

المملكة الأردنية الهاشمية  
رقم الإيداع لدى دائرة المكتبة الوطنية  
(٢٠١٧/١٠/٥٢٩٩)

يتحمل المؤلف كامل المسؤولية القانونية عن محتوى  
مصنعه ولا يعبر هذا المصنف عن رأي دائرة المكتبة  
الوطنية أو أي جهة حكومية أخرى

# Preface

The Government of Hashemite Kingdom of Jordan signed the United Nations Convention on the Rights of the Child (UNCRC) on August 29, 1990 and ratified on May 24, 1991, Jordan is obliged to submit a Periodic Report every five years to the United Nations Committee on the Rights of the Child (UN CRC) in Geneva Switzerland.

The Committee considered the combined fourth and fifth periodic reports of Jordan (CRC/C/JOR/4-5) at its 1877th and 1878th meetings (see CRC/C/SR.1877 and 1878), held on 26 and 27 May 2014, and adopted, at its 1901st meeting, held on 13 June 2014. The Committee invited the Government of Jordan to submit its sixth periodic report by June 22, 2019 and to include in it information on the follow-up to the concluding observations of the fourth and fifth periodic reports. Besides, the Committee considered the initial reports of Jordan under the Optional Protocol to the Convention on the Rights of Child on the Involvement of Children in Armed Conflict and the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography at its 1879th and 1878th meetings (see CRC/C/SR.1879), held on 27 May 2013, and adopted at its 1901st meeting, held on 13 June 2014. The Committee recommended that the State party take all appropriate measures to ensure that the recommendations contained in the concluding observations on the fourth and fifth combined periodic report and both the Optional Protocols are fully implemented through various procedures, such as its referral to the relevant institutions, for appropriate consideration and further actions.

The Committee also recommended a wide dissemination of the combined fourth and fifth periodic reports and the concluding observations and recommendations (CO&R) in the language of the country, including, but not exclusively, through the Internet, to the public at large, civil society organizations, the media, youth groups, professional groups and children, in order to generate debate on and awareness of the Convention and the Optional Protocols thereto, and their implementation and monitoring.

As per NCFA's law which state "being the responsible body to follow up on the efforts aiming to achieve the goals of the international agreements and conventions related to family affairs, children, youth and women", ratified by the Hashemite Kingdom of Jordan, through the preparation of the Periodic Reports and ensuring the implementation of the Concluding Observations and Recommendations (CO&R) prepared by the United Nations Committee on the Rights of the Child. Consequently, NCFA has developed a comprehensive Action Plan for follow up on the implementation of the CO&R on Jordan's last periodic Report. Hence, with the technical assistance of the United Nations Children's Fund (UNICEF) Jordan Country Office, a consultative process was initiated to create widespread awareness about the last CO&R on Jordan's 4th and 5th Combined Periodic Report and developed a comprehensive follow up Action Plan in light of the recommendations of the Committee. This publication of the CO&R booklet is a part of the follow up Action Plan to widely disseminate the CO&R across the Kingdom.

The NCFA is committed to creating widespread awareness about child rights and this report of the CO&R will help in achieving this objective. NCFA will proceed to ensuring an effective follow up of the CO&R of the UNCRC and its Optional Protocols, before the submission of Jordan's 6th Periodic Report due in June 2019. The CO&R would be widely distributed among all the key stakeholders including parliamentarians, journalists, the concerned government officials, judges, civil society, general masses and the children themselves. A rigorous follow up will be conducted with the concerned Ministries at the national level and all the concerned departments at the governorates level to ensure that steps are taken at the national for the implementation of the CO&R.

The NCFA is grateful to UNICEF for it's technical assistance which was very helpful in the effective follow up of the CO&R to ensure that efforts are being made by the relevant quarters for the implementation of the CO&R. The NCFA is also thankful to the relevant stakeholders for their interest and support for this effort to make Hashemite kingdom of Jordan a child rights friendly country.

Fadel Mohammed Al Humoud,  
Secretary General, National Council for Family Affairs (NCFA)

# Introduction

The Hashemite Kingdom of Jordan is a Party to the United Nations Convention on the Rights of the Child (UNCRC). After the ratification of the UNCRC, Jordan submitted its initial report in November 1993. The second periodic report due in 1998 was submitted in September 1999. The third periodic report due in 2003 was submitted in March 2006 with a delay of three years. Therefore the fourth and fifth combined report was submitted in 2013 which was considered by the Committee on the Rights of the Child in 2014 and the Concluding Observations and Recommendations were adopted on July 18, 2014. Jordan's 6th Periodic Report is due on June 22, 2019 with less than two years left. It is therefore imperative to have an effective follow up of the present CO&R so that we are well positioned while preparing our 6th Periodic Report due in less than two years now.

**There are a total of 71 CO&R that have been distributed in 12 main areas including:**

- A. General measures of implementation (arts. 4, 42 and 44 (6), of the Convention)
- B. General principles (arts. 2, 3, 6 and 12 of the Convention)
- C. Civil rights and freedoms (arts. 7, 8 and 13–17)
- D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)
- E. Family environment and alternative care (arts. 5, 9–11, 18 (1 and 2), 20, 21, 25 and 27 (4))
- F. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1–3) and 33)
- G. Education, leisure and cultural activities (arts. 28, 29, 30 and 31)
- H. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)
- I. Ratification of the Optional Protocol on a communications procedure
- J. Ratification of international human rights instruments
- K. Follow-up and dissemination
- L. Next report

The National Council for Family Affairs (NCFA), the Ministry of Law and Justice, the Ministry of Health, the Ministry of Education, the Ministry of Labour, the Ministry of Social Development, the Ministry of Interior are the key leading agencies responsible for the implementation of the CO&R besides a number of other agencies and departments including the authorities in the governorates. Besides the government ministries and bodies, the concerned UN Agencies, national and international NGOs, academia, media, other civil society actors and the communities and families have a key role to play in ensuring the implementation of the CO&R.

Besides considering Jordan's Combined 4th and 5th Periodic Report, the Committee also considered the initial reports of Jordan under the Optional Protocol to the Convention on the Rights of Child on the Involvement of Children in Armed Conflict and the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography at its 1879th and 1878th meetings (see CRC/C/SR.1879), held on 27 May 2013, and adopted at its 1901st meeting, held on 13 June 2014.



The purpose of publishing the concluding observations and recommendations on the Combined 4th and 5th Periodic Report and the Initial Reports under the Optional Protocols to the CRC on the Involvement of Children Armed Conflict and the Sale of Children, Child Prostitution and Child Pornography and its widespread dissemination is to ensure that all the key stakeholders including the government agencies, parliamentarians, non governmental and UN agencies, civil society and children play their respective roles in ensuring the effective implementation of these CO&R and thus having a positive impact on the lives of children and the state of child rights in Jordan. It is the responsibility of the concerned government agencies and all other stakeholders to have a look at their specific area of responsibility, expertise and knowledge and play their respective roles in ensuring the implementation of these CO&R.



## **Committee on the Rights of the Child**

### **Concluding observations on the combined fourth and fifth periodic reports of Jordan\***

1. The Committee considered the combined fourth and fifth periodic reports of Jordan (CRC/C/JOR/4-5) at its 1877th and 1878th meetings (see CRC/C/SR.1877 and 1878), held on 26 and 27 May 2014, and adopted, at its 1901st meeting, held on 13 June 2014, the following concluding observations.

#### **I. Introduction**

2. The Committee welcomes the submission of the consolidated fourth and fifth periodic reports of the State party (CRC/C/JOR/4-5) and the written replies to its list of issues (CRC/C/JOR/Q/4-5/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses its appreciation for the constructive dialogue held with the multisectoral delegation of the State party.

#### **II. Follow-up measures taken and progress achieved by the State party**

3. The Committee welcomes the adoption of the following legislative measures:
- (a) Act No. 9 of 2009 on human trafficking;
  - (b) Act No. 6 of 2008 on protection from domestic violence;
  - (c) Act No. 31 of 2007 on persons with disabilities.
4. The Committee also notes with appreciation the State party's ratification of or accession to:
- (a) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in May 2007;
  - (b) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in December 2006;
  - (c) The Convention on the Rights of Persons with Disabilities, in March 2008;
  - (d) The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in June 2009.
5. The Committee also welcomes the following institutional and policy measures:
- (a) The National Strategy for Persons with Disabilities (2007–2015);
  - (b) The National Strategy to Combat Human Trafficking, launched in March 2010;
  - (c) The development by the National Council for Family Affairs of indicators that can be used as guidelines to strengthen capacities in monitoring the implementation of the Convention.
6. The Committee notes as positive the extension by the State party of its first invitation to United Nations special procedures, in April 2006.

### **III. Main areas of concern and recommendations**

#### **A. General measures of implementation (arts. 4, 42 and 44 (6), of the Convention)**

##### **The Committee's previous recommendations**

7. The Committee, while welcoming the State party's efforts to implement the Committee's concluding observations of 2006 on the State party's third periodic report (CRC/C/JOR/CO/3), notes with regret that some of the recommendations contained therein have not been fully addressed.

8. The Committee recommends that the State party take all necessary measures to address those recommendations that have not been implemented or sufficiently implemented and, in particular, reiterates its recommendations to the State party to:

- (a) Further strengthen coordination between the bodies and institutions working on the rights of the child at all levels in order to ensure the uniform implementation of the Convention in all governorates;
- (b) Strengthen its mechanisms for data collection by establishing a central database on children, and ensure that data are collected on all areas covered by the Convention and that such data are disaggregated, inter alia, by age for all persons under 18 years, by sex, by urban and rural areas and by those groups of children who are in need of special protection. Indicators consistent with the Convention should be developed and used to formulate policies and programmes for the effective implementation of the Convention;
- (c) Continue to develop creative and child-friendly methods to promote awareness of the content and meaning of the Convention, in particular at the local level and through the media, in order to reach children living in the most remote parts of the country;
- (d) Continue to strengthen its efforts to provide adequate and systematic training and/or sensitization on children's rights for professional groups working with and for children, such as judges, lawyers, law enforcement and health personnel, teachers, school and institution administrators, social workers and religious and community leaders, as well as journalists;
- (e) Ensure that the national human rights institution is provided with adequate human, financial and technical resources and that it has the facilities to monitor and evaluate progress in the implementation of the Convention at the national and local levels as well as to receive, investigate and address complaints from children;
- (f) Introduce and strengthen joint projects on human rights education and include human rights education, and particularly education on the rights of the child, in the curricula at the primary and secondary levels of education.

## **Reservations**

9. The Committee takes note of the statement made by the head of the delegation during the dialogue that the State party would consider the possibility of withdrawing its reservations to the Convention. The Committee reiterates its view that the State party's reservation to articles 20 and 21 is unnecessary, and its concern about the broad and imprecise nature of the State party's reservation to article 14.

10. The Committee reiterates its previous recommendation to the State party that it review the nature of its reservations with a view to withdrawing them in accordance with the Vienna Declaration and Plan of Action adopted by the World Conference on Human Rights of 1993 (CRC/C/JOR/CO/3, para. 11).

## **Legislation**

11. The Committee notes with appreciation that the legal status of the Convention and its precedence over domestic laws was clarified by its publication in the official gazette pursuant to Act No. 50 of 2006, in accordance with the Committee's previous recommendation. The Committee is however concerned about the considerable delay in adopting the Children's Rights Bill and the draft law on juvenile justice. The Committee is also concerned that efforts made to harmonize the domestic legal framework with the principles and provisions of the Convention have remained insufficient.

12. The Committee urges the State party to enact without further delay the Children's Rights Bill and ensure that it includes all the rights and principles enshrined in the Convention. The Committee further recommends that the State party accelerate the adoption of the draft law on juvenile justice. The Committee also reiterates its recommendation that the State party rigorously review all domestic laws concerning children and the relevant administrative regulations, with a view to ensuring that they are rights-based and in conformity with the Convention (CRC/C/JOR/CO/3, para. 13).

## **Allocation of resources**

13. The Committee welcomes the study undertaken by the National Council for Family Affairs to analyse budget allocations for children, as well as the development of a budget model that includes strategic goals and tasks for each ministry, with a view to meeting children's needs and protecting their rights. The Committee is however concerned that general cuts in the national budget have been threatening the progress achieved by the State party in the field of children's development.

14. In the light of its day of general discussion in 2007 on "Resources for the rights of the child – responsibility of States" and with emphasis on articles 2 to 4 and 6 of the Convention, the Committee recommends that the State party:

- (a) Continue to allocate adequate budgetary resources for the implementation of children's rights, in accordance with article 4 of the Convention;
- (b) Conduct systematic child-rights impact assessments of policies aimed at reducing the national budget deficit and, on the basis of the outcome, refrain from adopting any policy which might negatively affect children;.

- (c) On the basis of the model budget developed by the State party, use a child-rights approach in the elaboration of the State budget by implementing a tracking system for the allocation and use of resources for children throughout the budget, thus providing visibility to the investment in children. The Committee also urges that the tracking system be used for impact assessments on how investments in any sector may serve the best interests of the child, ensuring that the different impact on girls and boys of such investment is measured;
- (d) Define strategic budgetary lines for children in disadvantaged or vulnerable situations that may require affirmative social measures and make sure that those budgetary lines are protected even in situations of economic crisis, natural disasters or other emergencies.

## **B. General principles (arts. 2, 3, 6 and 12 of the Convention)**

### **Non-discrimination**

15. The Committee reiterates its concern about de jure discrimination against children born to a Jordanian mother and a non-Jordanian father, on the basis of the nationality of the father, and against children born out of wedlock. The Committee is also concerned about discrimination suffered by children of Palestinian origin, children with disabilities, children living in institutions, children living in extreme poverty and children in remote areas.

16. The Committee urges the State party to abolish the discriminatory classifications of children as “illegitimate” or “children victims of lascivious conduct” and to adopt a proactive and comprehensive strategy to eliminate de jure and de facto discrimination on any grounds and against all groups of children in marginalized or disadvantaged situations.

17. The Committee expresses concern that, despite repeated recommendations from treaty bodies, the legislation of the State party and the way it is applied continue to discriminate against girls, notably in the fields of inheritance, marriage and protection from violence. The Committee is also concerned that although girls continue to experience discrimination from the earliest stages of their lives, and through their childhood, insufficient efforts have been deployed by the State party, including with religious leaders, opinion makers, educational institutions and the mass media, to combat and change adverse attitudes, practices and norms that condone discrimination against girls and violations of their rights under the Convention, including gender-based violence.

18. The Committee urges the State party to repeal without further delay all legislation which discriminates against girls. The State party should prioritize the adoption of a comprehensive strategy to combat all forms of discrimination against girls and to address the persistent negative gender stereotypes that lead to discrimination and violence against them. The Committee reiterates its recommendation that local, religious and other leaders should be invited to take a more active role in supporting the efforts to prevent and eliminate discrimination against the girl child and to provide guidance to communities in that regard (CRC/C/JOR/CO/3, para. 32).

## **Best interests of the child**

19. While noting the willingness of the State party to make the best interests of the child one of the key principles of its interim Personal Status Code, Act No. 36 of 2010, the Committee is concerned that there is a misinterpretation of the best interests of the child as reflected in several provisions of the Act, in particular those relating to child custody, marriage, inheritance and transmission of nationality, which are incompatible with the right of children to have their best interests taken into consideration. The Committee is particularly concerned that, according to the law (art. 308 of the Criminal Code) and jurisprudence of the State party, the marriage of a girl to her rapist can be considered as being in her best interests, although such an option constitutes in itself a serious breach of the Convention.

20. The Committee, in the light of its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, reminds the State party that this right is aimed at ensuring both the full and effective enjoyment of all the rights recognized in the Convention and the holistic development of the child. The Committee recommends that the State party ensure that this right is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings as well as in all policies, programmes and projects that are relevant to and have an impact on children. In that regard, the State party is encouraged to develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving those interests due weight as a primary consideration. Such procedures and criteria should be disseminated to the public, including public and private social welfare institutions, as well as to courts of law, administrative authorities and legislative bodies, and traditional and religious leaders.

## **Right to life, survival and development**

21. The Committee expresses its deepest concern that while dozens of girls continue to be killed every year in the name of so-called honour, article 345 bis of the Criminal Code, introduced by the State party through an amendment, only excludes perpetrators of such crimes from the benefit of mitigating circumstances, and therefore a reduced sentence, when the victim is less than 15 years old. The Committee is also seriously concerned that girls at risk of becoming victims of those crimes have been, and continue to be, arbitrarily detained in correctional facilities for indefinite periods of time, supposedly for their protection.

22. The Committee strongly urges the State party to repeal without further delay all legal provisions condoning gender-based crimes, in particular articles 97 to 99, 340 and 345 bis of the Criminal Code, and ensure that all perpetrators of gender-based crimes, including those committed in the name of so-called honour, receive penalties commensurate with the gravity of their crimes. The Committee also urges the State party to immediately release women and girls arbitrarily placed in custody, to establish appropriate shelters and mechanisms for their protection throughout the country and to ensure that they participate and consent to any protection measure provided to them.

## **Respect for the views of the child**

23. The Committee welcomes the initiatives taken by the State party over the reporting period to promote the right of the child to be heard, in particular through the consultation of children in the context of the preparation of the State party's report, the Second National Youth Survey and the creation of children's parliaments. The Committee nevertheless reiterates its concern that legal and administrative proceedings do not systematically provide for the right of children to be heard and that respect for the views of children remains limited owing to traditional societal attitudes towards children, and especially girls, within the family and the community at large.

24. The Committee draws the State party's attention to its general comment No. 12 (2009) on the right of the child to be heard, which underlines that the right of children to freely express their views constitutes one of the most essential components of children's dignity and that a family where children, from the earliest ages, can freely express views and have them given due weight provides an important model, and is a preparation for the child to exercise the right to be heard in the wider society. The Committee recommends that the State party:

- (a) Take measures to ensure the effective implementation of legislation that recognizes the right of the child to be heard in relevant legal proceedings, including by establishing systems and/or procedures for social workers and courts to comply with the principle;
- (b) Conduct research to identify the issues that are most important to children, to hear their views on those issues, to find out how well their voices are heard in family decision-making affecting their lives and to identify the channels through which they currently and potentially have the most influence on national and local decision-making;
- (c) Conduct programmes and awareness-raising activities to promote the meaningful and empowered participation of all children within the family, the community and schools, including within student councils, paying particular attention to girls and children in vulnerable situations.

## **C. Civil rights and freedoms (arts. 7, 8 and 13–17)**

### **Right to nationality**

25. The Committee remains concerned that children of Jordanian mothers still cannot acquire the nationality of their mother if she is married to a non-Jordanian national, a situation which may result in statelessness and which leads such children and their families to be discriminated against and to suffer economic difficulties, as they are considered illegible, for instance, for subsidized education and health care. The Committee notes with serious concern that, despite the assurances given by the delegation of the State party during the dialogue, corroborated and credible reports indicate that dozens of Palestinian children and families residing permanently in Jordan have had their Jordanian nationality withdrawn during the reporting period.

26. The Committee reiterates its recommendation that the State party review and amend Law No. 6 of 1954 on nationality in order to ensure that a Jordanian mother married to a non-Jordanian man has the right to transmit her nationality to her children equally and without discrimination. The



Committee also urges the State party to put an end to the revocation of the Jordanian nationality of Palestinian refugee families residing in Jordan. The Committee also recommends that the State party consider acceding to the 1961 Convention on the Reduction of Statelessness.

## **D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**

### **Corporal punishment**

27. The Committee welcomes the initiatives of the State party, such as the “Together for a safe school environment” campaign aimed at informing teachers of positive educational techniques. The Committee is, however, concerned that the amended version of article 62 of the Criminal Code still allows parents and guardians to discipline their children within “culturally acceptable norms” as long as it does not lead to physical injury, and that the 2012 Jordan Population and Family Health Survey revealed that 89 per cent of children were subjected to violent forms of discipline.

28. The Committee draws the attention of the State party to its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, in which the Committee underlined that all forms of violence against children, however light, are unacceptable and that the prerogatives of the parents should in no way undermine the right of children to be protected from corporal punishment. The Committee urges the State party to:

- (a) Repeal without delay article 62 of the Criminal Code and unequivocally prohibit corporal punishment in all settings;
- (b) Ensure that laws prohibiting corporal punishment are implemented effectively and that legal proceedings are systematically initiated against those who inflict corporal punishment;
- (c) Introduce sustained public education, awareness-raising and social mobilization programmes, involving children, families, communities and religious leaders, on the harmful physical and psychological effects of corporal punishment with a view to changing the general attitude towards that practice, and promote positive, non-violent and participatory forms of child-rearing and discipline as an alternative to corporal punishment;
- (d) Ensure the involvement and participation of the whole society, including children, in the design and implementation of preventive strategies with regard to corporal punishment of children.

### **Abuse and neglect**

29. The Committee welcomes the steps taken by the State party to address domestic violence, in particular the adoption of Act No. 6 of 2008 on protection from domestic violence and the National Strategic Plan on Family Protection and the Prevention of Violence 2005–2009 and the establishment of a system to track family violence. However, the Committee is deeply concerned that those measures have proven to be insufficient to respond to the many concerns expressed by the Committee in 2006, as shown by the widespread abuse and neglect that children, and especially girls, continue to be victims of.



30. The Committee urges the State party to accord a higher priority to implementing effectively its recommendations of 2006 (CRC/C/JOR/CO/3, para. 55), in particular those relating to the necessity to undertake a national study on the extent, causes and nature of domestic violence, ill-treatment and child abuse in the home, to develop a comprehensive strategy to prevent and respond to domestic violence, and to develop an effective system for the identification, reporting and managing of cases of child abuse and ill-treatment. The Committee also urges the State party to:

- (a) Adopt as a matter of priority a law that criminalizes all forms of domestic violence, including marital rape, and repeal any legal provisions that excuse perpetrators of domestic violence;
- (b) Establish a national database on all cases of domestic violence against children;
- (c) Address the root causes of violence and abuse and take concrete measures to change attitudes, traditions, customs and behavioural practices which often serve as a justification for domestic violence, especially against girls;
- (d) Encourage community-based programmes aimed at preventing and tackling domestic violence, child abuse and neglect, including by involving former victims, volunteers and community members and providing them with training support;
- (e) Ensure that children and women victims of domestic violence are provided with appropriate medical, legal and psychological assistance and housing support, and increase the number of home shelters in conformity with the commitment it made during the 2009 universal periodic review (A/HRC/11/29, para. 92.21);
- (f) Provide detailed information in its next periodic report on the measures taken to address domestic violence and their outcome.

## **Sexual exploitation and abuse**

31. The Committee is deeply concerned that article 308 of the Criminal Code allows for the impunity of perpetrators of rape if they marry the girl they abused. The Committee is also concerned that, in accordance with article 310 of the Criminal Code, sexual abusers may escape punishment if the girl is considered as being of “immoral character”. The Committee is also concerned that the legislation of the State party fails to protect boys from sexual abuse and exploitation or to provide sentences commensurate with the gravity of sexual crimes against children.

32. The Committee urges the State party to expeditiously repeal articles 308 and 310 of the Criminal Code and all legal provisions that can be used to excuse perpetrators of child sexual abuse. The State party should also ensure the full protection of all children, including boys, from all forms of sexual abuse and exploitation. The Committee also urges the State party to :

- (a) Establish mechanisms, procedures and guidelines to ensure mandatory reporting of cases of child sexual abuse and exploitation;
- (b) Ensure accessible, confidential, child-friendly and effective reporting channels for all child victims of such violations, and abolish the requirement of the child victim being represented by a parent or a legal guardian;

- (c) Conduct awareness-raising activities to combat the stigmatization of victims of sexual exploitation and abuse, including incest;
- (d) Ensure the development of programmes and policies for the recovery and social reintegration of child victims, in accordance with the outcome documents adopted at the 1996, 2001 and 2008 World Congresses against Sexual Exploitation of Children, held in Stockholm, Yokohama, Japan and Rio de Janeiro, Brazil, respectively.

## **Harmful practices**

33. The Committee remains concerned that marriages of underage girls are on the rise in the State party, and that thousands of girls, some as young as 15 years old, are married every year as a result of the extensive use of derogations to the minimum age of marriage and the broad discretion left to the Chief Justice and legal guardians in that respect. The Committee is also particularly concerned that, in practice, situations of poverty and out-of-wedlock pregnancy often result in authorizations of such marriages.

34. The Committee urges the State party to take active measures to put an end to the practice of early and forced marriage. The Committee also reiterates its recommendation that the State party conduct awareness-raising campaigns concerning the many negative consequences resulting from early marriages (CRC/C/JOR/CO/3, para. 28).

## **Access to justice and remedies**

35. The Committee expresses its concern about the information provided by the delegation that children under the age of 15 cannot lodge complaints of violations of their rights if they are not assisted by their parents or their guardians. The Committee is also concerned that mechanisms to support children in reporting their claims have yet to be established.

36. The Committee urges the State party to take all necessary measures to ensure children's access to justice and effective remedy. The State party should, inter alia, develop safe, well-publicized, confidential and accessible reporting mechanisms for children, coupled with help-oriented services that offer public health and social support, and remove the condition that children must be assisted by their parents to make a complaint. The Committee also urges the State party to ensure that persons receiving children's complaints are provided with clear guidance and training and that child-sensitive investigation procedures are established.

## **E. Family environment and alternative care (arts. 5, 9–11, 18 (1 and 2), 20, 21, 25 and 27 (4))**

### **Family environment**

37. The Committee reiterates its concern that parental responsibilities are still not assigned equally, under law, to fathers and mothers (CRC/C/JOR/CO/3, para. 49), owing to the continuing application of discriminatory provisions contained in the interim Personal Status Code Act of 2010. The Committee is also concerned that:

- (a) Despite certain restrictions introduced in the law, polygamy remains permissible, a situation which is contrary to the dignity of women and girls entering such marriages and which negatively affects children;
- (b) Children born of a marriage between a Muslim woman and a non-Muslim man may not be legally recognized, which prevents them from enjoying all their rights in conditions of equality with other children;
- (c) In cases of divorce, article 173 of the interim Personal Status Code Act grants the mother custody of her children until they reach the age of 15 but, if she is non-Muslim, only until they reach the age of 7.

38. The Committee urges the State party to ensure that mothers and fathers share equally the legal responsibility for their children, in accordance with article 18, paragraph 1, of the Convention, and that laws do not discriminate against the girl child. The Committee also urges the State party to:

- (a) Revise the interim Personal Status Code Act and ensure that all provisions that discriminate against women and girls and negatively affect their children are repealed, such as those that authorize polygamy;
- (b) Prevent and eliminate any form of discrimination against children born of marriages between a Muslim woman and a non-Muslim man;
- (c) Review its legislation relating to the custody of children, with a view to ensuring that all decisions taken are based on the principle of the best interests of the child, in line with articles 3 and 12 of the Convention and removing provisions that discriminate against children of non-Muslim mothers.

### **Children deprived of a family environment**

39. The Committee welcomes the adoption of Regulation No. 49 of 2009 on the licensing and management of children's homes, as well as the establishment of the first foster-care programme for children in the Zarqa governorate. The Committee is, however, concerned that the number of institutionalized children has not decreased over the reporting period and that children of unmarried mothers are often placed in institutions. The Committee is also concerned that the foster-care programme has still not been properly regulated, a situation which places children deprived of their family environment at risk of abuse and neglect.

40. Drawing the State party's attention to the Guidelines for the Alternative Care of Children, the Committee recommends that the State party take active measures to accelerate the transition from institutionalization to family-based care for children and, to that end, strengthen efforts towards the establishment of a well-regulated system of foster care for children deprived of their families. The State party should also:

- (a) Ensure that adequate human, technical and financial resources are allocated to alternative care centres and relevant child protection services, in order to facilitate the rehabilitation and social reintegration of children resident therein to the greatest extent possible;

- (b) Provide unmarried mothers with support to enable them to take care of their children, and conduct awareness-raising campaigns to eliminate the stigma attached to out-of-wedlock pregnancy;
- (c) Ensure adequate safeguards and clear criteria, based on the needs and the best interests of the child, for determining whether a child should be placed in alternative care;
- (d) Ensure periodic review of the placement of children in foster care and in institutions, and monitor the quality of care therein, including by providing accessible channels for reporting, monitoring and remedying the maltreatment of children.

## **F. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1–3) and 33)**

### **Children with disabilities**

41. The Committee welcomes the adoption in 2007 of Act No. 31 on persons with disabilities and the establishment of the Higher Council for Persons with Disabilities, as well as the adoption of the National Strategy for Persons with Disabilities (2007–2015). The Committee is, however, concerned that:

- (a) Article 2 of Act No. 31 does not use the definition of disability provided in the Convention on the Rights of Persons with Disabilities, but rather a medical model of disability;
- (b) Limited data is available regarding children with disabilities;
- (c) Because of the limited measures taken to develop inclusive education, children with disabilities are, in most cases, placed in special classes where the promotion of inclusion is limited;
- (d) The vast majority of children with disabilities and children with learning difficulties do not benefit from adequate support, such as the presence of specialized teachers, social workers and personnel, to ensure their effective inclusion in ordinary schools;
- (e) Measures aimed at the inclusion of children with disabilities in leisure and cultural activities remain rare in the State party.

42. In the light of article 23 of the Convention and of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt and promote the social and human rights-based approach to disability, which acknowledges that the disabling factors reside in the environmental and attitudinal barriers created by society, and that all children with disabilities are the subjects of their own rights and can become active participants and contributors to society. The State party should:

- (a) Amend article 2 of Act No. 31 of 2007 to reflect the social model of disability;
- (b) Organize the collection, during the 2014 national census, of appropriate data on children with disabilities which are necessary for the development of policies and programmes for children with disabilities;

- (c) Set up a comprehensive policy to develop inclusive education and ensure that inclusive education is given priority over the placement of children in specialized institutions, paying particular attention to children with mental and multiple disabilities;
- (d) Recruit sufficient numbers of specialized teachers and professionals to provide individual support in all schools, and ensure that all professionals are adequately trained so that all children with disabilities can enjoy effectively their right to good quality inclusive education;
- (e) Take all necessary measures to ensure the inclusion of children with disabilities in leisure and cultural activities;
- (f) Undertake awareness-raising campaigns targeting the Government, the public and families to combat the stigmatization of and prejudice against children with disabilities and to promote a positive image of children and adults with disabilities;
- (g) Consider ratifying the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

## **Health and health services**

43. The Committee welcomes the significant progress made in reducing maternal and child mortality, as well as the recognition by the State party that further efforts are needed to reduce the under-5 mortality rate. The Committee also notes with interest the adoption of interim Act No. 7 of 2010 on social security, which affords children the right to a number of social security benefits. The Committee is, however, seriously concerned about:

- (a) The alarming rates of malnutrition of children in the Za'atari camp;
- (b) The malnutrition which continues to disproportionately affect children living in remote areas and belonging to the poorest segments of the population;
- (c) Infectious diseases, which remain the leading causes of child morbidity;
- (d) Universal health insurance coverage of children, which has not yet been achieved.

44. The Committee, in the light of its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, recommends that the State party ensure equal access to good quality health services by all children, through the adoption of measures aimed at prioritizing children in the most disadvantaged and marginalized situations, especially child refugees, and by addressing child malnutrition and infectious diseases. The State party should also take the necessary measures for all children to be properly covered by health insurance.

## **Adolescent health**

45. The Committee expresses its concern about the criminalization of abortion in all circumstances under article 321 of the Criminal Code, a situation which leads adolescent girls to resort to unsafe clandestine abortion at the risk of their lives. The Committee is also concerned about the lack of information on the measures taken by the State party to improve adolescent health, including through sexual and reproductive health education and the improvement of mental health youth services.

46. In the light of its general comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child and its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, the Committee urges the State party to decriminalize abortion and review its legislation with a view, notably, to guaranteeing the best interests of pregnant teenagers, and to ensure that the views of the child are always heard and respected in abortion decisions. Recalling its previous recommendation (CRC/C/JOR/CO/3, para. 65), the Committee recommends that the State party adopt a comprehensive sexual and reproductive health policy for adolescents and ensure that sexual and reproductive health education is part of the mandatory school curriculum and targeted at adolescent girls and boys, with emphasis on preventing early pregnancy and sexually transmitted infections.

## **HIV/AIDS**

47. While welcoming the National Strategic Plan on HIV and AIDS (2012–2016), the Committee notes with concern that knowledge about HIV/AIDS remains extremely limited among adolescents and the population at large. The Committee is also concerned that women and girls do not have access to counselling and testing services in prenatal clinics and that the distribution of condoms to groups that are more at risk of HIV infection, including adolescents, is not ensured.

48. In the light of its general comment No. 3 (2003) on HIV/AIDS and the rights of the child, the Committee recommends that the State party improve access to good quality, age-appropriate HIV/AIDS, sexual and reproductive health information and services. To that effect, the Committee recommends that the State party seek technical assistance from, inter alia, the Joint United Nations Programme on HIV/AIDS (UNAIDS) and the United Nations Children's Fund (UNICEF).

## **Standard of living**

49. While welcoming the significant progress made by the State party in terms of human development, the Committee is concerned that children overwhelmingly bear the brunt of poverty in the State party and remain insufficiently covered by the National Aid Fund. The Committee is also concerned that progress made by the State party over the reporting period to combat poverty is challenged by the adoption of financial policies aimed at reducing the national budget deficit. The Committee is further concerned that, owing to their lack of status, many Palestinian families live in poverty in the State party without access to the National Aid Fund or to free basic services.

50. The Committee recommends that the State party consider holding targeted consultations with families, children and children's rights civil society organizations on the issue of child poverty, with a view to strengthening the strategies and measures for fulfilling children's rights in the poverty reduction plan. The State party should also ensure that the National Aid Fund gives priority to children living in poverty and that a child impact assessment of policies and measures aimed at reducing the national budget deficit is conducted. The Committee urges the State party to address the legal status of Palestinian families residing in the State party and to ensure that Palestinian children are provided with free basic services and are covered by the National Aid Fund.



## **G. Education, leisure and cultural activities (arts. 28, 29, 30 and 31)**

### **Education, including vocational training and guidance**

51. The Committee notes as positive the measures taken over the reporting period to reduce school dropout and to develop early education. Nevertheless, the Committee is concerned that:

- (a) Non-Jordanian children, and among them children of Jordanian mothers and non-Jordanian fathers, as well as children of parents of Palestinian origin who had their Jordanian nationality withdrawn, are sometimes victims of discriminatory practices with regard to attending State elementary and secondary schools and are ineligible for free public education;
- (b) Young married women have limited access to the education system;
- (c) An increase in the number of students, especially boys, who have dropped out for economic reasons has been noticed during recent years;
- (d) Violence in schools remains widespread, especially against children of non-Jordanian fathers.

52. The Committee urges the State party to:

- (a) Take immediate measures to ensure that all children living in the State party enjoy their right to free primary education without discrimination and, to that end, amend legislation and address practices which lead to discrimination against children of Palestinian origin and children of Jordanian mothers and non-Jordanian fathers;
- (b) Ensure that pregnant teenagers and adolescent mothers are supported and assisted in continuing their education in mainstream schools;
- (c) Take the necessary measures to improve the accessibility and quality of education, and provide good quality training for teachers, with a particular emphasis on rural areas, with a view to addressing school dropout;
- (d) Continue to expand early childhood education, on the basis of a comprehensive and holistic policy of early childhood care and development.

### **Aims of education**

53. The Committee welcomes the initiatives on gender mainstreaming in education described in the State party's report, in particular the development of school textbooks and manuals for teachers that challenge negative stereotypes. The Committee is concerned, however, that those initiatives are insufficient to address the persistence of deep-rooted negative stereotypes against girls that undermine the image that girls have of themselves. The Committee also regrets that education relating to tolerance and peace has not been sufficiently developed.

54. Taking into account its general comment No. 1 (2001) on the aims of education, the Committee urges the State party to strengthen its efforts to generalize non-stereotyped educational curricula that address the structural causes of gender discrimination, and enhance educational opportunities and achievement for girls and boys at all levels. The Committee also recommends that the State party strengthen its efforts to include in the school curricula education on tolerance and peace.

## **H. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)**

### **Asylum-seeking and refugee children**

55. The Committee commends the State party for all the measures it has put in place to cope with the massive arrival of Syrian refugees, half of them children, including the establishment of a Subcommittee on Syrian Refugee Child Labour. The Committee is, however, concerned that most Syrian refugee children remain without access to education and experience malnutrition, labour exploitation, widespread domestic violence and forced marriages, and that some cases of violence attributed to the Jordanian police have been reported. The Committee is also deeply concerned about the treatment of Palestinian refugee families and children fleeing the Syrian Arab Republic, and especially about:

- (a) The position of the authorities, held since January 2013, consisting in the systematic denial of entry to Palestinian refugee families fleeing the Syrian Arab Republic, as well as the deportation back to the Syrian Arab Republic of dozens of Palestinian children who had entered the country;
- (b) Cases of Palestinian mothers fleeing the Syrian Arab Republic being prevented from entering Jordan while their Syrian husband and children were allowed to do so;
- (c) Cases of Palestinian children injured in the Syrian Arab Republic who were allowed to enter Jordan for medical treatment but whose family was not authorized to enter, and cases of wounded Palestinian children who were deported back to the Syrian Arab Republic while their Jordanian mothers were allowed to stay in the State party.

56. The Committee urges the State party to take all appropriate measures and implement specific programmes to improve the living conditions of Syrian refugee children, ensuring, inter alia, their access to education, to health care and to good nutrition and protecting them from various forms of labour exploitation, violence and, with regard to young girls, forced or early marriage practices. The Committee also urges the State party to ensure that no Palestinian refugee children fleeing the Syrian Arab Republic are prevented from entering Jordan or deported back to the Syrian Arab Republic and that they receive the same treatment as Syrian children in the State party. The Committee also recommends that the State party ratify the 1951 Convention relating to the Status of Refugees and its Protocol of 1967.

### **Economic exploitation, including child labour**

57. While welcoming the “Combating exploitive child labour through education” project launched in November 2008, as well as the appointment of 20 child-labour liaison officers in 2010, the Committee is concerned that:

- (a) Thousands of children, mainly boys, are still working in the wholesale and retail trade and agriculture sectors and that child labour is widespread among Syrian refugees.
- (b) A number of girls engaged as domestic workers face harsh conditions and are highly exposed to physical and sexual abuse;



(c) The reinforcement of the child-labour unit has not resulted in increased convictions of those who exploit children.

58. The Committee urges the State party to accelerate efforts to eliminate child labour. The State party should prioritize the removal of children from the worst forms of child labour, in particular girls working as domestic workers. The State party should ensure that legal proceedings are engaged against those who exploit children economically. The Committee also recommends that the State party ratify International Labour Organization Convention No. 189 (2011) concerning Decent Work for Domestic Workers and continue to seek assistance from the International Programme on the Elimination of Child Labour.

### **Children in street situations**

59. The Committee regrets that, despite its previous recommendations, knowledge of the extent of the phenomenon and situation of children working on the streets remains limited. The Committee is particularly concerned that children in street situations are still arrested by the police and detained for a short time until their parents bail them out, and that there is still no clear strategy in place to rehabilitate and respond to the needs of those children.

60. The Committee urges the State party to ensure that no children in street situations are arrested and detained, and that, rather, they are assisted by trained street counsellors, provided with adequate nutrition, clothing and shelter as well as with social and health services, including recovery and social reintegration services, and educational opportunities, including vocational and life-skills training, in order to support their full development, as previously recommended.

### **Sale, trafficking and abduction**

61. The Committee welcomes the adoption of Act No. 9 of 2009 on human trafficking and the National Strategy to Combat Human Trafficking, launched in March 2010 together with a framework for action. While noting the indication provided during the dialogue that child victims of trafficking cannot be considered as offenders, the Committee is seriously concerned about the recognition by the delegation that child victims might be placed in detention facilities owing to a lack of available shelter. The Committee is also concerned that the State party remains a destination and transit country for children subjected to forced labour and sex trafficking, that the number of trafficking offenders convicted over the reporting period has been low and that the protection provided for victims of trafficking has been insufficient, with most victims being referred to shelter services run by non-governmental organizations.

62. The Committee urges the State party to strengthen its efforts for the effective implementation of Act No. 9 of 2009 on human trafficking, and to prosecute effectively and convict child traffickers and punish them with penalties commensurate with the gravity of the crime. The State party should ensure that no child victims are placed in detention facilities but that they are provided with comprehensive protective and rehabilitation services, including adequate shelter.

### **Administration of juvenile justice**

63. While noting as positive the establishment of the Juvenile Police Department in 2011 in the capital, Amman, to support the restorative justice process, and the Community Family Integration

Team diversion programme for children in conflict with the law, the Committee is, however, concerned that the minimum age of criminal responsibility is still 7 years. The Committee is also concerned that:

- (a) The Juveniles Bill does not provide for the establishment of specialized juvenile courts, lacks provisions on free legal assistance for children, imposes more liberty-restricting penalties than alternatives to detention and fails to address the consequences of and follow-up to the inspection of detention facilities where children are placed;
- (b) In case where offences are committed by adults and children, children are judged by adult courts;
- (c) Teaching on juvenile justice remains clearly insufficient.

64. The Committee recommends that the State party strengthen its efforts to build a system of restorative and rehabilitative juvenile justice fully in line with the Convention, in particular articles 37, 39 and 40, with other relevant standards, and with the Committee's general comment No. 10 (2007) on children's rights in juvenile justice. In particular, the Committee urges the State party to:

- (a) Expeditiously adopt an amended Juveniles Bill raising the age of criminal responsibility to an internationally acceptable level, as previously recommended;
- (b) Ensure that the new law establishes specialized juvenile courts, focusing on restorative justice and providing for free legal aid for children at an early stage of the procedure and throughout the legal proceedings;
- (c) Ensure that detention, including pretrial detention, is used as a measure of last resort and for the shortest possible time, even in cases of very severe crimes, and that it is reviewed on a regular basis with a view to its being withdrawn. Alternative measures to detention, such as diversion, probation, mediation, counselling or community service, should be given priority wherever possible;
- (d) Designate specialized judges for children and ensure that such specialized judges receive appropriate education and training;
- (e) Make use of the technical assistance tools developed by the Interagency Panel on Juvenile Justice and its members, including the United Nations Office on Drugs and Crime, UNICEF, the Office of the United Nations High Commissioner for Human Rights and non-governmental organizations, and seek technical assistance in the area of juvenile justice from members of the Panel.

## **Child victims and witnesses of crimes**

65. The Committee also recommends that the State party ensure, through adequate legal provisions and regulations, that all children who are victims and/or witnesses of crimes, for example, child victims of abuse, domestic violence, sexual and economic exploitation, abduction and trafficking and child witnesses of such crimes, are provided with the protection required by the Convention, and that the State party take fully into account the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime.

## **I. Ratification of the Optional Protocol on a communications procedure**

66. The Committee recommends that the State party, in order to further strengthen the

fulfilment of children's rights, ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

## **J. Ratification of international human rights instruments**

67. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, ratify the core human rights instruments to which it is not yet a party, namely, the International Convention for the Protection of All Persons from Enforced Disappearance and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as well as the optional protocols to the International Covenant on Civil and Political Rights, to the International Covenant on Economic, Social and Cultural Rights, to the Convention on the Elimination of All Forms of Discrimination against Women, to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and to the Convention on the Rights of Persons with Disabilities.

## **K. Follow-up and dissemination**

68. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented by, inter alia, transmitting them to the Head of State, Parliament, the relevant ministries, the Supreme Court and local authorities for appropriate consideration and further action.

69. The Committee also recommends that the combined fourth and fifth periodic reports and the written replies by the State party and the related recommendations (concluding observations) be made widely available in the languages of the country, including, but not exclusively, through the Internet, to the public at large, civil society organizations, the media, youth groups, professional groups and children, in order to generate debate on and awareness of the Convention and the Optional Protocols thereto, and their implementation and monitoring.

## **L. Next report**

70. The Committee invites the State party to submit its sixth periodic report by 22 June 2019 and to include in it information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2 and Corr. 1) and should not exceed 21,200 words (see General Assembly resolution 68/268 of 9 April 2014, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation of the report for the purposes of consideration by the treaty body cannot be guaranteed.

71. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting, approved at the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/GEN/2/Rev.6, chap. I). The word limit for the common core document is 42,400 words, as established by the General Assembly in its resolution 68/268 (para. 16).



## **Committee on the Rights of the Child**

### **Concluding observations on the report submitted by Jordan under article 8, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict\***

1. The Committee considered the initial report of Jordan (CRC/C/OPAC/JOR/1) at its 1879th meeting (see CRC/C/SR.1879), held on 27 May 2013, and adopted at its 1901st meeting, held on 13 June 2014, the following concluding observations.

#### **I. Introduction**

2. The Committee welcomes the submission of the State party's initial report and its written replies to the list of issues (CRC/C/OPAC/JOR/Q/1/Add.1). The Committee expresses its appreciation for the constructive dialogue held with the multisectoral delegation of the State party.

3. The Committee reminds the State party that the present concluding observations should be read in conjunction with the concluding observations on the State party's combined fourth and fifth periodic reports under the Convention on the Rights of the Child (CRC/C/JOR/CO/4-5) and on the initial report under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/JOR/CO/1), adopted on 13 June 2014.

#### **II. General observations**

##### **Positive aspects**

4. The Committee welcomes the various positive measures taken in areas relevant to the implementation of the Optional Protocol, and in particular welcomes:

- (a) The tremendous efforts of the State party to accommodate thousands of Syrian refugees, including children, on its territory and to enable them to have access to many public services for free or at a minimal cost;
- (b) The fact that Jordan is the first country in the Middle East to meet the deadline set by the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction and that it declared itself free of landmines in 2012;
- (c) The global initiative Generations for Peace, launched in 2007 by Prince Feisal bin al-Hussein of Jordan, the objective of which is to train youth leaders from around the world to use sport as a way of bringing together people in communities experiencing conflict.

#### **III. General measures of implementation**

##### **Coordination**

5. While noting that the Ministry of Defence is mainly responsible for the implementation of the Optional Protocol and that the Ministry of the Interior also bears some responsibility in that respect, the Committee is concerned by the absence of a body mandated to coordinate a comprehensive and effective implementation of the Optional Protocol throughout the State.

## **Allocation of resources**

7. While noting that the State party spends considerable resources to provide assistance to refugees, the Committee regrets that no information is available on the budgetary allocations for the implementation of the Optional Protocol.

8. The Committee recommends that the State party specifically earmark sufficient budget resources for the implementation of the Optional Protocol.

## **Dissemination and awareness-raising**

9. While noting that the Optional Protocol was published in the official gazette and circulated to stakeholders specialized in the areas covered by the Optional Protocol, the Committee regrets that insufficient measures have been taken to raise awareness of the principles and provisions of the Optional Protocol, and in particular about reporting mechanisms and dangers that might lead children to fall victim to the offences covered by the Optional Protocol, as recognized by the State party itself.

10. The Committee recommends that the State party ensure that the principles and provisions of the Optional Protocol are widely disseminated among the general public, children and their families.

## **Training**

11. The Committee welcomes the measures taken by the State party to develop training programmes for its Armed Forces and police and to promote awareness of human rights and international humanitarian law in its security forces. The Committee is, however, concerned that other relevant professional categories do not receive adequate training on the provisions of the Optional Protocol

12. The Committee recommends that training on the provisions of the Optional Protocol be provided for professionals dealing with children, in particular teachers, migration authorities, members of international peacekeeping forces, police, lawyers, judges, medical professionals, social workers and journalists.

## **Data**

13. In view of the large number of child refugees present in the State party coming from countries affected by armed conflicts, the Committee is concerned about the absence of a central data collection system to identify and register all refugee children within the jurisdiction of the State party who may have been recruited or used in hostilities abroad.

14. The Committee recommends that the State party establish a central data collection system to identify and register all children within its jurisdiction who may have been recruited or used in hostilities abroad. The Committee also recommends that the State party ensure that data on refugee and asylum-seeking children who have been victims of such practices are properly collected. All data should be disaggregated by, inter alia, sex, age, nationality, ethnic origin and socioeconomic background, as well as by the time frame of the use of the child.

## **IV. Prevention**

### **Voluntary recruitment**

15. The Committee takes note that there are no volunteers in the Armed Forces of the State party. The Committee, however, expresses concern that, under article 12/2 of the Public Security Act, the recruitment of public security officers is authorized for those above 17 years of age.

16. The Committee recommends that the State party review and raise the age for voluntary recruitment of public security officers to 18 years in order to promote and strengthen the protection of children through an overall higher legal standard.

### **Human rights and peace education**

17. The Committee welcomes the initiatives undertaken by the State party as regards the inclusion of peace education and notions of international humanitarian law in school curricula. However, the Committee regrets that human rights and peace education, as well as knowledge on the Optional Protocol, is not specifically incorporated as a mandatory part of the primary and secondary school curricula and in the teacher-training programme.

18. The Committee recommends that the State party include mandatory human rights and peace education in the curricula of all schools, including military schools, with special reference to the Optional Protocol.

## **V. Prohibition and related matters**

### **Criminal legislation and regulations in force**

19. While noting that the call-up for national service has been suspended until further notice, the Committee expresses concern about the discrepancy between the different minimum ages for compulsory recruitment into the armed forces as contained in the legislation of the State party, which vary from 15 to 18 years old. The Committee is also concerned that the recruitment and use of children in hostilities by the armed forces and non-State armed groups and the recruitment and use of children by private security companies have still not been explicitly prohibited and criminalized. The Committee is further concerned that, while Jordan is a party to the Rome Statute of the International Criminal Court, recruitment of children below the age of 15 is still not defined as a war crime in the State party's legislation.

20. The Committee urges the State party to undertake a comprehensive review of its legislation in order to fully harmonize it with the principles and provisions of the Optional Protocol and, in particular:

- (a) Explicitly prohibit and criminalize the recruitment and use of children under 18 years of age in hostilities by the armed forces and non-State armed groups and the recruitment and use of children by security companies;
- (b) Ensure that the crime of unlawful recruitment of children by the armed forces and armed groups applies in both peacetime and wartime;



- (c) Define and punish the recruitment of children under the age of 15 as a war crime;
- (d) Ensure that domestic regulatory legislation on the oversight and accountability of private military and security companies is adopted and implemented.

### **Recruitment and use of children by non-State armed groups**

21. The Committee expresses serious concern that Syrian refugee children are reportedly being recruited in the State party's refugee camps by Syrian armed groups and used in both combat and support roles.

22. The Committee urges the State party to establish effective measures in cooperation with relevant international organizations to protect children from being recruited and sent to neighbouring countries for use in armed conflict. To that end, the State party should organize awareness-raising campaigns about the situation of children involved in armed conflict, and increase its efforts to provide appropriate educational and recreational activities for adolescents living in refugee camps as a way to effectively prevent their recruitment by armed groups.

### **Extraterritorial jurisdiction**

23. The Committee recommends that the State party consider establishing and exercising extra-territorial jurisdiction over all offences under the Optional Protocol, taking into account also the relevant international instruments to which it is a party, including the Rome Statute of the International Criminal Court.

### **Extradition**

24. The Committee recommends that the State party remove the requirement of double criminality for extradition for offences under the Optional Protocol, and ensure that offences under the Optional Protocol are fully incorporated into all of its relevant bilateral treaties and procedures.

## **VI. Protection, recovery and reintegration**

### **Measures adopted to protect the rights of child victims**

25. The Committee expresses concern about the numerous cases of refoulement and deportation of Palestinians families and children fleeing the conflict in the Syrian Arab Republic over the past three years.

26. The Committee urges the State party to ensure the full protection of Palestinian children and their families fleeing the Syrian Arab Republic, and to ensure full respect for the fundamental principle of non-refoulement, including non-rejection at frontiers. The State party should ensure full access by all refugee and asylum-seeking children and their families to fair and effective procedures for determining status, without discrimination.

## **Assistance for physical and psychological recovery and social reintegration**

27. While acknowledging the massive amount of assistance provided by the State party to Syrian refugee children, the Committee is seriously concerned that insufficient attention has been paid to the early identification of refugee and asylum-seeking children who may have been involved in conflict or subject to conflict-related trauma. The Committee is also concerned that Syrian children who are suffering profound distress and sensory, intellectual or mental health disabilities after experiencing and witnessing war-related violence and affliction in the Syrian Arab Republic have had limited access to assistance for their physical and psychological recovery.

28. The Committee recommends that the State party provide systematic training on the early identification of children who may have been involved in conflict or affected by it to all professionals working with or for children, particularly border control and immigration personnel, the military, education professionals and medical professionals. The State party should also strengthen the assistance and support provided to refugee and asylum-seeking children who may have been involved in conflict or subject to conflict-related trauma and displacement and provide them with special support and assistance by, inter alia, seeking assistance from international partners and agencies in establishing programmes for their physical and psychological recovery.

## **VII. International assistance and cooperation**

### **International cooperation**

29. The Committee recommends that the State party continue and strengthen its cooperation with the International Committee of the Red Cross and with the Special Representative of the Secretary-General for Children and Armed Conflict, and that it explore the possibility of increasing cooperation with the United Nations Children's Fund (UNICEF) and other United Nations entities in the implementation of the Optional Protocol

## **VIII. Follow-up and dissemination**

30. The Committee recommends that the State party take all appropriate measures to ensure the full implementation of the present recommendations by, inter alia, transmitting them to the Parliament, relevant ministries, including the Ministry of Defence, the Supreme Court and local authorities, for appropriate consideration and further action.

31. The Committee recommends that the initial report and written replies submitted by the State party and the related concluding observations adopted by the Committee be made widely available, including through the Internet, to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate on and awareness of the Optional Protocol, and its implementation and monitoring.

## **IX. Next report**

32. In accordance with article 8, paragraph 2, of the Optional Protocol, the Committee requests the State party to include further information on the implementation of the Optional Protocol and the present concluding observations in the next periodic report, to be submitted in accordance with article 44 of the Convention on the Rights of the Child.





## **Committee on the Rights of the Child**

### **Concluding observations on the report submitted by Jordan 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\***

1. The Committee considered the initial report of Jordan (CRC/C/OPSC/JOR/1) at its 1878th meeting (see CRC/C/SR.1878), held on 27 May 2013, and adopted at its 1901st meeting, held on 13 June 2013, the following concluding observations.

#### **I. Introduction**

2. The Committee welcomes the submission of the State party's initial report and its written replies to the list of issues (CRC/C/OPSC/JOR/Q/1/Add.1). The Committee appreciates the constructive dialogue held with the multisectoral State party delegation.

3. The Committee reminds the State party that the present concluding observations should be read in conjunction with the concluding observations on the State party's combined fourth and fifth periodic reports under the Convention on the Rights of the Child (CRC/C/JOR/CO/4-5) and those on its initial report under the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/JOR/CO/1), adopted on 13 June 2014.

#### **II. General observations**

##### **Positive aspects**

4. The Committee welcomes the adoption of Act No. 9 of 2009 on human trafficking.

5. The Committee further welcomes the progress achieved in the creation of institutions and the adoption of national plans and programmes that facilitate the implementation of the Optional Protocol, including:

- (a) The establishment of national family protection teams;
- (b) The National Strategy to Combat Human Trafficking, launched in March 2010;
- (c) The creation of anti-trafficking units.

#### **III. Data**

##### **Data collection**

6. While noting the establishment in April 2012 of a counter-trafficking unit affiliated with the Criminal Investigation Department which has the mandate to record all cases of human trafficking and all relevant data, and the signature of a memorandum of understanding for the training of labour inspectors on methods for gathering data on working children, the Committee is concerned

that the State party has not established a data collection system covering all offences under the Optional Protocol.

7. The Committee recommends that the State party set up a comprehensive and centralized data collection system and analyse the data collected as a basis for assessing the progress achieved and to help design policies and programmes for implementing the Optional Protocol. The data should be disaggregated by age, sex, geographic location, ethnicity and national origin and socioeconomic background, in order to facilitate analysis of the offences covered by the Optional Protocol. Data on the number of prosecutions and convictions, disaggregated by the nature of the offence, should also be collected. The Committee recommends that the State party strengthen its technical cooperation with, among others, the United Nations Children's Fund (UNICEF) and the United Nations Development Programme in that regard.

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

##### **National plan of action**

8. The Committee notes the existence of various national strategies and plans with relevance for the implementation of the Optional Protocol, especially the National Strategy to Combat Human Trafficking. The Committee is nevertheless concerned by the lack of coherence and appropriate coordination between those strategies, which affects the capacity of the State party to tackle all offences under the Optional Protocol.

9. The Committee recommends that the State party develop a national plan of action aimed at addressing specifically all issues covered by the Optional Protocol, establish clear targets and indicators and provide adequate human and financial resources for its implementation. In doing so, the State party should pay particular attention to the implementation of all provisions of the Optional Protocol, taking into account the outcome documents adopted at the 1996, 2001 and 2008 World Congresses against Sexual Exploitation of Children, held in Stockholm, Yokohama, Japan, and Rio de Janeiro, Brazil, respectively.

##### **Coordination and evaluation**

10. While noting that several ministries share responsibility for the implementation of the Optional Protocol and that the National Council for Family Affairs and the Higher Council for Persons with Disabilities also play a role in that respect, the Committee is concerned about the absence of a mechanism specifically dedicated to coordinating the implementation of the Optional Protocol and its evaluation.

11. The Committee recommends that the State designate a coordination mechanism capable of providing leadership and effective general oversight for the coordination among the various agencies and ministries working on the development and implementation of child rights policies and monitoring of the implementation of the Optional Protocol.

## **Dissemination and awareness-raising**

12. The Committee is concerned at the lack of systematic and comprehensive dissemination and awareness-raising activities on the Optional Protocol itself, which contributes to a low level of understanding of the offences it covers among the public, children, and professional groups working with and for children. The Committee is further concerned that the sale of children, child prostitution and child pornography remain largely invisible and are not spoken of, due to the sociocultural sensitivity surrounding those crimes in the State party.

13. The Committee recommends that the State party strengthen its efforts to make the provisions of the Optional Protocol widely known to the public at large, including to children in a child-friendly manner, their families and communities. The State party should also:

- (a) Develop, in close cooperation with communities, children and child victims, gender-sensitive education programmes on measures, assistance and reporting mechanisms aimed at preventing children from falling victim to the offences in the Optional Protocol;
- (b) Systematically incorporate issues related to the Optional Protocol into the curricula of primary and secondary schools;
- (c) Disseminate the Optional Protocol among all relevant professional groups, especially members of the police, judges, prosecutors, representatives of the media, social workers and members of the National Council for Family Affairs and the relevant ministries.

## **Training**

14. While appreciating the training activities on human trafficking that were conducted in collaboration with intergovernmental and non-governmental organizations for judges and public prosecutors, and the training for staff working on official borders on how to identify victims of trafficking, the Committee is concerned that the training activities on the Optional Protocol remain largely insufficient and do not reach all professionals working with and for children.

15. The Committee recommends that the State party develop multidisciplinary training programmes on all areas covered by the Optional Protocol through a participatory process involving communities and other stakeholders. Such training should be provided to all relevant professional groups, institutions and individuals working with and for children. The Committee further recommends that the State party ensure the systematic evaluation of all training programmes on the Optional Protocol, with a view to enhancing their impact and relevance.

## **Allocation of resources**

16. While noting that grants are allocated on an annual basis from the annual General Budget Act to guarantee the necessary provisions for national plans and strategies relating to children's rights, the Committee regrets the lack of information on clearly identifiable budget allocations to activities specifically designated for the implementation of the Optional Protocol by line ministries.

17. The Committee recommends that the State party establish clear budgetary allocations for the implementation of the Optional Protocol, including by earmarking human, technical and financial resources from the regular budget to set up programmes relating to its provisions, in particular for criminal investigations, legal assistance and the physical and psychological recovery of victims.

## **V. Prevention of the sale of children, child prostitution and child pornography (art. 9 (1 and 2))**

### **Measures adopted to prevent offences prohibited under the Optional Protocol**

18. While noting that some measures have been taken in order to prevent offences under the Optional Protocol and, in particular, to prevent children from gaining access to pornography online, the Committee is concerned that targeted preventive measures regarding the sexual exploitation of children, as well as measures to identify and address the root causes and extent of all offences under the Optional Protocol, remain limited. In particular, the Committee is concerned that:

- (a) Even though the Ministry of Social Development has established a database of “families at risk” of domestic violence, no definition or list of criteria to identify the category is provided;
- (b) Insufficient measures have been taken to combat gender-based discrimination and violence, which constitute major factors in the sale of children, child prostitution and child pornography. In that regard, the Committee expresses serious concern at the extent of discrimination and violence against girls in the State party;
- (c) Very few specific activities targeting children in vulnerable situations, such as refugee children who are particularly at risk of sexual exploitation and trafficking, have been conducted over the reporting period.

19. The Committee recommends that the State party adopt a comprehensive and targeted approach addressing the root causes of offences under the Optional Protocol and focusing on children in the most vulnerable situations. In particular, the Committee urges the State party to:

- (a) Strengthen its poverty reduction strategies and supportive social protection measures for disadvantaged and marginalized families by establishing criteria for the delivery of child-centred early intervention programmes to support parents in better performing their care and protection responsibilities towards children;
- (b) Eradicate gender-based discrimination and violence and, in particular, repeal laws still in force that discriminate against women and girls, and criminalize without further delay all forms of domestic violence, including marital rape;
- (c) Address the root causes of offences under the Optional Protocol and conduct public awareness programmes, as well as public debates, in order to identify and protect the most vulnerable children, including children living in poverty, migrant and refugee children, and children of unknown parentage, who are at particular risk of being victims of the offences covered by the Optional Protocol, and provide them with the necessary support and assistance;
- (d) Promote awareness and understanding of social norms and perceptions regarding child prostitution and child pornography with a view to changing the attitudes and behaviour of those demanding sexual services.

## **Sale of children**

20. The Committee is deeply concerned about the widespread practice of early and forced marriage in the State party, which often amounts to the sale of children. The Committee is also particularly concerned about reports that Iraqi girls as young as 11 years of age are sent to Jordan for so-called muta'a marriages, whereby the girl's family receives a payment for the girl while the "husband" can sexually abuse and exploit her, and the marriage is terminated at a pre-determined time. Some of those girls are also reported to have been forced into a trafficking ring by their "husbands".

21. The Committee strongly urges the State party to adopt firm and immediate measures to ensure the effective enforcement of the legal prohibition of child marriage. The State party should in particular:

- (a) Ensure that all those involved in the sale of girls for the purpose of forced marriage, sexual abuse and exploitation are held accountable and punished with penalties commensurate with the gravity of the crime;
- (b) Develop and implement a functioning system with neighbouring countries to prevent girls from being sold for the purpose of early or forced marriage.

## **Child sex tourism**

22. While taking note of the Tourism Act (No. 20 of 1998), the Committee regrets that no specific legislation or actions have been adopted to fully prevent and combat the phenomenon of child sex tourism, which is on the rise in the State party.

23. The Committee urges the State party to ensure that active measures are taken to effectively prevent and combat child sex tourism. The State party should also conduct advocacy with the tourism industry on the harmful effects of child sex tourism, widely disseminate the Global Code of Ethics for Tourism among travel agents and tourism agencies, and encourage those enterprises to become signatories to the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism.

## **VI. Prohibition of the sale of children, child pornography and child prostitution and related matters (arts. 3; 4 (2 and 3); 5; 6 and 7)**

### **Existing criminal or penal laws and regulations**

24. The Committee notes with concern that, despite the incorporation of some provisions of the Optional Protocol into national laws, such as Act No. 9 of 2009 on human trafficking and Act No. 23 of 1977 on human organ transplants, the domestic legislation of the State party is still not fully in compliance with the Optional Protocol. In particular, the Committee notes with concern that:

- (a) The Criminal Code does not contain a clear definition of the offence of child prostitution and does not provide for sanctions commensurate with the gravity of the crime;

- (b) Article 310 of the Criminal Code applicable to child prostitution contains derogatory terminology which may be used to excuse the sexual exploitation of girls if they are considered to be of “immoral character”;
- (c) Article 319 of the Criminal Code, which relates to the sale and distribution of obscene and morally corrupting material, does not refer specifically to the offence of child pornography and does not criminalize the private possession of child pornography;
- (d) The legislation of the State party does not address all forms of sale of children contained in articles 2 and 3 of the Optional Protocol, an offence which is similar but not identical to trafficking in persons.

25. The Committee urges the State party to revise its Criminal Code and bring it into full compliance with articles 2 and 3 of the Optional Protocol. The State party should in particular:

- (a) Include in the Criminal Code the definition of child prostitution contained in article 2 (b) of the Optional Protocol and ensure that adequate penalties for the offence are provided for and imposed;
- (b) Remove without delay all derogatory provisions from its Criminal Code and ensure that the law provides sanctions commensurate with the gravity of the offence and includes no excuse for perpetrators;
- (c) Amend article 319 of the Criminal Code and ensure that the mere possession of child pornography is criminalized;
- (d) Properly define and criminalize all forms of sale of children.

## **Prosecution**

26. The Committee expresses deep concern about the numerous reports of Syrian refugee girls being forced into prostitution.

27. The Committee urges the State party to take more active measures to rescue girls forced into prostitution in the State party and to bring perpetrators to justice. The Committee urges the State party to provide in its next report under the Convention detailed information on the number of persons arrested, prosecuted, brought to justice and condemned, as well as the sanctions they received.

## **Liability of legal persons**

28. While noting that the State party recognizes the liability of legal persons under article 11 of the Act No. 9 of 2009 on human trafficking, the Committee is concerned that the liability of legal persons for crimes under the Optional Protocol has not explicitly been reflected in the law.

29. The Committee recommends that the State party explicitly incorporate into legislation the liability of legal persons who participate in any of the crimes under the Optional Protocol, with the establishment of legal sanctions commensurate with the seriousness of the crime committed.

## **Extraterritorial jurisdiction and extradition**

30. The Committee expresses concern that the State party's legislation remains unclear concerning the establishment of extraterritorial jurisdiction over all the offences under the Optional Protocol and the possibility of the extradition of persons who commit offences addressed in the Optional Protocol.

31. The Committee urges the State party to ensure that its domestic legislation enables it to establish and exercise extraterritorial jurisdiction over all crimes covered by the Optional Protocol. The Committee also recommends that in the absence of a bilateral agreement, the State party use article 5 of the Optional Protocol as a legal basis for extradition.

## **VII. Protection of the rights of child victims (arts. 8 and 9 (3 and 4))**

### **Measures adopted to protect the rights and interests of child victims of offences prohibited under the Optional Protocol**

32. The Committee notes as positive the provisions of article 159 of the Code of Criminal Procedure, which provide for the use of modern technology to protect witnesses under the age of 18 years when giving testimony. The Committee, however, is concerned that child victims of offences under the Optional Protocol are not provided with free legal aid or with the support of child psychologists and social workers during the criminal justice process.

- (a) Child victims are treated sensitively throughout the investigation and trial process and that their privacy is protected;
- (b) Child victims are provided with free legal aid and with the support of child psychologists and social workers during the criminal justice process;
- (c) During the investigation, prosecution and hearings, direct contact between the child and the defendant is avoided and that all human, technical and financial resources are provided to ensure the active use of in camera investigations;
- (d) Legal and practical measures are taken to guarantee the protection of child witnesses from retaliation.

### **Recovery and reintegration of victims**

34. While noting the opening in January 2007 of the Dar al-Wifaq al-Usri Family Reconciliation Home and the initiatives taken by non-governmental organizations highlighted in the State party's report, the Committee regrets the lack of information on the measures taken at the State level for social, physical and psychological reintegration assistance and recovery and on measures to facilitate access to relevant information about such services. The Committee is moreover concerned at the inadequate provision of direct shelter services specifically for victims of offences under the Optional Protocol, which leads to child victims being placed in detention facilities.



35. The Committee recommends that the State party:
- (a) Remove from detention facilities without delay all child victims of offences under the Optional Protocol;
  - (b) Ensure that child victims of offences under the Optional Protocol are provided with appropriate shelter and assistance for their full social reintegration and physical and psychological recovery;
  - (c) Seek technical assistance from UNICEF and the International Organization for Migration in the implementation of these recommendations.

## **VIII. International assistance and cooperation (art. 10)**

### **Multilateral, bilateral and regional agreements**

36. In the light of article 10, paragraph 1, of the Optional Protocol, the Committee encourages the State party to continue to strengthen international cooperation through multilateral, regional and bilateral arrangements, especially with neighbouring countries, including by strengthening procedures for and mechanisms to coordinate the implementation of such arrangements, with a view to improving prevention and the detection, investigation, prosecution and punishment of those responsible for any of the offences covered by the Optional Protocol.

37. The Committee encourages the State party to continue its cooperation with United Nations agencies and programmes, such as UNICEF, as well as with non-governmental organizations, in developing and implementing measures aimed at the effective implementation of the Optional Protocol.

## **IX. Follow-up and dissemination**

38. The Committee recommends that the State party take all appropriate measures to ensure the full implementation of the present recommendations by, inter alia, transmitting them to the King, relevant government ministries, the Parliament and national and local authorities, as well as the Supreme Court, for appropriate consideration and further action.

39. The Committee recommends that the report and written replies submitted by the State party and the related concluding observations adopted be made widely available, including through the Internet, to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate on and awareness of the Optional Protocol and its implementation and monitoring.

## **X. Next report**

40. In accordance with article 12, paragraph 2, of the Optional Protocol, the Committee requests the State party to include further information on the implementation of the Optional Protocol in its next periodic report under the Convention on the Rights of the Child, to be submitted in accordance with article 44 of the Convention.