

11. With predictions of a slow-down of the economy of Jordan, the forward-looking nature of this study will allow observations to be made on whether the Government of Jordan will maintain its indicative levels of spending on child programmes during the period 2009–2011.

### **Main findings of the study**

12. **Equity in regional and governorate spending patterns:** A superficial comparison of indicators, share allocation and per capita expenditure across governorates shows apparent anomalies and possible inequity. With the current decentralization project in Jordan and the proposal that services are devolved to regional and municipal levels, it is crucial to ensure that the equity is reflected in spending levels.

13. **Adolescents:** Many adolescents perform poorly in the education system and there are fewer resources allocated to adolescent health. Noting that there are insufficient data indicating whether adolescents in Jordan are receiving equal access to appropriate service levels, commitment to the fulfilment of their rights should be elevated to a higher priority.

14. **Refugees and asylum-seekers:** Special importance is attached to fulfilment of the rights of refugees to health, education and protection insofar as there are high numbers of refugees in Jordan. Although they have access to services provided by the Jordanian Government and international organizations, the opportunity for fulfilment of the rights of these two groups should be raised to the same level as for fulfilment of the rights of all children in Jordan.

15. **Children with disabilities:** Anecdotal evidence suggests that there are some inadequacies in the services for children with disabilities. Over the MTEF, the budget for special care decreases by 7 per cent and the budget for disability affairs (Ministry of Social Development) decreases by 0.5 per cent. The opportunity for the fulfilment of the rights of children with disabilities needs to be raised to the same level as for all children in Jordan.

16. **The child offender:** With recent developments in the field, including the drafting of a child justice bill, it is important to ensure that the rights of the child offender are fulfilled.

17. **Health:** Over the MTEF, the proportion of the budget allocated to health by the Jordanian Government increases steadily. The Government has indicated that it will raise this to 8.3 per cent by 2011. The Jordanian National Plan of Action for Children advocates that the proportion of the Ministry of Health budget allocated to primary health should increase to 24 per cent by 2014.

18. **Education:** The projected real growth rate for the entire budget of the Ministry of Education over the MTEF indicates a growth of 2 per cent from 2009 to 2010 and of 4 per cent from 2010 to 2011. The budget for social and sports activities declines by an average of 16 per cent from 2009 onwards while the budget for special education (Ministry of Education) decreases by 7 per cent over the MTEF.

19. **Social development:** A total of 13 per cent of Jordan's citizens live below the poverty line. Jordan's poverty alleviation programme is included in the National Aid Fund (NAF) budget, which amounts to approximately 70 per cent of the budget of the Ministry of Social Development. A future study should examine the NAF budget, focusing on programmes aimed at fulfilling children's rights. The current commitment of the poverty alleviation programme and social care programme is less than 2 per cent of the country's budget over the MTEF. The proportional share of the Ministry's budget allocated to children with disabilities increases minimally from 6.3 per cent in 2009 to 6.8 per cent in 2011. The proportion of the Ministry's budget allocated to the recovery and reintegration of the child victim increases from 5.2 per cent in 2009 to 7.8 per cent in 2011.

20. **Child labour:** At one year below the legal age of employment, 15-year olds appear to be a vulnerable group in terms of their right to education and exclusion from employment. The budget for vocational training from the Ministry of Labour decreases in real terms by 2 per cent per year from 2009 onwards. The same pattern can be observed within the Ministry of Education budget for vocational training, which from 2010 onwards decreases by 0.3 per cent.

### **Major recommendations of the study**

21. The recommendations included in this report do not make suggestions on how to address areas where child rights are not being comprehensively fulfilled. This was not the purpose of the study. The major recommendation is that this report is utilized to promote a long-term child budget engagement strategy. The vision of the engagement strategy is that all 55 articles of the Convention on the Rights of the Child should be reflected in Jordan's legislation and policies and be translated into effective government budgets and programmes. To achieve this, policymakers need to be aware of child rights and show practical commitments to improving the provision of services to children. The starting point of improving services to children is the government budget and Jordan's results-oriented budget, which provides a performance-oriented planning and budgeting framework to implement and monitor this.