

**Supplementary Report to the Fourth and Fifth Shadow Report on
the Convention on the Rights of the Child**

Submitted from the Perspective of the Non-Governmental Organisations

The Hashemite Kingdom of Jordan

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Introduction

Jordan has recently witnessed, and following the preparation of the Fourth and Fifth Shadow Report, numerous rapid events and developments, by reason of its geographical situation amidst neighbouring States witnessing disturbances and armed conflicts, which have led to the seeking of refuge in Jordan by hundreds of thousands of displaced persons and refugees, and in particular Syrian refugees, who were subjected to the gravest forms of violence and danger to their lives, and in particular women and children, they being invariably the persons targeted in armed conflicts. The number of refugees and displaced persons exceeded half a million during the past year, among them the equivalent of (241) thousand refugee children. The global economic crisis has likewise had a considerable effect upon the economic situation in Jordan, which has led to the rising cost of living and to an increase in the rates of poverty and unemployment. The repeated increases in prices, and in particular the prices of fuel, during the past year have been reflected in the standard of living of the family, and the difficulty of meeting the needs of the members of the family, and in particular of children, has increased. This has likewise led to an increase in the rate of dropping out of school, in child labour, and in the proportion of children in conflict with the law. This report will shed light upon the events and developments which have arisen following the preparation of the Shadow Report, and upon the measures adopted to address these developments, by way of the enactment of legislation, the formulation of plans and policies, and the preparation of programmes; and will address the gaps existing in this legislation. This report is thus supplementary to the Fourth and Fifth Shadow Report, by reason of these developments and events which have occurred in the period following the completion of the preparation of the Shadow Report and up to the present time. It is a national undertaking in which the Civil Society Institutions Network (Eydak Ma'i) participated, in cooperation with the non-governmental organisations, under the supervision of the National Centre for Human Rights and of the national expert for the preparation of the report, Advocate Rehab Al-Qaddoumi. It comprises a number of priorities, the most important of which are the following:

- a - National legislation and international conventions.
- 2- The policies and programmes adopted during this period.
- 2- The protection of children exposed to danger and abuse.
- 3- The suffering of children with disabilities.
- 4- The suffering of children deprived of a family environment.
- 5- The situation of refugee children (Syrian refugees).
- 6- The situation of children in conflict with the law (juveniles).

These themes will be addressed within a methodology founded upon the description of reality and its substantiation by facts, and by considering the challenges and the solutions,

thereby forming a clear and transparent picture of each priority separately, in the hope that this report will have shed light upon certain of the issues relating to the rights of children within Jordanian society.

First: Legislation and International Instruments

Jordan ratified the Convention on the Rights of the Child in 1991 and entered reservations to Articles 14, 20 and 21; and it ratified the two Optional Protocols annexed to the Convention, the first concerning the sale of children and the use of children in pornography, and the second concerning the involvement of children in armed conflict. Notwithstanding the pressure exerted by the non-governmental organisations for the reconsideration of the reservations, and in particular the reservation to Article 20 and Article 21, these reservations remain in place. The non-governmental organisations consider that Article 20 sets out several options, among them kafalah in accordance with the provisions of Islamic Sharia, and that it is the right of the State to choose from among these options that which is suitable to it and consistent with its creed and its particular character; and that the entry of a reservation thereto signifies a reservation to all these options, including a reservation to the subject of Islamic kafalah, which is not in the interest of Jordan, namely the entering of a reservation to Islamic kafalah. Article 21 likewise provides that States which recognise the system of adoption shall be bound by that system; and since Jordan does not recognise the system of adoption, there is no necessity for a reservation to this Article. Notwithstanding the pressure exerted by the non-governmental organisations for the reconsideration of these Articles with a view to the withdrawal of the reservations, these reservations have not been reconsidered. As regards Article 14, which addresses freedom of thought, conscience and religion, the non-governmental organisations consider that if what is intended by the concept of freedom of conscience and religion is the freedom to perform religious rites, then this is guaranteed by the Jordanian Constitution and by national laws; whereas if what is intended thereby is that the child should change his religion, then this is not acceptable within Jordanian society, whether in the Christian or the Muslim faith.

(b) National Legislation: Certain draft laws have still not been enacted, notwithstanding the pressure exerted by the non-governmental organisations, the most important of which are the following:

1- The failure to enact the draft Jordanian Child Rights Law: notwithstanding the concern of Jordanian society and of the non-governmental organisations, and their continuous pressure for the enactment of the draft Law on the Rights of the Child and his Protection, it has not been enacted to the present date. It is to be noted that the draft Law had regard to the particular character of Jordanian society and to the Islamic creed, and is consistent with the international instruments and conventions relating to the rights of the child. The draft likewise had regard to the best interests of the child, by guaranteeing his various rights and his protection from violence and abuse and from exploitation in its differing forms. It was discussed on more than one occasion with civil society institutions

and with the Legislation and Opinion Bureau at the Council of Ministers, yet it was not enacted and was withdrawn from the House of Representatives upon the pretext of re-reading and amending it. A view emerged among the members of the House of Representatives to the effect that, so long as the international Convention on the Rights of the Child has been ratified and published in the Official Gazette, there is no need to enact a law on the rights of the child. This is correct from the legal standpoint; however, the culture of the Jordanian citizen requires a national item of legislation upon which reliance may be placed when bringing any action before the national courts. Moreover, the international Convention expressly provides for the necessity of transposing the provisions of the Convention into national constitutions and legislation, or of enacting a law specific to the rights of the child. This is on the one hand; on the other hand, practical application has demonstrated the absence of any mechanism of coordination among the various bodies responsible for the protection of the child, and the necessity of establishing a single implementing body, in order that several bodies should not conflict in the application of the provisions of the laws. Upon the enactment of this Law these bodies would be unified and confined to the Ministry of Social Development. In addition, the rights of the child are scattered among the various laws, and there is accordingly a need for a special law comprising all these rights, the special law being of prior application to any other. Beyond this, the issuance of regulations and instructions relating to the rights of the child requires a special law upon which they may be founded. There is accordingly a need for the enactment of a law on the rights of the child. It is necessary in this context to refer to the impediments standing in the way of the enactment of the draft Law, the most important of which are the following:

- 1- The according of priority in the deliberations of the House of Representatives to other draft laws, such as the economic laws and the laws on combating corruption and combating terrorism.
- 2- The frequency of ministerial changes within the Jordanian Government, and in particular within the Ministry of Social Development, and consequently the disruption of the follow-up of this draft.
- 3- The multiplicity of amendments and reviews to which the Law has been subjected has prevented agreement upon its enactment. The non-governmental organisations accordingly recommend the necessity of enacting the draft Law as expeditiously as possible, in view of its importance.

2- The draft Juveniles Law: the Government transmitted the draft amended Juveniles Law of 2012 to the House of Representatives on 30 August 2012, accompanied by the statement of reasons for this draft, which reads: "For the purposes of caring for the situation of juveniles through the establishment of specialised judicial and administrative organs, and with the object of applying restorative justice as an approach to dealing with

the cases of juveniles in place of punitive penal justice, in order to achieve the best interests of the juvenile, through the involvement of all categories of society in contributing to the treatment of such cases, and by working towards the rehabilitation of the juvenile and his reintegration into his society in a manner ensuring his growth and development so that he may become a good and productive citizen within society, and in fulfilment of the international conventions and instruments ratified by Jordan in this regard, this draft Law has accordingly been formulated." It has, however, not yet been enacted and remains before the Council of Ministers for deliberation.

3- The Regulation on Family Reconciliation and Conciliation Offices: a decision was issued by the Council of Ministers approving the Regulation on Family Reconciliation and Conciliation Offices No. 17 of 2013, published in the Official Gazette No. 5209 of 28 February 2013, whereby there shall be established at the Department of the Chief Justice a directorate to be known as the Directorate of Family Reconciliation and Conciliation, which shall supervise the offices. There shall likewise be established at each Sharia court, as required, an office to be known as the Family Reconciliation and Conciliation Office, by a decision of the Chief Justice, with the object of terminating family disputes by amicable means, by awareness-raising and education as to marital rights and duties, and by the provision of family counselling. Any family dispute shall thereunder be referred to those offices with a view to attempting to resolve marital differences arising out of matters of custody, guardianship and maintenance by amicable means, prior to the institution of judicial proceedings before the courts. These offices have, however, not been given effect to the present date, notwithstanding the pressure exerted by the non-governmental organisations, and notwithstanding their importance, in that they save effort, time and expense and reduce the rate of divorce and the rate of the institution of proceedings before the Sharia courts.

4- The Regulation on Exemptions for Persons with Disabilities No. 14 of 2013, published in the Official Gazette No. 5205 of 14 February 2013: this Regulation was framed by a decision of the Higher Council for the Affairs of Persons with Disabilities. A specialised medical and technical committee comprising the relevant bodies was formed, which undertakes the diagnosis of the disabilities provided for in the Regulation, the determination of their degrees, and the issuance of medical reports in respect of the cases submitted to it, such that a single means of transport for the use of the person with a disability suffering from total incapacity or from partial incapacity shall be exempted from customs duties, general sales tax, stamp duties and any other duties. Where the exemption is granted to a person suffering from total incapacity who does not possess legal capacity or the ability to drive the vehicle, his guardian or custodian must designate one or two of his relatives up to the second degree, or their descendants, or any other person under a special contract of employment, for the purposes of using the vehicle in the service of the person with a disability, provided that any of them holds a valid driving

licence. Special cards shall be issued by the Council to that effect and the Customs Department shall be furnished with this information. The Regulation has, however, not yet been given effect. The non-governmental organisations hope that it will be given effect at the earliest opportunity.

4- The Protection from Family Violence Law: this Law was issued in 2008; it has, however, not been given effect to the present date, notwithstanding its importance, which is a matter of concern to the non-governmental organisations. The Law requires re-reading and amendment, and thereafter its enactment and application.

5- The Regulation on the Maintenance Advance Fund: the Personal Status Law issued in 2010 contains a provision to the effect that a maintenance advance fund shall be established, upon the request of civil society institutions, by reason of what the members of the family, and in particular the woman, suffer in obtaining maintenance. The Fund assists in resolving the problem by delivering the maintenance to the wife and thereafter pursuing the husband for the sum paid by the Fund. A regulation has been framed for this Fund; it has, however, not yet been given effect. The non-governmental organisations hope that it will be given effect at the earliest opportunity, in view of its importance.

Second: Children Exposed to Abuse

It is difficult to obtain data concerning children who are subjected to abuse or who commit it, for the data relating to child victims is confined to those who seek treatment or intervention. Accordingly, the extent of children's exposure to danger cannot be monitored or fully ascertained, save for the recognition of the fact that the numbers of cases of children exposed to violence and neglect which have been reported are in reality far fewer than they are in fact. The number of cases of children who are victims of abuse and neglect reported to the Family Protection Department during the past period following the preparation of the Report reached 1,581 cases. The units affiliated to the Department have reached eight units in the various governorates of the Kingdom for the purpose of serving children. A new methodology for taking the testimony of children has likewise been introduced, whereby the testimony of children is recorded on video tape in order to alleviate the pain which they suffer as a consequence of being compelled to repeat the narration of the details of the harrowing experiences to which they were subjected. The Family Protection Department is presently engaged in implementing the project of a system of institutional response to cases of family violence, by means of an electronic system for the delivery of services in an integrated manner to the recipient of the service, with the object of strengthening participatory work among all the institutions, ministries and bodies concerned. The project operates to institutionalise the procedures of immediate response to cases of family violence and the provision of the necessary services in respect thereof within an electronic system (unified procedures for all cases of violence); to link all the institutions concerned with the provision of services; to facilitate the transfer of cases among them and their follow-up, such that there shall be a unified

case file for all bodies. The project commenced in the middle of the past year by linking a group of the national institutions concerned with dealing with cases of family violence, in order that the system might be piloted, its effectiveness tested, and the gaps and lacunae facing its application identified, with the object of improving the system. The institutions are the Family Protection Department as the principal body; the Ministry of Social Development, represented by (the Social Services Office at the Family Protection Department, the Family Reconciliation Home, the Zarqa Girls' Care Home, and the Directorate of Social Defence); the Ministry of Health, represented by (the forensic medicine clinic at the Family Protection Department, the psychiatric clinic at the Family Protection Department, the family violence clinic at Al-Bashir Hospital, and the Family Violence Division at the Ministry); and the Ministry of Education, represented by (the Counselling Division); Jordan River Foundation; and Dar Al-Aman.

The number of cases of family violence and complaints submitted to the Family Protection Department for the past year, 2012, reached (7,930) cases. According to the statistics of the Family Protection Department set out in one of its reports, 61% of the total complaints received by it during 2010, amounting to (8,605) cases, were resolved, as compared with (6,416) cases of family violence during 2009, of which the Department resolved (4,282) cases, referred (536) to the administrative governor, and referred (1,672) to the judiciary. According to the most recent statistics on cases of family violence, the social service offices at the Family Protection Department and its divisions in the governorates dealt with 2,650 cases of family violence, and provided to each of them the appropriate service after its diagnosis and assessment, according to what has been stated by the Ministry of Social Development. It is to be noted that the Ministry has a number of care homes for the victims of family violence, and that included within its plan for the years 2013–2016 is the establishment of therapeutic care homes, one for male children and another for females, and a third for family reconciliation in the northern region.

It is worthy of mention in this context to refer to a local study prepared by Jordan River Foundation concerning the reality of violence in Jordan. This study demonstrated that 50% of the children of the Kingdom are subjected to physical abuse, 70% are subjected to verbal violence, and 30% to corporal punishment, quite apart from the exposure of one third of children to sexual abuse in its differing forms.

Upon that basis, Jordan River Foundation issued a guidance manual for parents concerning alternative methods of dealing with their children, coinciding with the National Day for the Protection of the Child from Abuse. Activists in the field of the rights of the child stressed the necessity of amending legislation in such manner as guarantees greater protection for children from abuse. The activists demanded a guarantee that penalties not be reduced, as well as the establishment of more effective mechanisms for reporting cases of abuse of the child, the present figures failing to reflect reality. According to the figures of the Ministry of Social Development, the average number of cases of the abuse of children recorded at the social service offices of the Family Protection Department and its divisions amounts to (1,850 cases

annually). Activists in the rights of the child, however, state that "these figures do not reflect the reality of the situation, in particular since the majority of cases are not reported but rather take place behind closed doors". A report of the United States Department of State concerning the situation of human rights in Jordan for the year 2012 stated that during the past year 333 cases of sexual abuse against children were investigated. In an initiative to raise awareness of the gravity of the use of violence and abuse against the child, the manual issued by Jordan River Foundation, through the Jordan River Child Protection Programme, sheds light upon the negative effects consequent upon the use of beating, and guides parents towards the use of positive alternatives for the modification of children's behaviour. The manual contains an explanation of the differing age stages of children and their characteristics, and of the manner of dealing with them, in order to assist parents in raising their children in a sound manner and in building positive relationships with them founded upon affection and respect, far removed from the use of beating and from the psychological and physical harm resulting therefrom. The manual reviews certain parental practices which assist in building positive relationships with the child and in guiding his behaviour, and likewise contains advice on dealing with tension and anger and the means of avoiding them through positive practices.

The Director-General of the Foundation states that the Foundation proceeds in its work in the field of the protection of the child from abuse from the patronage of His Majesty King Abdullah II and Her Majesty Queen Rania Al Abdullah, and their continuous efforts in maintaining the welfare of children among the national priorities and policies.

He states that the Queen Rania Family and Child Centre affiliated to the Foundation provides diverse services to parents, comprising awareness and empowerment programmes aimed at disseminating the fundamental concepts relating to the protection of the child from abuse; and specialised training programmes concerning sound developmental practices and parental care, which aim to guide parents as to how to deal with their children in the optimal manner and to acquaint them with their needs.

During this year the Foundation dealt with more than one thousand boys and girls who had been subjected to abuse of its various kinds; and approximately 121 thousand children, young persons, parents and professionals benefited from the preventive activities, awareness seminars and counselling sessions delivered by specialists.

The Jordan River Child Protection Programme has succeeded, over recent years, in raising the awareness of and training 29,796 mothers and fathers in sound methods of dealing with children. The institutions concerned with the protection of the child have likewise been trained: the Foundation targeted 13,171 professionals working in this field, and they were furnished with the knowledge and skills necessary for dealing with the victims of violence. At the level of responding to children and families, the Foundation provided counselling to 1,145 families who, together with their children, suffer from family problems, while it provided protection to 339 boys and girls whose presence in their family environments constituted a high risk

threatening their safety. Notwithstanding the provision of reasonable services, whether by the Ministry of Development itself or by a partner institution such as Jordan River and other civil society organisations, the difficulty in reducing cases of abuse lies in the two aspects of legislation and the weakness of reporting.

A report of Save the Children published this year attributed the reason for the failure to report cases of abuse to social "taboos" and to fear of society. The report explained that, notwithstanding the criminalisation by the Penal Code of violence against "children", and the taking of numerous steps in this regard, children "remain victims of violence".

The United Nations expert on the confrontation of violence, president of the "Jordanian Professionals Network for the Prevention of Violence against Children", states that the figures recorded do not reflect the prevalence of the problem throughout society, since violence against the child is practised covertly behind closed doors, and the victims suffer in silence for fear of stigma or of retaliation. He continues: "We have recently witnessed boldness in reporting and uncovering cases of violence, and cognitive progress in documenting cases, in responding to them, and in treating and rehabilitating the victims." Alongside the weakness of reporting of cases of abuse against children, the present legislation contains a number of gaps as regards the protection of the child.

According to the report of the United States Department of State on human rights for the year 2012, "although Jordanian legislation has devoted legal provisions to the punishment of those who abuse children, organisations working with abused children point to gaps in the legislation relating to the protection of the child from abuse, and to the continued issuance of reduced penalties against those who abuse children".

In the face of the continuation of the phenomenon of the abuse of the child, specialists in this field call for the necessity of taking serious and immediate steps as regards the enactment of legislation relating to childhood, such as the Child Rights Law, which was prepared years ago but has not been enacted to the present date; and likewise the draft Juveniles Law, which remained the subject of debate for several years until it was finally referred to the House of Representatives for its enactment, and has not yet been enacted. In this connection, human rights activists call for the amendment of the gaps existing in national legislation so as to render it consistent with international standards, by criminalising all forms of violence against the child, and for the necessity of reporting any abuse against a child on pain of penal accountability, and for the adoption of legal frameworks of reference for national strategies and frameworks.

The Policies and Programmes Related to Children Exposed to Abuse

1- The National Plan for Childhood (2004–2013): the Plan comprises provisions relating to the protection of children who are living in difficult circumstances, among them children exposed to abuse. In this regard the Plan aims to reduce cases of abuse of

children in all their forms — physical, sexual and psychological — and cases of neglect, through the expansion of preventive measures; and likewise the development and improvement of the quality of the services provided in this field, such as shelters, counselling services, health services and legal advice; and the elimination of the use of children in prostitution and pornographic materials and for commercial purposes; and the protection of children with disabilities from discrimination, abuse, exploitation, violence and neglect.

2- The National Framework for Family Protection: the National Team for Family Protection developed a national plan extending over three years and aimed at assisting in guiding the efforts of family protection within the country and at defining the roles and responsibilities of the various stakeholders and interested parties. Jordan River Foundation launched the Child Protection Programme in close cooperation with the Ministry of Social Development and the Public Security Directorate, the Programme being regarded as an institutional framework for addressing the immediate needs of the protection of children exposed to the risk of abuse. In addition, a long-term campaign was launched for raising public awareness in relation to violence against children (the Ajyaluna Campaign). The Programme established a centre for the protection of children (Dar Al-Aman) for the provision of protection and rehabilitation services to neglected children and children exposed to abuse, in addition to the provision of family counselling to them. The Programme likewise comprises the Queen Rania Family and Child Centre, which is regarded as a national centre for the prevention of the ill-treatment of children. In this context, the non-governmental organisations consider it necessary to develop a national system for monitoring cases of violence and abuse committed against children, and to reform the legislation relating to the protection of the child so as to render it consistent with the international conventions; in addition to developing and strengthening the competence of the institutions working with children exposed to abuse as regards legal and psychological instruments.

Third: Family Care Homes

The Ministry of Social Development has formulated its plan for the reform of the care sector, and has likewise discharged the functions set out in its legislation. On the care side, the Ministry works towards the protection of individuals with special circumstances and needs (children deprived of family support, juveniles, persons with disabilities, abused women, the elderly, beggars, and victims of trafficking in persons) through the diagnosis of their cases, their assessment and intervention therein until such time as a positive change occurs in their social circumstances, and that through the establishment of governmental care homes and the monitoring and evaluation of their conditions; the licensing of private care homes and the renewal of their monitoring and supervision; and the search for alternatives to institutional social care, consisting in fostering and alternative family care. On the developmental side, the

Ministry promotes social and economic productivity through the granting of productive loan projects. From another perspective, the non-governmental organisations consider that there must be laws which preserve the rights of children deprived of family support and of the beneficiaries of social care institutions from the legislative standpoint; and that there must be work towards the enactment of the Child Rights Law and the Juveniles Law, and the tightening of oversight over the services provided to those deprived of family support, such that care within social institutions be regulated.

Reference Document for Confronting Violations of the Rights of Children Deprived of Family Support, Issued by the Jordanian Professionals Network for the Prevention of Violence against Children

In this context, the Jordanian Professionals Network for the Prevention of Violence against Children, through the participation of colleagues on its Facebook page, monitored genuine challenges which in their totality constituted grave violations of the rights of children deprived of family support, which prompted them to hold a number of sit-ins before the Council of Ministers and the Ministry of Social Development in order to obtain their civil rights. These challenges comprised the following:

- (1) The weakness of the Government and of the National Assembly in the field of ensuring that Jordanian legislation preserves the rights of the child generally, and in particular of children deprived of family support; the delay in enacting the draft Juveniles Law; the procrastination in enacting the draft Child Rights Law; the absence of a comprehensive review of Jordanian legislation relating to the rights of the child in the health, social and educational sectors; and the absence of express provisions protecting children deprived of family support.
- (2) The lack of clarity concerning the National Strategy for the Protection of Those Deprived of Family Support and the instruments of its application in procedural terms, and the absence of an executive plan of action therefor.
- (3) The absence of a national frame of reference for advocacy programmes aimed at modifying the negative attitudes and beliefs prevalent within Jordanian society concerning children deprived of family support, and the neglect by the Government of its pivotal role in ensuring the planning, implementation, oversight and evaluation of these programmes.
- (4) The deficiency of a comprehensive multi-sectoral response in a manner protecting children deprived of family support, owing to the absence of legislative frames of reference, mechanisms of implementation, and the resources ensuring their application in a manner consistent with the rights of the child.
- (5) The absence of any governmental initiatives for the conduct of an analysis of the present situation and an assessment of the needs of children deprived of family support.

1. Legislation relating to those deprived of family support: the non-governmental organisations consider it necessary to enact laws which preserve the rights of children deprived of family support and of the beneficiaries of social care institutions, such that national legislation shall contain clear and specific provisions for the preservation of the rights of children generally, and expressly the rights of children deprived of family support, including within the Constitution. This comprises the establishment of appropriate laws which preserve the rights of the child, such as the Child Rights Law, the Juveniles Law, and the laws relating to health and education. It is expected that the laws shall contain clear provisions preventing discrimination in access to services such as health, education, protection from violence and exploitation, and from traditional practices harmful to children, such as child labour; and that they shall contain provisions clearly setting out the provision of social care services alternative to family care. There must further be a clear frame of reference within the law concerning the registration of orphans and children of unknown parentage with the Civil Status Department immediately following birth; and the laws must be clear as regards the right to obtain a name and a nationality, and, in so far as possible, the right to know and be cared for by the child's parents. All laws and policies relating to the rights of the child must likewise be reviewed in order to ensure that they are consistent with the Convention on the Rights of the Child and with the other relevant international instruments.

2. The National Strategy for the Protection of Those Deprived of Family Support: it is expected of this Strategy that it identify the problem and formulate the solutions and the mechanisms of oversight over the services provided to them, and that it translate this Strategy into measures capable of implementation at the level of the service providers in the various sectors. That is to say, there is no benefit whatsoever in formulating a strategy without providing the financial and human resources and the infrastructure for its implementation. The most important pillars of the Strategy are the following:

- (1) That it be consistent with the Convention on the Rights of the Child.
- (2) That care within social institutions be the last resort, and that where it is required it be temporary.
- (3) The provision of the human and financial resources sufficient to provide health and social care.
- (4) The launching of community awareness campaigns aimed at securing support for meeting the needs of those deprived of family support and preserving their rights.
- (5) Building the institutional capacity of the providers of services to those deprived of family support.
- (6) The formulation of measures capable of implementation to ensure the provision of education to all children deprived of family support.

(7) The preservation of the financial rights of orphans and the provision of legal support in that regard.

(8) The designation of a specific body to be responsible for coordination, application, oversight and the exchange of information.

(9) The definition of the responsibilities of implementation on the part of the Government, of local communities, and within civil society institutions.

3. The formulation of a national advocacy policy founded upon specified pillars, which aims to:

(1) Increase public awareness concerning those deprived of family support;

(2) Shed light upon the activities necessary to support those deprived of family support;

(3) Address social stigma;

(4) Promote initiatives supportive of those deprived of family support. Such advocacy is not a task confined to civil society institutions, as is the prevailing view, but is rather the responsibility of the State in the first place, by changing the negative attitudes and beliefs prevalent among its citizens, which are reflected negatively upon the rights of children, including those deprived of family support. Those targeted for the changing of their attitudes are not the general body of citizens alone; rather, this must comprise the makers of legislation from among deputies and senators, the makers of executive decisions from among ministers and directors, and likewise professionals in the various sectors. There must further be programmes for the empowerment of children in relation to their rights, and specifically for children deprived of family support.

4. The comprehensive multi-sectoral response: by the provision of the necessary services required by children deprived of family support, by reason of the dispersal of their needs among numerous ministries, or their directorates or divisions; and there exists the problem of the absence of cooperation, coordination and communication among the bodies concerned. The solution lies in the establishment of a multi-sectoral team having a specified leadership and administrative frame of reference subject to mechanisms of accountability and oversight. The maintenance of the vitality of the multi-sectoral team is a considerable challenge with the passage of time and requires great effort to ensure its continuation; and there must likewise be a specified body to ensure the same. The sectors comprised within the team are: education, social services, health, justice, youth, local government, and housing, in addition to the non-governmental institutions, the child rights societies, and the donors.

5- The conduct of an analysis of the present situation and an assessment of needs: in a manner upon which reliance may be placed for the formulation and implementation of recommendations. This assessment shall constitute the frame of reference for planning, budgeting and the provision of services. This assessment shall comprise the following:

- (1) The number of those deprived of family support and their geographical distribution;
- (2) The documentation of the rights of children deprived of family support which are unfulfilled or violated;
- (3) The present and future cost of the failure to resolve these problems;
- (4) An evaluation of the present state of the services provided to them and of the alternatives and options available;
- (5) The number of children deprived of family support to whom no services are provided;
- (6) Recommendations for the formulation of a national plan and a system of implementation therefor having indicators for monitoring and evaluation.

Third: Children with Disabilities

The National Centre for Human Rights records the purchase by the Higher Council for the Affairs of Persons with Disabilities of the education services provided by the societies delivering services to persons with disabilities at a rate of (60%) of the cost per student; the value of this support in the south having reached (100%) of the cost per student, having regard to the difficult economic situation of the societies providing services to persons with disabilities. The National Centre for Human Rights likewise commends the Higher Council for the Affairs of Persons with Disabilities for its support of (516) students in inclusive schools for the second semester of the academic year (2011–2012) throughout all the regions of the Kingdom (transport support); and for the disbursement of "the grant of His Highness Prince Ra'ad bin Zeid for students with disabilities" in the three regions of the Kingdom to (817) male and female university students for the academic year (2010–2012), and its grant to (846) male and female students at the official universities for the academic year (2011–2012); in addition to the Council's follow-up of the provision of environmental facilities for the schools affiliated to the Ministry of Education; and the provision of financial support in the amount of (45,500) dinars for the clubs programme and the sporting activities specific to persons with disabilities in 2012; and its support of the Jordanian Paralympic Committee in the sum of (133,375 JD).

2. A form specific to the documentation of injuries resulting from violence and of the abuse of children with disabilities has been adopted by the Higher Council for the Affairs of Persons with Disabilities, and is implemented by way of conducting follow-up visits

to the societies and centres concerned with persons with disabilities, in order to notify the Family Protection Department in the event of the discovery of cases of violence and abuse within the centres.

3. **Health:** all persons with disabilities have been included within governmental health insurance. Support has been provided to the Ministry of Health by the Higher Council for the Affairs of Persons with Disabilities in the value of (22,800) dinars, for the establishment of a (PKU) laboratory at Karak Government Hospital, and a room for early intervention at the Centre for the Early Diagnosis of Disabilities affiliated to the Ministry of Health for the implementation of the Portage programme.

(a) The Most Significant Impediments Suffered by Persons with Disabilities

1. **Mobility:** the local environment within Jordanian society continues to be marred by a considerable deficiency in mobility facilities for persons with disabilities, and by the absence of public means of transport adapted for their use, in addition to the unavailability of sufficient parking spaces specifically designated for them, which compels them to expose themselves to traffic violations.

2. **The right to education:** the Centre has monitored the suffering of certain students with disabilities from the difficulty of reaching schools, or of remaining in certain classes, by reason of the deficiency of adaptations to the sanitary facilities in schools. The schools which have been adapted to receive students with disabilities remain few, their number having reached 10 schools for the reception of deaf students, 820 classrooms for the reception of students suffering from learning difficulties, and a single school for the reception of students with visual disabilities, namely the Academy for the Blind. It has likewise become apparent from the Centre's monitoring that a considerable proportion of teachers are not qualified to deal with persons with disabilities, in particular in governmental schools, having regard to the small numbers of teachers specialising in special education in these schools; in addition to the paucity of the financial allocations designated for the schools of students with disabilities, the shortage of means of transport, the attrition of the cadres working with persons with disabilities owing to the paucity of the incentives granted to them, and the small number of buildings owned by the Ministry of Education for deaf students, there being two schools belonging to the Ministry and the remainder being leased. It is worthy of mention that there exists a programme implemented by the Ministry of Education for the education of persons with mobility disabilities, from which 556 students integrated within governmental schools benefit, and all the environmental facilities have been prepared for them.

(b) Social Care Institutions

The year 2012 witnessed the uncovering of cases of violence and neglect within social care institutions, as revealed by one of the investigative films broadcast on one of the satellite

channels, entitled "Behind the Walls of Silence". This film demonstrated the extent of the deficiency and failure in the protection of children with disabilities within social care institutions. In consequence thereof, the Minister of Social Development formed a committee to investigate the conditions of social care homes and to assess their situation, including the centres for persons with disabilities and the homes for children deprived of family support. The committee issued a report on 5 September 2012 which comprised a number of findings, the most important of which was the existence of multiple aspects of deficiency in the management of the social care file, in terms of planning, implementation and evaluation. The principal responsibility is borne by the Ministry of Social Development, in addition to the bearing by each of the Ministries of Education and of Health of a portion of this responsibility, quite apart from the attribution to the boards of directors of the homes for children deprived of family support in particular of a portion of the responsibility. The report likewise disclosed the existence of problems relating to the physical environment, human resources, the mechanism of oversight and supervision, and the legislative framework governing these homes and centres. Among the matters confirmed by the report was the absence of a national frame of reference bearing the long-term strategic responsibility for the awareness programmes relating to the primary prevention of violence against the child before its occurrence, this having become manifestly apparent in the conflict and overlap of the functions of the higher councils (the Higher Council for the Affairs of Persons with Disabilities, and the National Council for Family Affairs) with the ministries concerned with the direct provision of services to children. Among these councils is (the Higher Council for Youth, which had previously prepared a national strategy for youth for the years 2005–2009, approved by the Council of Ministers, and which comprised three pillars, among them the pillar of youth, civil rights and citizenship). The National Centre for Human Rights considers that the violations which occurred against a number of persons with disabilities constitute a national responsibility, and not a governmental responsibility alone; and that work towards ending violence against children must transcend the responses relating to each sector individually so as to become a comprehensive approach, beginning with the development of legislation guaranteeing the protection of the child from all forms of violence and neglect and from the risks to which he is exposed. Such legislation must comprise, and expeditiously, the repeal of the articles of the Penal Code which permit disciplinary beating (Article 62 of the Penal Code); and work towards the prohibition and criminalisation of all forms of violence in all environments in which a child is present, whether in the home, the school or social institutions; and the obligation to report violence against children and their neglect, and express provision for the punishment of every person who fails to do so. There must likewise be provision for the mandatory independent investigation of all cases of the death of children, in addition to the guaranteeing by the laws of the rights of victims and having regard to their needs at all stages of disclosure, investigation and litigation, and likewise upon the provision of health and social services to them. There must further be the repeal of all administrative procedures and rules which prevent the prosecution of those who assault children, and in particular assaults occurring in schools and social institutions, in such

manner as ensures that the perpetrators of such acts do not escape punishment. The question of the primary prevention of violence against the child must further be accorded the utmost importance within the plans and programmes of the Higher Council for the Affairs of Persons with Disabilities and of the Higher Council for Family Affairs. The non-governmental organisations consider it necessary to develop a national system for monitoring cases of disability in order to ascertain the magnitude of this phenomenon; to expand the establishment of centres for the early detection of disabilities so that they may extend to the other governorates; in addition to the establishment of national multi-disciplinary research centres for disabilities; to promote the admission of children with mild disabilities into schools; and to develop school curricula so that they may become more responsive to cases of disability.

Fourth: Refugee Children

It is to be noted that Jordan is not a party to the Refugee Convention of 1951 or to the Protocol annexed thereto, and has no law specific to refugees. The specialised agencies of the United Nations undertake the care and protection of refugees in cooperation with the Jordanian Government. The United Nations Relief and Works Agency for Palestine Refugees (UNRWA) is concerned with Palestinian refugees, while the United Nations High Commissioner for Refugees (UNHCR) is concerned with refugees of various nationalities, and that by virtue of agreements concluded with the Jordanian Government; the Government having signed a memorandum of understanding with the High Commissioner for Refugees in 1998. UNHCR/Jordan determines who is a refugee in accordance with the 1951 Convention and without discrimination between one child and another, and relies in its dealings with refugees upon the set of guiding principles relating to refugee children prepared by the Commissioner in cooperation with its partners. UNHCR determines refugee status irrespective of age, and has regard to the principle of family unity: where the head of the family is granted refugee status, his family is granted that status. As for unaccompanied children, applications must be submitted in respect of them with greater particularity and expedition; UNHCR conducts an interview with such children in order to determine their status, and interviews the adults accompanying them, and thereafter makes the arrangements necessary to protect them.

The Services Provided to Refugees Generally

Jordanian laws guarantee to refugees and their children the right of recourse to justice and to the various administrative bodies, thereby enabling them to obtain birth certificates for newborn children and to obtain marriage documents and other necessary documents. It is to be noted that the Nationality Law does not grant Jordanian nationality to children born on Jordanian territory where their parents are known, or where they are born to a foreign father and a mother of Jordanian nationality; whereas children of unknown parentage born on Jordanian territory obtain that nationality. As regards other services, UNHCR shares the provision of services with its implementing partners from among the non-governmental

organisations. Among the difficulties faced by refugees is that the Jordanian Government does not permit the children of refugees who do not hold a residence permit to study in governmental schools, nor even in private schools, by virtue of instructions issued by the Ministry of the Interior to the Ministry of Education concerning the admission of non-Jordanian students in 2006, which provide as follows:

1- The children of nationals of Arab States to whom the Residence and Foreigners' Affairs Law applies, and those among them holding annual residence permits, shall be permitted to study in private schools only.

2- The children of nationals of Arab States to whom the Residence and Foreigners' Affairs Law applies and who hold valid annual residence permits shall be permitted to study in private schools.

3- It is apparent therefrom that the education of children has become subject to conditions under Jordanian law, either by obtaining an annual residence permit from the Ministry of the Interior or the approval of the Follow-up and Inspection Department. This is a matter of concern to the non-governmental organisations, which accordingly consider it necessary to find an international solution at the level of the United Nations in such manner as guarantees the rights of refugee children, and to urge the donor States and Jordan to guarantee those rights relating to survival, development, protection and participation, having regard to what those rights represent by way of a considerable economic burden upon the Jordanian Government.

Syrian Refugee Children

Syria has witnessed during the past three years armed conflicts which have led to Jordan's hosting of thousands of displaced persons and refugees, whom Jordan has hosted in numerous camps such as the Zaatari camp in Mafraq. According to the statistics of UNHCR, the number of Syrian refugee children in Jordan has reached (241) thousand refugee children, children constituting the majority of Syrian refugees. There are (60) thousand children living in the Zaatari camp in Mafraq. Those present in the shelter camps number (138) thousand and (353) refugees; and the number of Syrian refugees who have obtained an asylum application from the United Nations High Commissioner for Refugees has reached (512) thousand and (619) Syrian refugees. Accordingly, the number of Syrian refugees in the various governorates has reached (552) thousand and (203) refugees. The representative of the United Nations High Commissioner for Syrian Refugees in Jordan, Andrew Harper, anticipates that the Kingdom will receive by the end of the current year half a million new Syrian refugees or more, which would raise the total number of Syrian refugees on Jordanian territory to one million refugees at the least. This increases Jordan's need for funding and financial support.

The Services Provided to Syrian Refugees

1. Health Care Services

Notwithstanding the services provided by the Government in partnership with UNHCR and UNICEF, and in particular health services, children suffer from difficult environmental and health conditions, a number of them being afflicted with illnesses of depression, sorrow and despair owing to the inability to adapt to the new living conditions within the camps; in addition to organic illnesses such as diseases of the respiratory system and communicable diseases such as tuberculosis. The Government, in partnership with UNHCR, has established a number of health centres and mobile hospitals; these illnesses nonetheless remain prevalent among children.

2. Education Services

The Government, the competent bodies and the international organisations, and in particular UNHCR and UNICEF, are exerting considerable efforts to provide learning opportunities for Syrian students, having opened two large schools in the Zaatari camp accommodating approximately ten thousand Syrian students (at a time when approximately 25 thousand students require enrolment in education), children constituting 53% of the total number of Syrian refugees. The existing situation accordingly requires funding, assistance and a greater response from the international community, in order to facilitate the task of civil society institutions in providing services and improving the educational situation of refugee children.

With the support of UNICEF and funding from the European Union and Germany, the Ministry of Education provides free education to Syrian children in the areas in which Syrian families are concentrated, Jordanian schools operating a two-shift system in order to accommodate the vast numbers of Syrian children who require the continuation of their education. UNICEF supports the provision of education to more than 30,000 Syrian children from the host communities, whereas there are in fact 100,000 Syrian children requiring enrolment in schools. Although the Ministry of Education in Jordan, in cooperation with UNICEF, has made learning available in the basic grades with the exception of the final year of secondary education, with a capacity of 5,000 students, 76% of females and 80% of males between the ages of 8 and 18 years are not enrolled in schools.

Among the most prominent causes of the low rate of enrolment in schools are the poor economic and living conditions within the camp, and the parents' expectation of returning to their country; whereas children justify their non-enrolment in schools by reason of violence among students, including sexual violence, and the absence of security, in addition to their engagement in work and the maintenance of their families.

The Civil Society Institutions Network has monitored, through meetings with Syrian children, the causes of the low rate of enrolment. Among these causes were the distance of the schools from the place of residence, in particular for girls; the poor nutrition of the students;

overcrowding; violence; and the weakness of the experience of the teachers appointed in the camp and the schools.

Conflict and displacement leave a devastating effect upon the educational future of displaced persons and constitute a burden upon the educational system in the host communities. Through the deliberations and monitoring of the members of the Civil Society Institutions Network (Eydak Ma'i), it has been observed that the supporting bodies concentrate upon the provision of academic education services and educational curricula which serve the academic aspect, and are not concerned with the provision of psychological services, counselling and psychological support, consisting in psychological and medical treatment in consequence of the scenes of violence and killing and the loss of relatives and family, which affects the acceptance by these children of life and their regular attendance in the processes of education and learning. Accordingly, we call upon the competent bodies and the supporting parties to increase their efforts in the field of psychological support and recreation for Syrian children within the camps and throughout the host States. Moreover, the educational opportunities which the Ministry of Education is working to provide for Syrian students fall within the evening period, after the Jordanian school students have completed their school day, whereupon the Syrian students commence their school day in the afternoon, which creates a poor psychological situation and results in a lower rate of regular attendance. There has further appeared recently the phenomenon of the marriage of underage Syrian girls within the Syrian camps in Jordan, in order to evade their education and to protect them from rape, as their parents and families justify it.

The Labour of Syrian Children

It is worthy of mention in this context that the Secretary-General of the Ministry of Labour has declared that there has been a marked increase in the detection of cases of the employment of children since the commencement of the influx of Syrian refugees into Jordan, in that this has increased the exploitation of children in employment, and in particular Syrian children. The most recent statistics conducted by the Department of Statistics concerning working children in Jordan had disclosed the existence of thirty thousand working Jordanian children, whereas recent statistics have disclosed that there are approximately one hundred and sixty thousand Syrians in the Kingdom working unlawfully, among them thirty thousand Syrian children, which signifies that approximately half of the working children in Jordan at present are Syrians. Most of these children reside in the northern region of the Kingdom and the majority of them work in agriculture, as confirmed by the Secretary-General of the Ministry of Labour, which constitutes a grave danger to their health, in that it exposes them to poisoning by insecticides which are unsuited to their age stage, in addition to other dangers such as insects and poisonous plants and the like. The Secretary-General affirmed that the Ministry is presently working to reduce the phenomenon of child labour, in that, in addition to the issuance of citations against those who employ children, establishments will be closed in consequence of the employment

of those below the lawful age and will remain closed until such time as their situation is regularised.

Fifth: Civil Rights and Freedoms

1. **The right of the child to nationality:** notwithstanding the pressure exerted by the non-governmental organisations upon the Jordanian legislator and the legislative authority for the amendment of the Nationality Law in such manner as permits the Jordanian woman to confer her nationality upon her children, the Law has not been amended to the present date and continues not to permit the Jordanian woman married to a non-Jordanian to confer her nationality upon her children. Article 3 of the Law provides that a person born to a Jordanian father is a Jordanian; and Article 9 likewise provides that the children of a Jordanian are Jordanians wherever they may be born. In other words, the Jordanian woman is unable to confer her nationality upon her children, and this is contrary to the Jordanian Constitution, which upholds the principle of equality between the sexes, and to Article 9 of the Convention on the Elimination of All Forms of Discrimination against Women, which expressly provides for granting the woman the right to confer her nationality upon her children, and to which Jordan has entered a reservation, justifying this by its contravention of the Nationality Law. It is to be noted that the non-governmental organisations consider it necessary to amend the Law in such manner as is consistent with the Convention, and thereafter to withdraw the reservation. From another perspective, there are those who attribute the non-conferral by the woman of her nationality upon her children to political and economic considerations; the non-governmental organisations, however, consider that the humanitarian considerations are the most important, having regard to what the woman and her children suffer by reason of her not being permitted to confer her nationality upon her children, and in particular in the event of the woman's divorce or widowhood, whereupon she finds herself at a loss when registering them in schools for their education without possessing personal identity documents for these children; or in the event of her travelling outside the Kingdom and her need for personal identity documents for her children, and other such matters which entail their deprivation of their human rights, which has negative effects upon the psychological state of these children. In addition, the international Convention on the Rights of the Child expressly provides for the right of the child to a nationality from the moment of his birth, which is a matter of concern to the non-governmental organisations. A coalition of civil society institutions was accordingly formed under the title (My Nationality is a Right for My Family), and the campaign (My Nationality is a Right of Mine) was launched, comprising civil society institutions and non-governmental organisations, with a view to exerting pressure upon the legislative and executive authorities to amend the Nationality Law in such manner as permits the Jordanian woman to confer her nationality upon her children, consistently with the principle of equality in the Jordanian Constitution and with the international conventions. This movement

resulted in the formation of a parliamentary bloc of members of the House of Representatives supporting the amendment of the Law in such manner as permits the Jordanian woman to confer her nationality upon her children, this bloc exerting pressure upon the legislative authority to amend the Law. It is worthy of mention that the number of women married to non-Jordanians who hold national identification numbers, according to the statistics prepared by the Civil Status Department, is (66,618), that is to say, at an arithmetical average of 4 children per woman, the total number of children amounts to (266,472). The number of children born to a Jordanian mother and a non-Jordanian (foreign) father during the period from 1 February 2012 to 1 August 2013, according to the statistics of the Civil Status Department, is (7,415), and they do not hold Jordanian nationality. As for the number of Jordanian births born inside and outside the Kingdom during the period 2005–2012 which were reported, their number reached 442,733. The number of persons upon whom fines were imposed during the period from 1 February 2012 to 1 August 2013 is approximately 9,300 cases up to the year 2013. A statistic has likewise been received from the Civil Status Department to the effect that the number of children under 16 years of age holding independent passports has reached (337,461); the grant of a passport to these children nonetheless remains conditional upon the approval of the guardian or upon the existence of a deed of guardianship in favour of the person entitled to guardianship, and that by virtue of the instructions of the Director-General of the Civil Status Department; that is to say, an increase of 140,243 from 2011 to 2013, it being noted that up to 2012 it was (302,490).

2. The right of the child to education: education in Jordan is among the finest systems of education in the Arab world in terms of inputs and outputs, notwithstanding the scarcity of natural resources. The Ministry of Education has made a distinguished effort in reducing the rate of illiteracy and in disseminating schools in the Badia, the villages and the less advantaged areas. Notwithstanding the considerable efforts exerted in the field of educational reform, the outputs of education require greater care and attention, in particular as regards the care of gifted students and the provision of better opportunities for the development of their intellectual abilities and the investment of their distinguished capacities. Notwithstanding the efforts exerted by the Ministry of Education in constructing school buildings to accommodate the steady growth in the numbers of the population, overcrowded classes are among the problems existing for students. Among the existing problems is likewise the existence of schools operating a two-shift system (morning and evening), in particular the schools of the northern Jordan Valley, which affects the performance of students, in particular during the summer. Certain schools suffer from the poor state of their infrastructure and maintenance. These problems are a matter of concern to the non-governmental organisations. Notwithstanding the pressure exerted by these organisations upon the Government and the Ministry of Education to increase the number of schools in rural areas and in the northern Jordan Valley in order

to abolish the two-shift system of operation, this system continues to be applied, justified by the need for financial and human resources.

Sixth: The Situation of Children in Conflict with the Law (Juveniles)

Jordanian legislation and policies relating to this category of children remain punitive in the first place; these children are regarded as being in conflict with the law and as a source of threat to the social order, and are dealt with upon that basis. The draft Juveniles Law, however, which has been formulated and transmitted to the responsible bodies, has addressed many of the subjects necessary to achieve justice for juveniles, in that the age of criminal responsibility has been raised under the draft Law to eighteen years instead of the age of seven; and likewise the draft Child Rights Law. The non-governmental organisations support this amendment; the draft Child Rights Law and the draft Juveniles Law have, however, not been enacted to the present date. **At the legislative level, the year 2012 witnessed, as regards juvenile justice,** the transmission by the Government of the draft amended Juveniles Law of 2012 to the House of Representatives on 30 August 2012, accompanied by the statement of reasons for this draft, which reads: "For the purposes of caring for the situation of juveniles through the establishment of specialised judicial and administrative organs; in order to avoid the consequences flowing from acts which the juvenile may commit without awareness of their consequences; and with the object of applying restorative justice as an approach to dealing with the cases of juveniles in place of punitive penal justice, in order to achieve the best interests of the juvenile, through the involvement of all categories of society in contributing to the treatment of such cases, and by working towards the rehabilitation of the juvenile and his reintegration into his society in a manner ensuring his growth and development so that he may become a good and productive citizen within society; and in fulfilment of the international conventions, instruments and standards ratified by the Kingdom in this regard, this draft Law has accordingly been formulated." The draft Law comprised a number of legal provisions newly introduced in the field of juvenile justice, the most prominent of which are:

- The introduction of dispute settlement committees, which undertake to exert efforts of conciliation for the settlement of the dispute between the differing parties, and among whose competences is likewise the seeking of the assistance of persons of expertise and specialisation from within the local community.
- The introduction of the system of the sentence-enforcement judge, in order to supervise the enforcement of any measure or disposition ordered against the juvenile; among his functions is likewise the conversion of the custodial measure into community service, subject to the conditions specified by the Law.
- The introduction of alternatives to penalties, consisting in non-custodial measures. These measures are the following:

1. The reprimand of the juvenile.

2. The delivery of the child to one of his parents or to the person having guardianship or custody over him.
3. Enrolment in vocational training.
4. The obligation to perform community service.
5. The performance of specified duties.
6. The enrolment of the juvenile in rehabilitation programmes organised by the Ministry of Social Development.
7. Judicial probation.

– The expansion of the umbrella of juveniles in need of protection and care, including the case of the juvenile working contrary to the legislation in force, and the delinquent juvenile below the age of criminal responsibility, which the Law fixed at twelve (12) years.

– The obligation of the behaviour supervisor to attend all stages of the investigation and trial and to submit reports specific to the juvenile at every stage, and that in order to safeguard the rights of the juvenile and to have regard to his psychological and social circumstances. Notwithstanding that the draft Law comprised new provisions which expanded the approach of restorative justice, consisting in the shift towards non-custodial penalties, and that it introduced the system of the sentence-enforcement judge and the dispute settlement committees — as set out above — with a view to alleviating the burden upon the courts and, at the same time, having regard to the psychological condition of juveniles and distancing them so far as possible from involvement in the customary judicial proceedings, which accords with the framework of having regard to the best interests of the child; the draft Law nonetheless comprised certain provisions which do not have regard to the international standards in the field of the restorative justice approach, and certain other provisions which do not have regard to the best interests of the child. These provisions consist in the following:

- 1- The non-consideration of the conviction of a juvenile of an offence as a prior record, with the exception of security records aimed at the investigation of crimes. The civil society organisations consider that this exception is of such nature as to expand the scope of the retention of security records concerning the juvenile upon the pretext of the investigation of crimes.
- 2- The absence from the draft Law of any provision for the establishment of a specialised judiciary for juveniles throughout the Kingdom, and the confinement thereof to the designation of sentence-enforcement judges and juvenile judges within their own courts.

3- The confinement of the provision of legal assistance to the juvenile to criminal cases only, where he has no counsel; whereas the non-governmental organisations consider it necessary to provide expressly for the provision of free legal assistance to every juvenile unable to secure the assistance of counsel, irrespective of the nature of the offence.

4- On the ground, no developments worthy of mention have arisen in relation to the situation of juveniles in Jordan, whether at the level of policies, programmes or practices, or at the level of the establishment of institutions specific to them, save for the preparation of the draft Juveniles Law from the legislative standpoint, which has prompted the non-governmental organisations to exert pressure upon the legislative and executive authorities to work towards its enactment. These organisations likewise consider it necessary to formulate national strategies or a clear national framework of action for this category of juveniles; and likewise to develop community rehabilitation programmes for delinquent juveniles, in addition to the rehabilitation of the institutions concerned. These organisations further consider it necessary to develop alternative methods of punishment for the perpetrators of abuse, and to develop programmes for the prevention of the commission of crimes and to assist local communities in identifying the risk factors to which children are exposed.

The year 2012 witnessed an increase in the number of offences committed by juveniles by comparison with the year 2011: the number of offences committed by juveniles for the year 2012 reached (2,451) offences, compared with (2,130) offences committed in the year 2011, as set out in Table No. (25). Among the matters of concern disclosed by the statistics of offences committed by juveniles is the increase in the number of felonies and misdemeanours committed against the person which were committed in 2012, amounting to (263) felonies and misdemeanours, compared with (236) felonies and misdemeanours for the year 2011; and likewise the increase in the number of offences against property committed in 2012, which reached (1,685) offences, compared with (1,473) offences for the year 2011.

Table No. (25) showing the number of offences committed by juveniles in the years 2011–2012¹

Type of Offence	Year 2011	Year 2012
Felonies and misdemeanours committed against the person	236	263
Offences against public trust	8	11
Offences against property	1,473	1,685
Offences affecting religion and the family	2	3

¹The source of these figures is the Annual Report on the Situation of Human Rights issued by the National Centre for Human Rights for the year 2012.

Type of Offence	Year 2011	Year 2012
Offences against the public administration	96	143
Offences constituting a danger to public safety	76	71
Offences against public morals	162	210
Other offences	77	65
Total	2,130	2,451

Child Labour

A special report issued by the Jordanian Labour Watch and the Phenix Centre for Studies, in cooperation with the Friedrich Ebert Foundation of Germany, in 2013, affirmed that Jordan has achieved no tangible progress in the field of the reduction of working children, in that there exists no national database on child labour by which to ascertain whether or not there has been a reduction in the number of working children in Jordan. The report, which was issued on the occasion of the World Day against Child Labour, indicated that it is plainly evident, and through direct observation, that this phenomenon is widespread and to a considerable extent throughout the various governorates of the Kingdom. The report further added that the majority of working children belong to poor families (according to the various international, Arab and Jordanian studies), their need to subsist driving them to withdraw their children from schools, or to acquiesce in their dropping out of schools with the object of contributing to the provision of additional income assisting these families to meet their essential needs. This confirms the necessity of introducing an express legal provision in the Education Law imposing upon parents the obligation to send their children to school on pain of penal responsibility, in particular since the Jordanian Constitution and the law affirm that education is compulsory and free of charge for a period of ten years in Jordan. The report further affirmed that the figure in circulation, which indicates that the number of working children in Jordan amounts to (33) thousand children, no longer reflects the reality of the widespread presence of working children in the various sites and components of the labour market, in that there exist estimates indicating that the numbers of working children exceed that figure. Children, according to the definition provided by the Convention on the Rights of the Child adopted by the United Nations in 1989, are all persons who have not exceeded 18 years of age. There exist numerous international conventions relating to the abolition or reduction of child labour, among them: the Minimum Age Convention No. 138, and the Worst Forms of Child Labour Convention No. 182, which Jordan has ratified. At the national level, the Jordanian Labour Law and the amendments introduced thereto prohibit the employment of children and juveniles: Article (73) provided for the prohibition of the employment of juveniles who have not completed sixteen years of age in any form whatsoever, and Article (74) thereof prohibited the employment of juveniles who have not completed eighteen years of age in hazardous work or work injurious to health, and that consistently with the substance of International Labour Organisation Convention No. (138)

of 1973 concerning the minimum age for admission to employment, which Jordan ratified in 1997; and Convention No. (182) of 1999 concerning the elimination of the worst forms of child labour, which Jordan ratified in 2000; and Arab Labour Convention No. (18) of 1966 concerning the employment of juveniles. Notwithstanding Jordan's ratification of these conventions, and notwithstanding what is provided in the Jordanian Labour Law by way of the prohibition of the employment of children below sixteen years of age and the prohibition of their employment in hazardous work and work injurious to their health below eighteen years of age, as we have previously stated, the phenomenon of child labour nonetheless persists, which is a matter of concern to the non-governmental organisations. The reason therefor, according to the view of the bodies concerned, is the increase in the rates of poverty and unemployment coinciding with the global economic crisis. The non-governmental organisations accordingly consider it necessary to give effect to the plans and strategies formulated to address the question of poverty and unemployment; to give effect to the national strategies for the reduction of child labour; in addition to implementing the practical measures of the National Framework for Combating Child Labour. It is worthy of mention that the Secretary-General of the Ministry of Labour has affirmed that the Ministry is presently working to reduce the phenomenon of child labour, in that, in addition to the issuance of citations against those who employ children, establishments will be closed in consequence of the employment of those below the lawful age and will remain closed until such time as their situation is lawfully regularised. He added: "We have multiple projects to work towards resolving the problem at its roots; and the resolution of the problem begins with the discovery of its roots, in that we have monitored the causes which drive the child into the labour market, the most important of which are poverty and the unemployment of the head of the family, which is what most families whose children work suffer from. At present we see this situation widespread among Syrian families, some of whom stipulate to the employer that their children shall work with them so that they may be able to provide a suitable income for the family upon which to live."

Annexes Issued Following the Preparation of the Shadow Report (2012 / 2013)

1. The Regulation on Family Reconciliation and Conciliation Offices No. 17 of 2013.
2. The Regulation on Exemptions for Persons with Disabilities No. 14 of 2013.
3. The report of the committee for the assessment of the conditions of social care institutions.
4. The practical measures of the National Framework for Combating Child Labour.

References

- 1- The report of the National Centre for Human Rights for the year 2012.

- 2- The report of the Civil Society Institutions Network (Eydak Ma'i), constituted for the preparation of the Shadow Report jointly with the non-governmental organisations.
- 3- The United Nations High Commissioner for Refugees (UNHCR).
- 4- The United Nations Relief and Works Agency for Palestine Refugees (UNRWA).
- 5- The United Nations Children's Fund (UNICEF).
- 6- The shadow report on persons with disabilities.
- 7- Jordan River Foundation.
- 8- Jordanian legislation and laws and draft laws (the draft Child Rights Law, the draft Juveniles Law, the Protection from Family Violence Law).
- 9- The Jordanian Professionals Network for the Prevention of Violence against Children.
- 10- The Jordanian Ministry of Labour.