

The Right to Education in the Hashemite Kingdom of Jordan

Editor: Dr Ali Al-Dabbas

Assistant Professor of Public Law
Faculty of Law - University of Petra

April – 2018

Disclaimer

AI Translation Notice: This English version was produced using artificial intelligence (AI) technology and has not undergone subsequent human review, linguistic editing, or verification against the original Arabic text.

In case of any discrepancy, misstatement, omission or error appearing herein, the Arabic version shall prevail as the authoritative version.

"This study was prepared with the support of the European Union. The information and views set out in the study express the point of view of the research team headed by Dr Ali Al-Dabbas and do not necessarily reflect the point of view of the European Union."

The Study Team

This study was prepared by a team composed of:

#	Name	Capacity
#	Dr Ali Mohammad Al-Dabbas	Principal researcher
1	Ms Abab Murad	Research assistant and coordinator
2	Dr Hazem Hassan	Statistical analysis expert
3	Mr Khaled Qawqazeh	Statistical analyst
4	Mr Mu'ath Humaimat, Advocate	Legal researcher

There was also an assistant field research team, for the distribution and collection of the study instrument during the field visits to the targeted institutions. The team as a whole was composed of the following:

#	Field researcher	Geographical area
1	Ahmad Sabah	Governorate of Aqaba
2	Hussein Al-Sarhan and Widad Al-Shureideh	Governorate of Mafraq
3	Aisha Ishaq Taha	Governorate of Zarqa
4	Ali Al-Bdainat	Governorate of Tafilah
5	Ali Al-Sa'oub	Governorate of Karak
6	Ghazi Al-Maghribi	Governorate of Ma'an
7	Farah Al-Rahamneh and Ali Al-Amayreh	Governorate of Balqa
8	Fahmiyya Al-Azzam	Governorate of Irbid
9	Mahmoud Al-Harashsheh	Governorate of Jarash
10	Maysoun Hawatmeh	Governorate of Madaba
11	Najah Anab	Governorate of Ajloun
12	Nada Farid Al-Qaddoumi	Governorate of the Capital
13	Ibrahim Anwar	The southern, central and northern governorates as regards the education study

Acknowledgements

The study team extends its abundant thanks and great appreciation to all who contributed to assisting in the completion of this study, which was carried out within a record time given the volume of data it contained, and which was built upon two aspects:

The theoretical aspect, in which assistance was provided by the library of the University of Petra, the library of the National Center for Human Rights and the Abdul Hameed Shoman Library.

And the practical aspect, which contributed to the preparation of the data of the civil society institutions serving both the theoretical and the practical aspect, namely:

- The Ministry of Education.
- The Ministry of Higher Education and Scientific Research.
- The University of Jordan.
- Yarmouk University.
- Mutah University.
- Al-Balqa Applied University.
- The distinguished professors who arbitrated the study instrument.
- The members of the field research team.

All of these lent a helping hand in facilitating the task of the study team and provided the necessary information, and displayed distinguished cooperation that contributed to reaching the civil society institutions that formed the sample of the study. While the study team thanks the civil society institutions generally, and those who were interviewed or contacted for the purposes of the study in particular, we thank them for their cooperation, and we wish the Jordanian civil society institutions generally, and the institutions of the study sample in particular, further constructive giving and continued progress towards success in the service of the homeland and the citizen.

The study team also extends special thanks to Dr Ayman Halaseh, Dr Kamal Al-Awamleh, Dr Munir Ajaj and Dr Shatha Al-Assaf for the effort they made in reviewing the substance of the study and the observations they provided for its development.

Executive Summary

This study has addressed ascertaining the extent to which Jordanians and non-Jordanian residents enjoy their right to education as a right guaranteed in the Constitution and in the international human rights standards, from the viewpoint of school students and their teachers and from the viewpoint of university students and their professors, by adopting the following methodology:

1. Collecting and reviewing the information and data relating to the educational process, whether at school or at university level.
2. Reviewing and analysing the studies previously carried out concerning the right to education in the Hashemite Kingdom of Jordan, so as to draw upon them in understanding the education system in the Kingdom and in designing the questionnaire for the quantitative study.
3. Examining the legislation relating to education, whether in school education or university education, and analysing it in the light of the constitutional and international standards governing the right to education, and setting out the extent of its consistency with these standards.
4. The quantitative assessment of the reality of school and university education, through the preparation and development of a questionnaire composed of several dimensions, its distribution, collection and content analysis. This covered the following dimensions: the possibility of obtaining education (the availability of education); the values upon which the education system is founded; the content of school curricula and the accompanying activities; the performance of teachers and the outputs of education; the infrastructure; and violence in schools.
5. The qualitative assessment of the reality of school and university education, and the holding of three focus meetings with a group of government-school students and teachers and two meetings with university students and professors, during which a number of matters were discussed that clarify and confirm certain of the findings drawn from the quantitative study.
6. Analysing the quantitative and qualitative data and drawing the findings relating to the reality of education, and thereafter formulating the recommendations that are hoped to contribute to improving the right to education, including the amendment of the relevant legislation.

The study arrived at a number of findings, the most important of which were:

1. School education is available, with a medium degree of agreement equivalent to a proportion of (77.5%), which is consistent with what the legal analysis showed as to the existence of certain gaps that limit the compulsory and free nature of education in the Kingdom, such as the inconsistency of Jordanian legislation with the international standards as regards the free nature of education; for the Education Law contained a violation of this principle when it provided in article (41/b) thereof for the permissibility of collecting school donations, and imposed indirect taxes that ultimately lead to an increase in the financial costs of educating students, such as the sales tax on stationery, which ranges between (4-

16%). University education, by contrast, was not available, with a low degree of disagreement equivalent to a proportion of (61.4%), by reason of the high fees of certain university specialisations, the admission of approximately (50%) of students on non-competitive bases (the exceptions and the parallel programme), quite apart from the decline in government support for higher education and the failure of the mechanisms of financial support for students unable to pay the university fees to be characterised by comprehensiveness, since they serve only a small and limited category of students.

2. The Jordanian education system abides by the values upon which the international human rights standards are founded with a low degree of agreement equivalent to a proportion of (73.7%). This is attributable principally to the absence of an express and direct provision on the necessity of achieving equality in the field of education so as to encompass all persons of school age, whether nationals or foreigners, and irrespective of their legal status. Likewise, the university education system abides by the values upon which the international human rights standards are founded with a low degree of agreement equivalent to a proportion of (68.7%), which is attributable principally to the failure of the university administration and the members of the teaching staff to deal with all students equally and impartially, in addition to the feeling of the members of the teaching staff that the university administration is not just in appointing to the leadership posts at the universities. By contrast, students do not enjoy a moral responsibility towards their university community and their wider community.

3. School curricula qualify students for university study and practical life with a medium degree of agreement equivalent to a proportion of (77.9%). The reason for the failure to advance to a high degree of agreement is the insufficient attention paid by the school curricula in Jordan to the method of critical thinking, relying instead upon the method of rote instruction and memorisation. The university education system likewise qualifies students in a manner consonant with the needs of the labour market with a low degree of agreement equivalent to a proportion of (63.6%). This is attributable to the failure to follow methods in university education characterised by critical thinking, the failure to provide the student with the skills of communication and cooperation with the rest of the members of the work team, and the failure to focus upon the skills of scientific and professional competence that enable them to carry out the work that will be required of them, in addition to the weak effect of extracurricular activities, which are liable to create a stable, attractive and positively interactive university environment.

4. The teachers responsible for teaching students are sufficiently qualified for students to obtain their right to suitable education with a low degree of agreement equivalent to a proportion of (71.4%). This is attributable principally to the reliance of teachers, in a large part of the teaching methods followed, upon the rote instruction method without attention to critical thinking, and to the unsuitability of the educational environment inside a large section of the classrooms, such as the high number of students inside a single classroom and the high teaching load of teachers. The study also showed that among the most important causes that do not enable students to obtain a suitable quality of education is the failure to adopt a suitable mechanism for selecting teachers and the failure to train them before and while they teach students in a manner that enables them to follow the modern

scientific methods that work to raise students' capacities, in addition to the deterioration of the economic and living conditions of most teachers and the neglect of the official bodies towards the teacher, which has led to a weakness of his educational standard and scientific performance.

5. The infrastructure of schools is suitable for enabling students to obtain their right to education with a medium degree of disagreement equivalent to a proportion of (49.5%). This finding is due to the failure to sustain the maintenance of the buildings and facilities of the schools, the unsuitability of the area of the classrooms to the number of students in the divisions, the lack of lighting, the failure to provide suitable environmental conditions in terms of ventilation, cooling and heating, and the unsuitability and uncleanness of the sanitary facilities. The study also showed that the infrastructure of the government universities enables students to obtain their right to education with a low degree of agreement equivalent to a proportion of (69.9%), by reason of the unsuitability of the classroom halls and the failure to provide drinking water - a matter to be expected in the light of the increase in the numbers of students admitted under the parallel education programme, the decline in government financial support for the universities and the decline in the students' feeling of responsibility towards their university, which results in their failure to preserve the facilities of the university.

6. The educational environment is safe (free from violence) with a low degree of disagreement equivalent to a proportion of (61.6%). This is attributable to the emergence of manifestations of violence in schools, whether by students or by teachers, and among the most important causes is the failure of schools to apply a clear mechanism in dealing with students who use verbal and physical violence against their classmates. As regards the educational environment at the government universities, it is safe with a low degree of disagreement equivalent to a proportion of (62.9%). This is due to the unsuitability of the university environment for curbing the phenomenon of violence in terms of: the existence of long periods of empty time among university students without real productivity; the weakness of the extracurricular activities carried out at the universities and the decline in the number of students enrolling in them on the one hand, and of students on the other; in addition to the weakness of the open communication between those working at the university and its administration on the one hand, and students on the other; quite apart from the absence of a university environment attractive to the student and more influential in developing the values of responsible citizenship in students.

7. The professors of the government universities and their students enjoy academic freedoms with a low degree of agreement equivalent to a proportion of (68%). This is attributable to a number of causes, the most important of which are: the failure to permit the establishment of student unions at some universities, and the failure to permit the establishment of a professional syndicate for university professors. The study also concluded that the universities lack administrative autonomy, since the role of both the Ministry of Higher Education and the Higher Education Council has expanded from framing the policies of general higher education to a specific procedural role that devotes most of its time to issuing the decisions relating to the universities (that is, appointing presidents, monitoring compliance with the regulations and laws, and imposing restrictions

on the numbers of those enrolling). This is the same approach applied in managing the affairs of the university, which is characterised by severe administrative centralisation resting upon a descending system (from the top downwards), granting the university president very broad powers as against the very limited participation of the teaching staff in the administration.

The study put forward a number of recommendations, the most important of which are:

1. Amending the relevant provisions of the Jordanian Constitution in a manner that guarantees to all persons resident on the territory of the Kingdom the enjoyment of the right to education, without being confined to Jordanians alone.
2. The inclusion in the Jordanian legislative system of an express provision affirming the principle of equality and the prohibition of discrimination, so as to encompass all persons of school age, whether citizens or foreigners, and irrespective of their legal status, in addition to expressly providing for equality and the prohibition of discrimination in education on the basis of sex or disability.
3. Raising the financial amounts allocated in the General Budget of the State for education in the Hashemite Kingdom of Jordan gradually, so that they are raised each year by a proportion of (1%) until they ultimately reach (15%) of the total budget of the Jordanian State.
4. The necessity of reconsidering the Instructions on Student Discipline in Government and Private Schools No. (1) of 2007, and amending them by mitigating the severity and harshness of the traditional measures and working to abolish both the penalties of temporary suspension and final expulsion from study, which entail depriving the person of his right to education, and introducing a set of restorative measures resting upon the concept of dialogue and mediation and strengthening the role of the educational supervisor in settling student disputes.
5. Reconsidering the bases of university admission by providing bases of admission that are just and impartial for all students, resting upon merit and capacities, including the holding of an admission examination that rests upon standards of integrity and transparency by the universities, to verify the mental and scientific capacities of students, in addition to the gradual abolition of the parallel programme, and at the same time regulating the exceptions, including by adopting a preparatory year as a fundamental stage before admission to the principal specialisations such as medicine, dentistry, engineering, pharmacy and so forth, and increasing the financial support for students financially unable to pay the costs of university education, and providing guidance and career counselling programmes for students.
6. Improving the process of selecting and appointing teachers, such that the appointment of the teacher is preceded by written tests and practical tests to verify the teacher's capacity to carry out the educational process - a matter which calls for serious consideration of the following questions: (a) laying down clear rules and bases for the admission of students to university specialisations who will graduate to work as teachers, including special conditions as to the qualities and skills of students; (b) amending the system of

classification, evaluation and promotion of teachers; (c) laying down a special system for certificates and licences to practise the teaching profession.

7. Improving the economic conditions of male and female teachers in terms of salaries and other incentives, with a view to empowering them morally and economically, given the sensitivity of their role in society, and in order to make the post of male/female teacher more attractive to the competent.

8. Amending article (6/b) of the Education Law, either by adding the standards and bases that are acceptable for providing buildings fit for education, or by issuing a special regulation for this purpose that encompasses the basic standards to be met in school buildings, whether government or private.

9. Replacing traditional measures, such as temporary suspension or expulsion, with restorative measures, by seeking to repair the harm and the relationships rather than to punish and take revenge, in a manner that ensures assistance to the aggressor in reintegrating into the school milieu; using the method of mediation between the victim and the aggressor, holding meetings and reconciliation circles, training students in the means of settling disputes among their peers by performing the role of mediation, and working to establish associations of parents and teachers to play a supportive role in the mediation process.

10. The necessity of the swift response of the Jordanian State, represented by the executive and legislative authorities, to the demands relating to the formation of a professional syndicate for university professors, and the provision of the means necessary for it to play an effective role in defending the rights of its members; and that the universities in which there are no student unions lay down the instructions necessary for the formation of these unions as soon as possible, and provide the conditions suitable for these unions to perform the roles and functions required of them.

11. Developing democratic methods for selecting the governing bodies at the universities, including the following:

(a) Developing the mechanism for selecting the members of the boards of trustees of the universities, which requires the amendment of article (9/b) of the Universities Law in a manner that permits academics and professors from the various departments in each university to hold consultations enabling them to contribute to nominating the members of the board of trustees, as by allocating a section of the members of the board to those nominated from among the members of the university.

(b) Developing the mechanism for selecting the presidents of the public and private universities, which requires the amendment of article (12/b, c) in a manner that permits the appointment of the university president by the board of trustees as a result of internal elections among the members of the teaching staff at the university.

(c) Developing the mechanism for selecting the deans of faculties, which requires the amendment of article (18/a) in a manner that permits the appointment of the deans by the university president, on the basis of internal elections among the members of the teaching staff of the faculties.

(d) Developing the mechanism for selecting the members of the university council, which requires the amendment of article (15/b) so as to develop the mechanism of selection in a manner that permits the inclusion in the university council of students still in study, in addition to the graduates of the university, in order to strengthen the participation of the student and his involvement in taking the decision.

(e) Developing the mechanism for selecting the members of the faculty council in a manner whereby the council includes representatives of students who take part in discussing the matters concerning students, which requires the amendment of article (20) by adding point No. 5 to paragraph (a), providing for the appointment of two representatives from among the students of the faculty elected from among the students enrolled in the various programmes of the faculty.

Table of Contents

(In Microsoft Word, right-click the list below and choose "Update Field" to generate the entries and page numbers.)

Chapter One

Background, Significance and Methodology of the Study

First: Introduction

The right to education is in itself one of the human rights and is, at the same time, an indispensable means of realising other human rights. As stated in General Comment No. (13) issued by the Committee on Economic, Social and Cultural Rights, the human right to education is regarded as an empowerment right for a number of categories of society, as follows: (a) the empowerment of the economically and socially marginalised, adults and children alike, for education assists them in escaping the grip of poverty and unemployment and furnishes them with the means that guarantee their full participation in their communities; (b) education plays a vital role in empowering women and in protecting children from exploitative labour involving hazards, including protection from sexual exploitation; (c) the promotion of human rights and democracy; (d) the protection of the human right to a sound environment; (e) curbing population growth; (f) the recognition of education as one of the best financial investments that States can make.

Notwithstanding this significant role of education in empowering individuals in the practical respects referred to above, its importance is most manifest on the moral plane, for the cultured, enlightened and active mind, able to range freely to the furthest of limits, is a mind that enjoys the delights and blessings of existence.

In view of all of the foregoing, the human right to education was selected as one of the studies implemented by the project "European Union Support to Civil Society in Jordan", proceeding from the importance of education to the Kingdom, which is reflected in the following matters: (a) the importance of activating the human right to education in developing the human capital that is hoped to contribute to Jordan's growth and to meeting the pressing challenges of the economic, social and demographic environment; (b) the considerable impact of education outcomes on Jordan's ability to compete in the labour force locally and regionally, particularly since Jordan relies heavily on remittances from Jordanians working in the Arab States, specifically in the Arab Gulf States; (c) the ability of the Jordanian State to maintain its advanced position as regards the proportion of educated Jordanians and an advanced level of quality of education. Schools are spread across most areas of the Kingdom; the enrolment rate in primary education (the 6-15 age group) stands at 98.1 per cent, and in secondary schools at 87.5 per cent; the number of government schools is 3,783, and the number of male and female general-education teachers is estimated at 83,062 in the aggregate (Table No. 1).

Table No. (1): The number of schools, students and teachers in the Hashemite Kingdom of Jordan for the academic year 2016/2017

#	Subject	Ministry of Education	Private sector	Schools affiliated to other bodies	UNRWA	Total
1	Number of students	1,336,411	515,432	18,000	122,686	1,992,529

#	Subject	Ministry of Education	Private sector	Schools affiliated to other bodies	UNRWA	Total
3	Number of schools	3,793	3,221	44	171	7,229
4	Number of teachers	83,062	36,076	2,004	4,529	125,671

Although these figures confirm that individuals enjoy their right to education, this does not negate the existence of a number of challenges that prevent Jordanians from benefiting, and from deriving the fullest benefit, from the education provided by government schools in the Kingdom. These problems are manifested in the following:

a. The principal challenges relating to the inputs of the educational process. The most important of these challenges are: (a) the infrastructure of the educational process, which, according to the information collected, suffers from numerous problems, chief among them: overcrowding in classrooms (50 students in a school classroom in some areas of the Kingdom), rented school buildings, poor facilities, the absence of heating and ventilation, weak sanitary conditions, and the haphazard distribution of schools; (b) the insufficient number of members of the teaching staff and the inadequate qualification of the human resources responsible for carrying out the educational process, chief among which are: the shortage in the number of teachers in certain specialisations, teachers not obtaining suitable training opportunities, and the absence of suitable housing for teachers who teach in remote areas, and so forth; (c) the presence in Jordan of more than 220 thousand Syrian children of school age as a result of the influx of Syrian refugees; (d) the decline in government spending on education, which has led to a deterioration in the quality of education in Jordan. This decline began in 2006, when the proportion of government spending on education started to fall below (10%), and during the years (2008-2010) it amounted to (9%) of gross domestic product, bearing in mind that the proportion stood at approximately (13%) from the year 2000 to the year 2005, which indicates a relative decline in spending on the right to education¹.

b. The principal challenges relating to the outputs of the educational process. Numerous indicators point to a deterioration in the outputs of the education system in the Hashemite Kingdom of Jordan, chief among them: (a) in the (TIMSS)² mathematics tests for eighth-grade students, Jordan ranked 31st out of 34 participating countries, its results amounting to 386 points, that is, below the international level of 500. In the same tests for fourth-grade students, with the participation of 44 countries, Jordan ranked 40th with 388 points, falling short of the international level by 122 points. It is to be noted that Jordanian

¹Phenix Center for Economic and Informatics Studies (2014), Policy Paper on Improving the Quality of Basic Education in Jordan, published at the electronic link: <http://www.phenixcenter.net/ar/paper/112> ; this site was accessed on 18/December/2017.

²The (TIMSS) mathematics tests constitute an international testing instrument for assessing students' achievement in science and mathematics and for evaluating the effectiveness of the teaching of these two subjects in the schools of the participating countries worldwide. This study is conducted under the supervision of the International Association for the Evaluation of Educational Achievement (IEA), headquartered in Amsterdam/the Netherlands, and is administered every four years to the fourth and eighth basic grades.

students had previously scored (428) points in the tests of the year 1999, whereas in the year 2015 they scored no more than 386 points, which is an indicator of the magnitude of the decline recorded by Jordan³. (b) Education in Jordan fell to 64th place in the year 2013, from 45th place in the year 2011 (the British Legatum Prosperity Index). (c) Jordanian students suffer from severe weakness in four cognitive skills, namely: access to knowledge, problem solving, the use of information technology, and written communication (the Arab Knowledge Report). (c) More than 100 thousand students, representing 22% of the students in the first three grades, are unable to read Arabic or English letters (the findings of the study entitled "Student Performance in Reading and Mathematics" carried out in cooperation between the Ministry of Education and the United Kingdom - the international agency for international development)⁴.

(d) As regards the skill of written communication, the average obtained was 5.38 points out of 25; the average obtained for problem-solving skills did not exceed 6.56 points, and that obtained for knowledge-acquisition skills was 6.5 points (the Arab Knowledge Report).

These challenges have given rise to a number of problems that adversely affect the political, economic, social and cultural situation, perhaps the most prominent of which are the following: (a) of the 139,898 jobs lost by Jordanians between the years 2007 and 2014, the proportion of those holding a bachelor's degree or higher was 37.8%, and the proportion of holders of the secondary certificate was 25.4%. This depicts shifts in the dynamics of the labour market in Jordan. According to the estimates of the World Bank, additional years of education are negatively correlated with full-time employment and positively correlated with holding a post in the public sector. These correlations cast doubt on the anticipated patterns of return on education. (b) The inability of the Jordanian education system to graduate individuals capable of confronting the problems of practical, economic, social and political life. The Jordanian education system tends towards academic education as against a failure to orient towards technical and vocational education, which results in rising unemployment rates among the graduates of the education system. The unemployment rate in Jordan during the first quarter of the year 2017 reached (18.2%), at a rate of (13.9%) for males as against (33.0%) for females for the same period; and the unemployment rate for the first quarter of the year 2017 rose by 3.6 percentage points over the first quarter of the year 2016. The findings further showed that the unemployment rate was high among holders of university degrees (unemployed individuals holding a bachelor's qualification or higher, divided by the labour force of the same educational qualification), reaching 21.4% by comparison with the other educational levels. The findings indicated that 53.8% of the total number of the unemployed are holders of the secondary certificate or higher, and that 46.2% of the total number of the unemployed had educational

³For further detail see: Abu Ghazaleh, Mohammad, An Analytical Reading of the Results of Jordan's Participation in the International Mathematics and Science Test (TIMSS) for the Year 2015, article published at the link: <http://www.jo24.net/%D9%82%D8%B1%D8%A7%D8%A1%D8%A9> ; this site was accessed on 18/December/2017.

⁴This is what was announced by the Minister of Education, Dr Mohammad Al-Thuneibat, who stated, during the deliberations of the Finance Committee of the House of Representatives on 22/12/2013 in the course of the discussion of the 2014 budget, that school students in the first three grades are unable to read Arabic or English letters and that they constitute some 22 per cent of the total number of students, that is, approximately 100 thousand students. See the electronic link: <http://www.alghad.com/articles/566123-> ; this site was accessed on 18/December/2017.

qualifications below the secondary level⁵. Among the most important causes that have led to this outcome is the absence of a sufficient number of students enrolling in vocational and technical education and training, for there are no adequate means of encouraging them to advance to higher levels of training, since enrolment rates in vocational and technical education and training specialisations are low at both the secondary and the higher education levels and continue to decline. Only (14%) of students choose to enrol in the vocational stream at the secondary education stage (grades 11 and 12). As for the post-secondary higher education stage, community colleges have recently witnessed a marked decline in enrolment rates. These limited pathways impede students from advancing and moving between the different types of vocational and technical education and training, specifically in the process of transition to higher stages of training⁶.

At the same time, the outputs of the Jordanian education system are incapable of equipping students with the intellectual skills required to confront calls to extremism, and the curricula are incapable of strengthening the capacity for openness towards other cultures, including the concepts of global citizenship. One study has shown that some 4,000 Jordanian young people have to date joined armed organisations in Syria and Iraq, a figure that places Jordan second after Tunisia in the number of nationals who have joined such organisations, according to the Middle East Research Institute. The Institute asserts that more young people are being drawn to an extremist Islamic ideology and that there is a need to reform school curricula in the light of this problem.

Nor has the Jordanian education system succeeded in contributing to the effective strengthening of the Jordanian citizen's participation in political life, as is evidenced by the low rate of participation in political parties and in the parliamentary, municipal and governorate council elections. The rate of participation in the parliamentary elections of the year 2016 reached (36.13%) of the number of eligible persons whose names were entered in the final voter rolls⁷. The final rate of participation in the municipal and governorate council elections was (31.71%) of the number of eligible persons whose names were entered in the final voter rolls⁸.

This study, which has sought to set out the state of the human right to education in the Hashemite Kingdom of Jordan, comes at a time that is witnessing a considerable increase in international and national attention to economic, social and cultural rights, as a result of the incorporation of these rights in many international human rights conventions and of their enshrinement in many national constitutions and laws as international standards. Jordan has previously ratified these conventions and published them in the Official Gazette, and has enacted many pieces of legislation providing for these rights, quite apart from the statements

⁵For further detail see: Department of Statistics, Labour Force Survey, Second Round/May 2017 - Methodology and Detailed Results, report published at the link: http://dosweb.dos.gov.jo/DataBank/EMP_Unemp_2017/EmpUnemp_2017Q2.pdf ; this site was accessed on 18/December/2017.

⁶National Strategy for Human Resources Development, p. 196.

⁷Independent Election Commission, Detailed Report on the Conduct of the Electoral Process for 2016, p. 134; for further detail see the report at the link: https://iec.jo/sites/default/files/Election%20Report_0.pdf ; the link was accessed on: 18/12/2017.

⁸See the electronic link: <https://www.addustour.com/articles/970794-%> ; the link was accessed on: 18/12/2017.

issued by the Government in which it sets out its continuous endeavour to give effect to these rights. Reality, however, indicates that citizens and residents on the territory of the Kingdom do not enjoy these rights in a manner commensurate with the substance of the international standards governing them, for the realisation of these rights continues to encounter numerous difficulties and problems, foremost among which are: (a) the lack of a sound understanding of the nature and substance of economic and social rights; (b) the prevalence of the twin phenomena of poverty and unemployment and the growing disparity between individuals in wealth and income; (c) the spread of corruption in all its political, economic and social forms in a manner that impedes the individual's enjoyment of his economic rights, foremost among them his right to education; (d) the effect upon Jordan of the political and military conditions in the region and the resulting influx of refugees into the territory of the Kingdom.

Second: The Objective of the Study

This study aims to:

1. Ascertain the legal position of the right to education in the Hashemite Kingdom of Jordan and the most significant legal problems that impede obtaining it in an acceptable manner.
2. Identify the field reality of the educational process and the surrounding circumstances and the extent of their effect upon the enjoyment of this right.
3. Reinforce the existing positive aspects that promote the human right to education, and curb and overcome the existing negative aspects that impede the human right to education.
4. Arrive at proposals/recommendations for improving the quality of education and for realising this right and enjoying it to the fullest.
5. Set out the effect of the low level of education upon the enjoyment of economic, social and cultural rights.

Third: The Problem of the Study and its Questions

The problem of the study consists in setting out the extent to which Jordanians enjoy their official educational rights recognised under the Constitution and under the international human rights conventions ratified by Jordan and published in the Official Gazette; this is done by setting out the extent to which the State discharges its obligations to respect, protect and fulfil this right, which is revealed by clarifying the extent of the consistency of Jordanian national legislation with the international standards governing the human right to education, and also by setting out the factors that limit the access of the students of government schools and official universities to their right to education in terms of the availability of education, the values upon which the education system is founded, knowledge and activities, infrastructure and the reality of the services provided in schools and universities, and the extent to which schools and universities deal soundly with certain manifestations of violence.

The study seeks to answer the principal question of the study: To what extent do Jordanians and non-Jordanian residents obtain their right to education as a right guaranteed in the Jordanian Constitution and in the international human rights standards, from the viewpoint of

school students and their teachers and from the viewpoint of university students and their professors? This is pursued through the following sub-questions:

Question 1: Is basic education available to all free of charge and on a compulsory basis?

Question 2: To what extent does the education system in Jordan abide by the values upon which the international human rights standards are founded?

Question 3: To what extent is the content of school curricula and the accompanying activities suitable for qualifying students to pursue their university studies and their practical life with ease?

Question 4: Is the qualification of the teachers responsible for teaching students sufficient for students to obtain their right to suitable education?

Question 5: Does the infrastructure in government schools enable students to obtain their right to suitable education?

Question 6: To what extent do the students of government schools enjoy a safe educational environment (free from school violence)?

Question 7: Are there statistically significant differences at the level of significance (α 0.05) between the mean estimates of school students according to gender?

Question 8: "Are there statistically significant differences at the level of significance (α 0.05) between the mean estimates of students according to geographical region?"

Question 9: Is university education available to all?

Question 10: To what extent do the Jordanian official universities abide by the values upon which the international human rights standards are founded?

Question 11: Does the knowledge and the skills acquired by the students of the official universities qualify them to embark upon their practical lives locally and regionally?

Question 12: To what extent do the students of the official universities and their professors enjoy academic rights and freedoms as set out in the international human rights standards?

Question 13: Does the infrastructure in the official universities enable students to obtain their right to suitable education?

Question 14: To what extent do the students of the official universities enjoy a safe educational environment (free from university violence)?

Question 15: Are there statistically significant differences at the level of significance (α 0.05) between the mean estimates of faculty members and the estimates of university students on all of the dimensions?

Fourth: The Methodology of the Study

With a view to ascertaining the reality of the human right to education in the Hashemite Kingdom of Jordan, this analytical and evaluative study was prepared on the basis of the following methodology:

1. Collecting and reviewing the information and data relating to the educational process, whether at school or at university level.

2. Reviewing and analysing the studies previously carried out concerning the right to education in the Hashemite Kingdom of Jordan, so as to draw upon them in understanding the education system in the Kingdom and in designing the questionnaire for the quantitative study.
3. Examining the legislation relating to education, whether in school education or university education, and analysing it in the light of the constitutional and international standards governing the right to education, and setting out the extent of its consistency with these standards.
4. The quantitative assessment of the reality of school and university education, through the preparation and development of a questionnaire composed of several dimensions, its distribution, collection and content analysis. This covered the following dimensions: the possibility of obtaining education (the availability of education); the values upon which the education system is founded; the content of school curricula and the accompanying activities; the performance of teachers and the outputs of education; infrastructure; and violence in schools.
5. The qualitative assessment of the reality of school and university education, and the holding of three focus meetings with a group of government-school students and teachers and two meetings with university students and professors, during which a number of matters were discussed that clarify and confirm certain of the findings drawn from the quantitative study.
6. Analysing the quantitative and qualitative data and drawing the findings relating to the reality of education, and thereafter formulating the recommendations that are hoped to contribute to improving the right to education, including the amendment of the relevant legislation.

Fifth: Previous Studies

In its study, the research team relied upon a number of studies relating to the subject of the study, reviewed them and compared them in respect of certain aspects and variables connected with the study. The most important of these are the following:

1. A study conducted by Al-Ajlouni⁹ (2016) **sought to identify the degree of the practice of academic freedom among the members of the teaching staff in the university colleges affiliated to Al-Balqa Applied University in the governorates of the north of the Kingdom.** In order to achieve the objectives of the study, the researcher adopted the descriptive survey method. The instrument of the study consisted of a questionnaire whose validity and reliability were verified. The population of the study comprised (373) members of the teaching staff, and a stratified random sample of (170) faculty members was selected. It emerged from the analysis of the findings that the general arithmetic mean of the degrees of the practice of academic freedom among the members of the teaching staff in the colleges of Al-Balqa University in the northern governorates was of a medium degree, the arithmetic

⁹ Al-Ajlouni, Mahmoud (2016), Academic Freedom among Faculty Members in the University Colleges Affiliated to Al-Balqa Applied University in the Northern Governorate, Jordan Journal of Educational Sciences, Vol. (12), No. (4), pp. 479-494.

mean amounting to (2.67) with a standard deviation of (1.13). The domain of the practice of academic freedom in the field of participation in decision-making ranked first, with an arithmetic mean of (2.85), of a medium degree; followed by the domain of community service, with an arithmetic mean of (2.75), of a medium degree; then the domain of scientific research, whose arithmetic mean amounted to (2.73), of a medium degree. Last came the domain of the practices of the members of the teaching staff in the field of teaching, ranking last with an arithmetic mean of (2.59), of a medium degree. It also emerged that there were statistically significant differences between the means at the level of significance ($\alpha = 0.05$) in the responses of the members of the sample according to gender, in favour of males, in all of the domains and in the instrument as a whole with the exception of the domain of scientific research; whereas there were no differences between the means concerning the practice of academic freedom in any of the domains or in the instrument as a whole according to the variables of college and academic rank.

2. The Phenix Center for Economic and Informatics Studies¹⁰ (2014) **produced a policy paper for improving the quality of basic education in Jordan**. The paper proceeded from the premise that the quality of basic education in Jordan has declined because students at the basic stage suffer from numerous educational problems, such as weak reading and arithmetic skills and the poor performance of students in the subjects of science and mathematics. The paper aimed to provide an analysis of the most important causes that have led to the decline in the quality of basic education in Jordan, and to put forward a set of policies and alternative options aimed at developing education at the basic stage. The study relied upon what is contained in local and international reports and studies, followed by the conduct of in-depth interviews with a number of educational experts as well as focus group discussions with specialists in this field. The paper concluded that the cause of the poor state of basic education is attributable to numerous combined causes revolving around the teacher, the teaching method followed, the school curriculum, school administration and educational administration, as well as the school environment and the weakness of the education budget. The paper put forward a set of recommendations, the most important of which are: (a) the necessity of continuously developing teachers' capacities in modern scientific means of teaching and of subjecting them to annual courses with a view to developing their skills; (b) developing the tools and methods of education so that they rely on participation and discussion rather than on the skills of memorisation and rote learning alone, and encouraging thinking founded on comprehension and analysis; (c) incorporating philosophy and logic into school curricula, whether independently or in a manner intersecting with the remaining related subjects; (d) increasing government spending on education so that it reaches (15%) of gross output, in order to ensure an increase in the number of schools, the opening of new classrooms, the improvement of the condition of science laboratories, and the elimination of rented schools and double-shift schools.

¹⁰Phenix Center for Economic and Informatics Studies (2014), Policy Paper on Improving the Quality of Basic Education in Jordan, published at the electronic link: <http://www.phenixcenter.net/ar/paper/112> ; this site was accessed on 18/December/2017.

3. A study by Carmel et al.¹¹ (2016) **sought to examine the educational gap between villages and rural areas and Jordanian cities** and to set out the extent of the effect of the quality of education in Jordanian villages upon limiting the capacities of young people and the options available to them, which is reflected in the limited nature of their ability to engage in decision-making and to make their voices heard. The study relied initially upon desk research, moving thereafter to research groups with young people from village communities (the villages of Ma'an, Karak and Mafraq), followed by the holding of six working groups with teachers and principals who had previously taken part in earlier research in the same context; the research team then returned to conduct fresh interviews with village youth and to carry out dialogues by way of telephone interviews with a sample comprising (500) citizens. After the findings had been collected and analysed, they were discussed with Jordanian young people and educational experts.

The study concluded that the quality of village education has declined by comparison with education in the cities, for there are schools in the villages that lag behind their counterparts in the cities; students of remote schools likewise graduate with averages far below those of students in the cities, and are often not qualified to complete secondary education or to enter the labour market, which results in lower employment rates among the young people of villages and remote areas, together with the emergence of higher rates of financial instability among families in the countryside, in addition to the reinforcement of village dependence on government support. The study attributed the causes of the decline in the quality of education in rural and remote areas to the following causes: (a) the movement of teachers from villages to cities, which leaves village schools facing considerable turnover in their cadres and a preponderance of teachers of limited experience; (b) the paucity of resources (as a consequence of the small number of students) in village schools, together with the culture of shame surrounding certain occupations, which prevents students from choosing diverse occupational fields capable of developing labour-market skills in their local communities. The study put forward a number of recommendations in the areas of putting an end to the movement of teachers, enhancing the competence of teachers, and offering options for village youth and combating the culture of shame, the most prominent of which are: (a) providing higher financial incentives to every city and village teacher who is asked to move to the villages; (b) allowing village schools to be directly involved in decisions on the recruitment of teachers; (c) providing information on educational and vocational options and encouraging students to make the appropriate practical career choice; (d) presenting accounts of success stories in the various educational fields.

4. Olaimat¹² (2011) **conducted a study entitled "The Role of the Educational Counsellor in Dealing with the Phenomenon of School Dropout during the Basic Education Stage"**, which sought to identify the role of the educational counsellor in dealing with the

¹¹Carmel, A.G., Al-Batran, Ali, and Al-Husseini, Mohammad, Reforming Education in the Rural and Badia Areas of Jordan, Policy Paper No. 3, published by the Identity Center, available at the link: <http://identity-center.org/sites/default/files/a.%20Reforming%20Education%20in%20Rural%20Jordan.pdf> ; this site was accessed on 18/December/2017.

¹²Olaimat, Khawla (2009), The Role of the Educational Counsellor in Dealing with the Phenomenon of School Dropout during the Basic Education Stage, master's thesis, University of Jordan.

phenomenon of school dropout during the basic education stage in the Governorate of Jarash. The population of the study comprised all of the educational counsellors working in the schools of the Governorate of Jarash, numbering (60) educational counsellors. In order to achieve the objectives of the study, a questionnaire was designed, and interviews were also conducted with a number of the educational counsellors in the schools in order to identify the causes of dropout from schools.

The findings of the study revealed differing assessments of the role of the educational counsellor in dealing with the phenomenon of school dropout during the basic education stage, according to the four domains of the study: the domain of the role of the educational counsellor with the student ranked first; the domain of the role of the educational counsellor with the school administration ranked second; the domain of the role of the educational counsellor with the teacher ranked third; and the domain that ranked last was the role of the educational counsellor with the students' parents and guardians.

The findings of the study also revealed a set of problems encountered by counsellors, the most important of which are: (a) the failure of some members of the administration and of teachers to understand the role of the educational counsellor; (b) the assignment to the counsellor of duties unrelated to his functions and his performance of tasks pertaining to school administration, as well as interference by the school administration in the work of the educational counsellor; (c) the inability to visit the homes of some students during official working hours owing to the absence of the father from the home. The findings of the study also clarified the view of the educational counsellors as to the causes of students' dropout from school, the most prominent of which were: (a) social causes, such as the negative view of the education of girls; (b) causes attributable to the family, such as family breakdown; (c) economic causes attributable to the poor economic condition of the family. Finally, on the basis of its findings, the study made a set of recommendations, the most important of which were the conduct of continuous studies on the phenomenon and the devotion of educational counsellors exclusively to their guidance functions.

5. Daradkeh¹³ (2010) conducted a study entitled "**Assessment of the Degree of Alignment of the Outputs of University Education with the Requirements of the Jordanian Labour Market**", which sought to assess the degree of alignment of the outputs of university education with the requirements of the Jordanian labour market. The study relied upon the preparation of a statistical table drawn from the data of the Jordanian Ministry of Higher Education and Scientific Research and of the Jordanian Civil Service Bureau, containing the numbers of graduates, the numbers of applicants for appointment and the numbers of those appointed, and their proportions by each specialisation and by each occupational group, for each year from the year 2000 to the year 2007.

A further statistical table was compiled setting out the numbers of applicants and graduates of the occupational groups individually and the appointment rates therein; and another statistical table was likewise produced setting out the numbers of those appointed by group

¹³Jaradat, Mohammad Suleiman (2003), An Analytical Study of the Admission Policy in University Education in Jordan in Light of the Principle of Equality of Educational Opportunity and of Students' Economic, Social and Educational Conditions, doctoral thesis, Amman Arab University.

according to the variable of gender. The findings showed that the appointment rates by comparison with the numbers of applicants during the period of the study were as follows:

The appointment rate in the group of administrative occupations amounted to (16.47%); in the group of financial occupations the rate was (14.05%); in educational occupations the rate was (61.54%); in medical occupations the rate was (83.82%); and in engineering occupations the rate was (14.12%). As for the appointment rate across all occupational groups, the rate was (47.20%), which are low rates. It also emerged that there is, by contrast, a considerable increase in the numbers of graduates, and that males are ahead of females in appointment rates. The researcher put forward a set of recommendations, among them: (a) working to change admission policies on the basis of the requirements of the Jordanian labour market; (b) working to change the shape and size of the market in a manner commensurate with the numbers of graduates and the size of the population.

6. Abu Al-Rub¹⁴ (2010) conducted a study entitled "**Student Dropout at the Basic Education Stage in the Schools of the Northern Jordan Valley in Jordan and the Role of School Administration in Addressing It**", which sought to investigate the quantitative characteristics of pupils' dropout from basic education in the schools of the Northern Jordan Valley with a view to ascertaining them, and to canvass the views of a sample of school principals, their assistants, their teachers and the students' parents and guardians as to the causes of pupils' dropout from basic education in the schools of the Northern Jordan Valley, the means of preventing such dropout, the means of addressing it, and the role of school administration in prevention and remedy.

The field study was conducted in the year 2008/2009 in the basic education schools of the Northern Jordan Valley, numbering (87) schools, distributed into (61) government schools and (26) private schools. The population of the study comprised the students' parents and guardians, numbering (103,700) individuals; the principals of the said schools, their assistants and their teachers, numbering in all (1,555) individuals; and the students of the said schools, numbering (22,078) male and female students. A random sample was taken, numbering (550) fathers, mothers, male and female teachers, male and female principals and their assistants.

In order to achieve the objectives of the study, the researcher developed a questionnaire composed of four domains: the first being the domain of the characteristics of the members of the sample, in terms of their relationship to the dropouts, their educational qualifications indicating their academic level, and the occupation they practise; the second being the domain of the causes of dropout, comprising (35) items; the third being the domain of the role of school administration in preventing dropout, comprising (30) items; and the fourth being the domain of the role of school administration in addressing dropout, comprising (9) items.

The findings showed that the causes of dropout from basic education in the region of the Northern Jordan Valley, according to the views of the sample of the study, consisted in

¹⁴Abu Al-Rub, Suheir Faisal (2010), Student Dropout at the Basic Education Stage in the Schools of the Northern Jordan Valley in Jordan and the Role of School Administration in Addressing It, master's thesis, Jadara University.

family and social causes, followed by personal causes and then school-related causes. The findings also showed that the role of school administration in preventing such dropout consists in taking a number of measures vis-a-vis the family, the school and the student in order to guard against the family, social, school-related and personal causes of dropout, and that its role in addressing the said dropout consists in taking remedial measures with the families of dropouts at the school. The findings likewise showed that there were no significant differences between the views of principals, teachers and the parents of male and female dropouts as to the causes of dropout from basic education, or as to the role of school administration in preventing and addressing dropout, with the exception of the differences between the views of parents and guardians on the one hand and principals and teachers on the other regarding the family and social causes of dropout.

This study is distinguished from the previous studies in that it is comprehensive of all the principles and standards upon which the right to education is founded, whether in school or university education, as set out in the international human rights standards, which have been explained in an extensive and simplified manner so as to assist all researchers in understanding the nature and substance of the right to education. This study is further distinguished by its coverage of all the regions of the Kingdom, since it came to be comprehensive of the population of the study by reason of the diversity in the selection of the samples in a manner commensurate with the nature of the study and its population.

Sixth: The Steps and Procedures of the Study

This study was implemented in accordance with the following procedures and steps:

a. Defining the population of the study:

In view of the diversity of the questions seeking to cover the subject of the right to education, and in view of the multiplicity of the bodies concerned with and affected by this subject, five populations were addressed:

1. The population of the students of government schools in Jordan.
2. The population of the principals and teachers of government schools in Jordan.
3. The population of the students of the official universities in Jordan.
4. The population of the members of the teaching staff in the Jordanian official universities.
5. The population of the data from the Ministry of Education and Higher Education in Jordan.

b. Determining the partial samples of the study:

In the light of the diversity of the populations of the study and the multiplicity of its purposes, four samples were selected:

- 1. The sample of government-school students:** The research team reviewed the data obtained from the Ministry of Education in order to obtain the numbers of students in government schools at the basic and secondary stages, and found that the number of government-school students is (1,336,411). In order to achieve the objectives of the study and to secure a representative selection of the research sample - and given that the study

focuses on government schools, which are identical in all the governorates and follow a single educational system in all schools - the selection was made by the cluster random method and by drawing lots for three education directorates at the level of the Kingdom, these being the Education Directorate of the Governorate of Mafraq, the Education Directorate of the Governorate of Balqa and the Education Directorate of the Governorate of Tafilah. Accordingly, (160) male and female students were selected from each directorate, that is, a total of (480) male and female students.

2. The sample of government-school principals and teachers: After reference to the data obtained from the Ministry of Education in order to obtain the numbers of male and female teachers in government schools, these were found to number (83,062) male and female teachers. On the basis of the cluster random selection method applied in selecting the sample of school students, (25) male and female teachers were selected from each of the aforementioned directorates, that is, a total of (75) male and female teachers.

3. The sample of official-university students: The research team reviewed the data obtained from the Ministry of Higher Education in order to obtain the numbers of official universities and the numbers of students enrolled therein. The number of universities was (30) universities, the numbers of students in all the universities (275,360) male and female students, and the numbers of members of the teaching staff (10,675) members. In order to achieve the objectives of the study and to secure a representative selection of the research sample, the selection was made by the purposive method of three universities representing the geographical distribution of Jordan in the north, the centre and the south, these being Yarmouk University, the University of Jordan and Mutah University. Accordingly, (60) male and female students were selected from each university, so that the total is (180) from the three universities.

4. The sample of the members of the teaching staff in the official universities: In accordance with the procedures followed in selecting the sample of university students, (20) faculty members were selected from each university, so that the total is (60) members from the three universities.

c. Sources of data collection:

The diversity in the populations of the study, in its samples and in the multiplicity of the questions posed points to the spontaneous diversity in the methods of collecting information. What follows is a presentation of these sources and methods:

a - The questionnaire:

After reviewing the literature and studies connected with the subject of the study and the literature on the design of questionnaires and graduated rating scales, it was found necessary to design three questionnaires:

- 1 - The questionnaire of government-school students, composed of (33) items and two open-ended questions.
- 2 - The questionnaire of government-school principals and teachers, composed of (33) items and two open-ended questions.

3 - The questionnaire of the members of the teaching staff and the students of the official universities, composed of (27) items and two open-ended questions.

The validity of the three questionnaires was verified by presenting them to eight specialist arbitrators for arbitration and evaluation, and the necessary amendments were made. The three questionnaires were also completed in the light of the arbitrators' observations by way of amendment, deletion and addition.

In order to verify the reliability of the three questionnaires, Cronbach's alpha coefficient was used, and the internal consistency coefficient was found to be as follows:

- The questionnaire of government-school students: 83%.
- The questionnaire of government-school principals and teachers: 81%.
- The questionnaire of the members of the teaching staff and the students of the universities: 86%.

On the basis of the foregoing, the three questionnaires took their final form, as follows:

- 1 - The questionnaire of government-school students: (44) items and two open-ended questions.
- 2 - The questionnaire of government-school principals and teachers: (54) items and two open-ended questions.
- 3 - The questionnaire of the members of the teaching staff and the students of the official universities: (48) items and two open-ended questions.

These were graded on a four-point scale (strongly agree, agree, disagree, strongly disagree). The gradations reflect the four basic and sub-levels expressed by the total of the respondent's scores on the items of the questionnaire.

d. Conducting the pilot study:

By way of preparation for conducting the comprehensive descriptive field study on the right to education in Jordan - which will focus on the most prominent legal and practical problems that impede the enjoyment by individuals of their right to education - the research team carried out an exploratory pilot study in order to detect all the variables relating to the subject of the study, and so that it might serve as a principal instrument upon which reliance is placed in anticipating the deficiencies, weaknesses and difficulties in the procedures for applying the comprehensive study in terms of the method and the instruments for collecting the data likely to occur therein, in the light of the results yielded by the pilot study. It serves as feedback for the research team as to the efficacy of applying the instruments of its study and as to confidence in the anticipated results, and likewise affords the research team prior experience in applying the programmes, instruments and tests which it intends to apply, enabling it to do so with high proficiency. The pilot study revealed the validity of the instrument of the study used by the research team in reaching indicators of the reality of education in the Hashemite Kingdom of Jordan through the dimensions dealt with by the study. It became clear from the capacity of the instrument to measure the vision and the estimates of the samples through the responses to the dimensions of the study. The findings showed a general decline in the reality of the educational services in most of the dimensions, which confirmed the importance of the expanded study in arriving at

recommendations that assist the bodies concerned in laying down the plans necessary to improve the reality of the human right to education.

e. Administering the questionnaire:

- The questionnaire of school students: (480) questionnaires were distributed to a random sample of the students of basic schools in the Governorate of Mafrqa, the Governorate of Balqa and the Governorate of Tafilah, specifically to the students of the ninth and tenth grades, after the research team had clarified the objective sought from the questionnaire and its importance, which derives from the importance of the subject of the study connected with their study and their right to education. Each of them was asked to read the phrases of the questionnaire carefully and to place a tick ($\checkmark$) in the category of gradation that corresponds to his or her assessment.

In order to encourage students to give truthful responses of the greatest possible precision, honesty and objectivity, each male and female student was asked not to write his or her name, and to confine himself or herself to writing the name of the school and the grade. The students were informed of the confidentiality of the information derived from the questionnaire and that it would not be used for purposes other than those of the research.

- The questionnaire of school principals and teachers: a total of (75) questionnaires were placed with a random sample of the principals and teachers of schools in the three governorates, after the research team had informed them of the objective and purpose of the study.

- The questionnaire of the members of the teaching staff and the students of the official universities: a total of (180) questionnaires were distributed to a random sample of the students of the three universities (the University of Jordan, Yarmouk, Mutah), and a total of (60) questionnaires were distributed to a random sample of the members of the teaching staff in the three universities, after the research team had informed them of the objective of the study and the purpose thereof.

f. The procedures of the study:

a - The procedures for distributing the questionnaire: after the research team had obtained letters facilitating its task, it undertook the following:

- Coordination with the education directorates of the governorates concerned with the study, each director within his directorate and the schools subordinate to him, and thereafter moving to the school principals with a view to distributing the questionnaire to the school principals, teachers and students.

- Coordination with the three universities, each university separately, and thereafter reaching the members of the teaching staff and the university students.

- (480) questionnaires were distributed to government-school students, (75) to government-school principals and teachers, (180) to university students and (60) to the members of the teaching staff in the universities. The questionnaires were then collected after being answered, the data were entered, the computer was used, and the processing, analyses and statistical tests necessary to answer the principal question of the study and the sub-questions

were carried out, so as to arrive at the findings and thereafter at the conclusions and recommendations adopted on the basis of the findings.

b - The administrative procedures for the quantitative and numerical data: after obtaining letters facilitating the task, and after addressing the two Ministries of Education and Higher Education in accordance with the administrative hierarchy, in order to facilitate the procedures for obtaining the required data, reference was made to the Ministry of Education. The required data were found to be available at the Queen Rania Center for Information Technology, and were taken in paper copy and on compact discs. Thereafter the Ministry of Higher Education was approached and the data pertaining to it were likewise obtained in paper copy.

g. The statistical methods used:

After the procedures of the study had been applied and implemented, the data were entered into the memory of the computer within the Statistical Package for the Social Sciences (SPSS), and the following statistical treatments were used in analysing them:

- The reliability coefficient was calculated and the internal consistency coefficient was determined using Cronbach's alpha for the three questionnaires.
- The arithmetic means and standard deviations were extracted for the estimates of government-school students, principals and teachers and of the members of the teaching staff and the students of the official universities on the six dimensions covered by the questionnaires.
- The arithmetic means and standard deviations were extracted and the (t-test) was conducted in order to detect the level of significance at ($\alpha = 0.05$) between the estimates of school students according to gender and geographical region.
- The arithmetic means and standard deviations were extracted and the (t-test) was conducted in order to detect the level of significance at ($\alpha = 0.05$) between the estimates of the members of the teaching staff and the students of the official universities on the six dimensions.

h. Scoring of the responses:

The research team used the following gradation in assessing the degree of response on the instrument of the study:

- 1.00 - less than 1.50: disagree to a large degree.
- 1.50 - less than 2.00: disagree to a medium degree.
- 2.00 - less than 2.50: disagree to a slight degree.
- 2.50 - less than 3.00: agree to a slight degree.
- 3.00 - less than 3.50: agree to a medium degree.
- 3.50 - 4.00: agree to a large degree.

i. Focus groups: The research team held three focus sessions with a group of school students and teachers, and two sessions were likewise held with a group of university students and professors, during which their points of view concerning certain of the findings of the analysis

of the questionnaire were heard and the principal ideas were drawn out in order to reinforce the findings of the analysis.

Chapter Two

The Legal Framework

The substance of the right to education rests upon three dimensions: the student, in his capacity as the fundamental axis of this right; the teacher, who is described as the mind of this right; and the educational institution, which is regarded as the place in which this right is exercised. These three dimensions are embraced within a single crucible, namely the integrated educational system.

In regulating the provisions governing the exercise of the right to education, all the States of the world work assiduously upon these three dimensions, through the establishment of educational institutions provided with the necessary facilities and basic structures, and thereafter the provision of a safe educational environment for the student in order to protect him from the various forms of physical and psychological harm, quite apart from the necessity of improving the material, professional and academic conditions of teachers. Before all of this, there must be an integrated educational system that achieves the results sought from the exercise of this right.

The international agreements governing human rights affirm the necessity of enabling individuals to exercise the right to education in accordance with international standards closely linked to the dimensions of this right in general and to the educational system in particular. States must take these standards into consideration when regulating the provisions governing the exercise of this right; otherwise they shall be regarded as being in breach of the international standards governing the provisions for the exercise of the right to education.

It is worth noting in this connection that this study has been devoted to examining the most prominent international standards governing the right to education and to applying them to the reality of Jordanian legislation, so as to contribute to formulating certain solutions to address some of the legal problems that Jordanian legislation may contain, with a view to guaranteeing the optimal exercise of the right that is the subject of the study.

Preliminary Section

The Right to Education in the International Instruments and the Jordanian Constitution

The right to education is regarded as the fundamental pillar upon which reliance is placed for the advancement of any society, whether economically, politically, culturally or socially. In view of this importance enjoyed by the right to education, the divine laws have affirmed it, for the first verse revealed of the Qur'an commands reading, which is the key to the sciences. The Almighty says: {Read in the name of your Lord who created; created man from a clinging clot; read, and your Lord is the Most Generous, who taught by the pen, taught man that which he knew not}¹⁵. In view of the importance of knowledge, God commanded His Messenger to seek

¹⁵Surat Al-'Alaq: (1-5).

more of it, saying: {And say: My Lord, increase me in knowledge}¹⁶. God has praised the learned and commended them in His words: {Say: Are those who know equal to those who do not know? Only those of understanding will remember}¹⁷.

Thereafter came the international instruments governing human rights to affirm the human right to education and to lay down the optimal standards for its exercise, as have the various constitutions of the States of the world. Before examining the extent of the consistency of Jordanian national legislation with the international standards governing the right to education, it is necessary to provide a concise exposition of the position of the international instruments governing human rights, and of the Jordanian Constitution, on this right; this will be discussed in turn in two separate sub-sections.

Sub-section One

The Position of the International Instruments on the Right to Education¹⁸

In regulating the right to education, the international standards proceed from two principal premises:

- a. Treating the right to education as an empowerment right, since it is the fundamental means by which all members of society, and in particular the economically and socially marginalised, are able to lift themselves out of poverty, quite apart from the vital role this right plays in protecting women and children from exploitative labour¹⁹.
- b. That the right to education is not confined to a particular stage or type of education, but rather encompasses all types and stages of education, and likewise encompasses the opportunities of access to education, its level, its quality and the conditions in which it is provided. This is what article (26/1) of the Convention against Discrimination in Education addressed expressly²⁰.

The concern of the international instruments with the right to education began with the Universal Declaration, which laid down the general law of human rights by drawing the basic map to be followed in order to attain the optimal exercise of the right to education. Article (26/1) thereof provides: "Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory.

¹⁶Surat Taha: (114).

¹⁷Surat Al-Zumar: (9).

¹⁸The international conventions that constitute, in their substance, the fundamental pillar of this study are: (1) the Universal Declaration of Human Rights; (2) the International Covenant on Economic, Social and Cultural Rights; (3) the Convention against Discrimination in Education; (4) the Convention on the Rights of the Child; (5) the Convention on the Rights of Persons with Disabilities; (6) the Convention relating to the Status of Refugees of 1951; (7) the Convention on the Elimination of All Forms of Discrimination against Women; (8) the Cairo Declaration on Human Rights in Islam; (9) the Arab Charter on Human Rights.

¹⁹General Comment of the Committee on Economic, Social and Cultural Rights No. (13), Implementation of the International Covenant on Economic, Social and Cultural Rights - the right to education (article 13 of the Covenant), issued at the twenty-first session, dated 8/12/1999, document symbol E/C.12/1999/10, paragraph 1, p. 2.

²⁰Convention against Discrimination in Education, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 14/December/1960; date of entry into force 22/May/1962.

Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit."

The International Covenant on Economic, Social and Cultural Rights²¹ came consistent with the provisions of the Universal Declaration, article (13/2) thereof providing: "The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right: (a) Primary education shall be compulsory and available free to all ... (c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education ..."

In response thereto, article (4) of the Convention against Discrimination in Education provides: "The States Parties to this Convention undertake furthermore to formulate, develop and apply a national policy which, by methods appropriate to the circumstances and national usage, will tend to promote equality of opportunity and of treatment in the matter of education and in particular: (a) To make primary education free and compulsory; make secondary education in its different forms generally available and accessible to all; make higher education equally accessible to all on the basis of individual capacity; assure compliance by all with the obligation to attend school prescribed by law ..."

In the course of affirming the importance of the right to education, reference must be made to a number of international agreements that have referred to this right notwithstanding that their principal focus is not the right to education. This is a clear indication of the special importance enjoyed by this right and of the fundamental role it plays within the ambit of the other rights.

The Convention on the Rights of Persons with Disabilities²² affirmed the right to education in article (24) thereof, which provides: "1. States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and lifelong learning directed to: ..."

The Convention relating to the Status of Refugees of 1951²³ likewise affirmed the necessity for States Parties to accord refugees treatment equal to that accorded to nationals as regards elementary education; whereas, as regards education other than elementary education, it suffices that States accord the most favourable treatment possible in this respect, provided that it is not less favourable than that accorded to aliens in the same circumstances. In the course of affirming this right, the Convention went on to provide for the necessity that States recognise

²¹The Covenant was adopted and opened for signature, ratification and accession by United Nations General Assembly resolution 2200 A (XXI) of 16 December 1966; date of entry into force 3 January 1976.

²²Convention on the Rights of Persons with Disabilities, adopted by United Nations General Assembly resolution No. (61/611) of 13/December/2006, ratified by the Jordanian Government by Law No. (7) of 2008, the Law Ratifying the Convention on the Rights of Persons with Disabilities, published in the Official Gazette, issue 4895, dated 25/3/2008, p. 1056.

²³Convention relating to the Status of Refugees of 1951, adopted on 28 July 1951 by the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons, convened by the United Nations General Assembly pursuant to its resolution 429 (V) of 14 December 1950; date of entry into force: 22 April 1954, in accordance with the provisions of article 43 of the Convention.

the certificates, diplomas and academic degrees awarded to them abroad, and grant them exemption from fees and the award of scholarships²⁴.

As for the position of the Convention on the Elimination of All Forms of Discrimination against Women²⁵, it affirmed the necessity for States Parties to enable women to enjoy rights equal to those of men in the field of education, and laid down a set of principles to be followed in order to achieve equality in the field of education²⁶.

The Cairo Declaration on Human Rights in Islam²⁷ came to affirm the importance of this right and the necessity of harnessing it to serve humanity and to strengthen faith in God Almighty. Article (9) thereof provides: "(a) The quest for knowledge is an obligation and the provision of education is a duty incumbent upon society and the State. The State shall ensure the availability of ways and means to acquire education and shall guarantee educational diversity in the interest of society so as to enable man to be acquainted with the religion of Islam and the facts of the universe and to harness them for the benefit of mankind. (b) Every human being has the right to receive, from the various educational and guidance institutions - the family, the school and the media and others - a religious and worldly education that is integrated and balanced, developing his personality, strengthening his faith in God and his respect for and protection of rights and obligations."

As for the Arab Charter on Human Rights, we find that it affirmed this right in a manner consistent with the substance affirmed by the Universal Declaration and the International Covenant on Economic, Social and Cultural Rights, article (41) thereof providing:

1. The eradication of illiteracy is a binding obligation upon the State, and every person has the right to education.
2. The States Parties shall guarantee their citizens free education at least at the primary and basic stages; primary education shall be compulsory and education in its various stages and forms shall be available to all without discrimination.
3. The States Parties shall take, in all fields, all appropriate measures to achieve partnership between men and women with a view to attaining the goals of national development.
4. The States Parties shall guarantee the provision of education directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms.

²⁴Article (22) of the Convention relating to the Status of Refugees of 1951 provides: "1. The Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education. 2. The Contracting States shall accord to refugees treatment as favourable as possible, and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, with respect to education other than elementary education and, in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships."

²⁵Convention on the Elimination of All Forms of Discrimination against Women, adopted on 18 December 1979 by the United Nations General Assembly and opened for signature, ratification and accession by resolution 34/180 of 18 December 1979; it entered into force on 3 September 1981 and was ratified by the Jordanian Government and published in the Official Gazette, issue (4839), dated 1/8/2007, p. 4943.

²⁶See in this regard article (10) of the Convention on the Elimination of All Forms of Discrimination against Women.

²⁷Cairo Declaration on Human Rights in Islam, adopted by the Council of Foreign Ministers of the Organisation of the Islamic Conference, Cairo, 5 August 1990.

5. The States Parties shall work to incorporate the principles of human rights and fundamental freedoms into educational curricula and activities and into formal and non-formal education, formation and training programmes.

6. The States Parties shall guarantee the establishment of mechanisms capable of achieving lifelong continuous learning for all citizens and the establishment of a national plan for adult education.

Sub-section Two

The Position of the Jordanian Constitution on the Right to Education

The Jordanian Constitution came to affirm the human right to education, addressing aspects of the right to education in three articles. The first is Article Six, which enshrined the principle of equality, providing in its third paragraph: "The State shall guarantee work and education within the limits of its possibilities, and shall guarantee tranquillity and equality of opportunity to all Jordanians ...". The second is Article (19), which provides: "Congregations shall have the right to establish and maintain their own schools for the education of their own members, provided that they comply with the general provisions of the law and are subject to the control of the Government in their curricula and orientation." The third and last is Article (20), which provides: "Elementary education shall be compulsory for Jordanians and free of charge in Government schools."

Analysis of these provisions shows that the Jordanian Constitution has recognised the right to education for all Jordanians and has come, in general, consistent with the international standards as regards:

- a - The principle of equality.
- b - The principle of equality of opportunity in education.
- c - The principle of the compulsory nature of basic education.
- d - The principle of the free nature of basic education.

By contrast, legal scholarship has recorded that these provisions are inconsistent with the international standards in the following respects:

- a. The Jordanian Constitution confines the right to education to Jordanian citizens alone, which constitutes an express contravention of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Discrimination in Education and, specifically, the Convention on the Rights of the Child.
- b. The Jordanian Constitution has qualified the guarantee of the right to education by the limits of the State's possibilities, and this qualification has been introduced by provisions couched in loose and broad terms, which may constitute a pretext for the Government to evade certain of the obligations placed upon it under this right merely on the ground that they are not within the limits of its possibilities. It would have been preferable for the Jordanian Constitution to specify the basic criteria to be relied upon in determining the possibilities of the State in this field.

On the basis of the foregoing, we find that the most prominent international standards governing the right to education lie in the compulsory and free nature of primary education; the provision of a safe educational environment; the provision of curricula consonant with the objectives of education; the provision of a suitable material educational environment; the improvement of the conditions of teachers; the provision of higher education to all on the basis of equality and equality of opportunity; and the autonomy of educational institutions. In order properly to ascertain these standards, they will be discussed in turn and applied to the reality of Jordanian legislation.

Section One

The Compulsory and Free Nature of Primary Education

In its substance, primary education rests upon two fundamental pillars: the first consists in the compulsory nature of education, while the second consists in making education available free of charge to all²⁸. These two pillars are regarded as among the most prominent international standards governing the right to education. In order to ascertain the substance of the compulsory and free nature of primary education, this Section will be divided into two sub-sections: Sub-section One will be devoted to setting out the concept of the compulsory nature of education, while Sub-section Two will be devoted to setting out the concept of the free nature of education.

Sub-section One

The Compulsory Nature of Primary Education

Each of the Universal Declaration of Human Rights²⁹, the International Covenant on Economic, Social and Cultural Rights³⁰ and the Convention against Discrimination in Education³¹ affirms the compulsory nature of education. According to the international standards, the compulsory nature of primary education means that parents, guardians or the State are not granted the right to consider whether or not to make primary education available to the child; rather, their authority in this regard is constrained. This constraint upon authority is not confined solely to whether or not to make education available to the child, but extends beyond that to the necessity of making education available to all children, male and female alike. Accordingly, parents, guardians and the State are obliged to make primary education available to all children on an equal footing, and their authority in this regard is constrained, without their being permitted to deprive their children of basic education³².

²⁸General Comment of the Committee on Economic, Social and Cultural Rights No. (13), op. cit., paragraph (10).

²⁹See article (26/1) of the Universal Declaration of Human Rights.

³⁰See article (13/2) of the International Covenant on Economic, Social and Cultural Rights.

³¹See article (4) of the Convention against Discrimination in Education.

³²General Comment of the Committee on Economic, Social and Cultural Rights No. (11), Plans of action for primary education (article 14), issued at the twentieth session, dated 10/5/1999, document symbol E/C.12/1999/4, paragraph 6.

The compulsory nature of education is not confined solely to making education available to the child, but extends beyond that to combating dropout from schools by addressing its principal causes, such as combating discrimination between males and females in the field of education, confronting the violence to which the child - and in particular girls - is exposed within the local community or in schools, and eliminating the financial barriers represented by the direct and indirect costs of education³³.

The element of compulsion places upon parents, guardians and the State a positive obligation requiring that they enrol their children in primary schools on pain of liability, quite apart from the necessity of combating the phenomenon of school dropout, since the element of compulsion is a means of achieving the cognitive advancement of individuals and of combating illiteracy³⁴.

Referring to Jordanian legislation, it is apparent that the Jordanian Constitution affirmed the compulsory nature of primary education in Article (20) thereof, which provides that: "Elementary education shall be compulsory for Jordanians and free of charge in Government schools." The research team finds that, through this provision, the Jordanian Constitution came entirely consistent with the international standards as regards the compulsory nature of primary education. Among the most prominent observations on this provision is the constitutional legislator's use of the term basic education rather than primary education; the Jordanian Constitution has thereby expanded the scope of the compulsory and free nature of education so as to encompass all educational stages preceding secondary education. This is a positive position to the credit of the Jordanian Constitution, particularly as it came consistent with the Universal Declaration of Human Rights, which used the terms elementary and fundamental education rather than primary education, as is established in the International Covenant on Economic, Social and Cultural Rights and in the Convention against Discrimination in Education.

The provisions of the Jordanian Education Law³⁵ came consistent with the constitutional provision, article (10) thereof providing:

- a - Basic education shall be compulsory and free of charge in government schools.
- b - A pupil shall be admitted to the first year of the basic education stage if he has completed the sixth year of his age by the end of December of the academic year in which he is admitted.
- c - A pupil shall not be expelled from education before completing the sixteenth year of his age; excepted therefrom is a pupil with a special health condition, on the basis of a report from the competent medical committee.

³³Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Rodolfo Stavenhagen, issued by the Commission on Human Rights at its sixty-first session, dated 15/12/2004, document symbol E/CN.4/2005/88/Add.4, paragraphs 11/g and 32. See also the report of the Special Rapporteur on the right to education, Kishore Singh, Promotion of equality of opportunity in education, issued at the seventeenth session of the Human Rights Council and submitted to the United Nations General Assembly on 18/4/2011, document symbol A/HRC/17/29, paragraphs 27 and 56.

³⁴Eid Ahmad Al-Hasban, research paper entitled "The Right to Education in Contemporary Constitutional Systems", Dirasat: Sharia and Law Sciences, University of Jordan, Vol. (39), No. (1), University of Jordan, Amman, 2012, p. 381.

³⁵Jordanian Education Law No. (3) of 1994, published in the Official Gazette, issue No. (3958), p. (608), date of publication 2/4/1994.

It emerges from a study of the Education Law that it repeats the text of Article (20) of the Constitution without clarifying how the constitutional provision is to be implemented and given effect. Indeed, it is apparent from a study of the text of paragraph (c) of article (10) of the Education Law that it contains a somewhat singular rule: it prohibits the expulsion of the pupil from education before he completes the sixteenth year of his age, unless he has a special health condition on the basis of a report from the competent medical committee. Accordingly, the expulsion of the pupil is permitted after he attains the age of sixteen, or before that age if he has a special health condition. The research team finds that the Jordanian legislator was not well advised in adopting this rule, for the following reasons:

1. Permitting the expulsion of the pupil after attaining the age of sixteen, or before reaching that age if he has a special health condition, means depriving these two categories of their right to education, which constitutes a contravention of what is provided in the Constitution and in the international standards that have guaranteed the right to education for all.
2. Permitting the expulsion from education of pupils suffering from a special health condition represents a clear evasion of the State's obligation to create suitable educational conditions for this category of pupils, quite apart from the fact that the term "special health condition" is a loose term requiring a defined criterion to clarify it. Is the pupil with a disability intended, or the pupil suffering from a chronic illness, or both together? Or is a contagious disease posing a danger to public health intended? Or are other cases intended in addition to the cases mentioned?

Compulsory Education for Foreigners

The Convention against Discrimination in Education obliges the States Parties thereto to afford foreigners resident in their territories the same opportunities of access to education as they afford to their own nationals³⁶. The Convention on the Rights of the Child affirmed that the principle of non-discrimination extends to all persons of school age resident in the territory of the State Party, including non-nationals, irrespective of their legal status³⁷.

Referring to the reality in the Kingdom, it is apparent that the Instructions on the Admission and Registration of First Grade Basic Students, in regulating the admission to this grade of non-Jordanians, have required the submission of the legal documents required under the provisions of the Residence and Foreigners' Affairs Law, the regulations and instructions issued pursuant thereto, the notifications issued by the Prime Ministry and the instructions and circulars of the Ministry of the Interior³⁸. The Bases for the Admission and Transfer of Jordanian and Non-Jordanian Students have laid down conditions for the admission of non-Jordanian students to government and private schools. In respect of nationals of foreign States to whom the Residence and Foreigners' Affairs Law applies, such nationals must hold a valid annual residence permit for the purposes of permitting their children to study in private schools only. The same condition was imposed upon nationals of Arab States to whom the Residence and

³⁶Article (3/e) of the Convention against Discrimination in Education of 1960; see: Mahmoud Bassiouni (2003), *International Instruments concerned with Human Rights*, Vol. I, p. 345.

³⁷Article (2) of the Convention on the Rights of the Child.

³⁸Article (5/c/2) of the Instructions on the Admission and Registration of First Grade Basic Students No. (4) of 2017.

Foreigners' Affairs Law applies, for the admission of their children to government and private schools to be permitted. As for nationals of Arab States exempted from the provisions of the Residence and Foreigners' Affairs Law, their children have been permitted to study in government and private schools on condition that the head of the family produces a valid work permit, investment certificate or professional licence. Excepted from that condition are the children of nationals of the States of the Gulf Cooperation Council. The children of persons from the Gaza Strip resident on the territory of the Kingdom since the year 1967 and holding temporary Jordanian passports have been permitted to study, on condition that their passports or temporary residence cards are valid. As for persons holding temporary passports, in order for their children to be permitted to study in the schools of the Kingdom, it has been required that their passports be valid³⁹.

The same Bases have required the approval of the Follow-up and Inspection Department in respect of the children of the West Bank who hold five-year temporary Jordanian passports, the children of those working in the Palestine Liberation Organization who are resident in the Kingdom, and the children of holders of Palestinian passports; together with the requirement of the approval of the Department of Palestinian Affairs for the children of persons from the Gaza Strip resident in the Kingdom who hold only a certificate of proof of nationality issued by the Palestinian Embassy⁴⁰. It is worth noting that the Bases have provided that the children of Jordanian women married to non-Jordanians shall be treated as Jordanian students, pursuant to Council of Ministers decision No. (6415) dated 9/11/2014.

The education of refugee children has received international attention. The United Nations Convention relating to the Status of Refugees obliges the States Parties thereto to accord refugees the same treatment as is accorded to their nationals as regards primary education, whereas the Hashemite Kingdom of Jordan has not ratified it⁴¹. The Convention on the Rights of the Child has provided the protection necessary for the rights of the child who is a refugee or who is seeking refugee status, by obliging the States Parties thereto to take appropriate measures to ensure that the child receives appropriate protection and humanitarian assistance in the enjoyment of all his rights set forth in the Convention or in other international instruments relating to human rights⁴².

The research team finds that, notwithstanding the educational services which the Hashemite Kingdom of Jordan has provided to refugee children, it has not regulated the provisions relating to their education in its regulations and instructions. We consider that the requirement of residence documents contravenes the international conventions by which the Kingdom is bound.

³⁹Article (10), paragraphs (1-4), of the Bases for the Admission and Transfer of Jordanian and Non-Jordanian Students for the academic year 2017/2018.

⁴⁰Article (10), paragraphs (5-9), of the Bases for the Admission and Transfer of Jordanian and Non-Jordanian Students for the academic year 2017/2018.

⁴¹Article (22/1) of the United Nations Convention relating to the Status of Refugees of 1951; Office of the United Nations High Commissioner for Refugees (n.d.), The United Nations Convention of 1951 and the Protocol of 1976 relating to the Status of Refugees, p. 14. See also: National Center for Human Rights (2016), Twelfth Annual Report on the State of Human Rights in Jordan for the year 2015, p. 20.

⁴²Article (22/1) of the Convention on the Rights of the Child.

Curbing the Phenomenon of Dropout from Schools

The Education Law has sought to curb the phenomenon of dropout from schools by adopting a preventive measure consisting in the formation of a committee chaired by the administrative governor, whose task is to develop education and to achieve the objectives of the educational process⁴³, including addressing the phenomenon of school dropout through communication with parents and through the administrative governor's addressing of the matter with a view to curbing the phenomenon of school dropout - a matter which is regarded as lying at the very core of the objectives of the educational process and its development.

The Ministry likewise conducts programmes to meet the needs of students who have dropped out of schools, by affirming their educational rights and qualifying them in accordance with criteria enabling them to enrol in the Vocational Training Corporation under the non-formal education programme. With a view to achieving this, the Ministry established numerous culture-promotion centres for dropouts, the number of which, up to the year 2015, reached (102) centres, in which approximately (11,334) male and female learners were enrolled, and the number of whose graduates reached (2,280) male and female graduates⁴⁴.

Among the legislation issued to combat the question of school dropout are the Instructions on Financial Aid for the Care and Protection of Families in Need of 2015⁴⁵, issued pursuant to the text of article (8/z) of the National Aid Fund Law No. (36) of 1986⁴⁶. For families to benefit from the basic aid provided for in the Instructions, the Instructions require that the family be committed to sending its children to school and to their not dropping out of it, and that 25% of the total aid due to the family be deducted in respect of each individual officially proven to have dropped out of school or not to have enrolled therein at the legal age specified for that purpose. Excepted therefrom are those not enrolled in study for health reasons, provided that this is established by a medical report issued by the competent accredited medical authority⁴⁷.

The research team finds that, notwithstanding the importance of these Instructions in curbing cases of school dropout, they nevertheless constitute a penalty imposed upon the family and the child together, by depriving them of a principal part of the family's source of income, which in any event does not secure for them the minimum sufficient for a dignified life. This calls for the true causes of the child's abandonment of education to be investigated before these Instructions are applied - among which causes may be the insufficiency of the financial aid provided to the family.

⁴³Article (25) of the Education Law provides: "A local committee for education shall be established in the centre of each governorate and district, formed by the Minister and chaired by the administrative governor, with the director of education in the governorate or district as vice-chairman, provided that the official and non-governmental bodies and the parents' and teachers' councils in the governorate or district are represented therein. Its task shall be to contribute to the development of education and to the achievement of the objectives of the educational process."

⁴⁴Twelfth Annual Report on the State of Human Rights in Jordan for the year 2015, National Center for Human Rights, Amman, 2016, p. 162.

⁴⁵Instructions on Financial Aid for the Care and Protection of Families in Need No. (5) of 2015, published in the Official Gazette, issue 5375, dated 31/12/2015, p. 9807.

⁴⁶National Aid Fund Law No. (63) of 1986, published in the Official Gazette, issue 3425, dated 1/10/1986, p. 1838.

⁴⁷See in this regard the text of article 8/f/1 of the Instructions on Financial Aid for the Care and Protection of Families in Need No. (5) of 2015.

Bases of Success, Failure and the Remediation of Students

It is necessary to comment briefly upon the bases of success, failure and the remediation of students at the primary, basic and secondary education stages in the Jordanian Kingdom, which directly affect the quality of education. We find that article (10/a/1) of the Bases of Success, Completion and Failure at the Basic Education and Comprehensive Secondary Education Stages⁴⁸ provides: "A pupil in the grades from the first basic grade up to the third basic grade shall be promoted to the higher grade and there shall be no failure on grounds of attainment ..."

Article (10/b/6) of the same Bases likewise provides: "A pupil shall fail in the grades from the fourth to the tenth of the basic education stage and in the eleventh grade of the secondary education stage, provided that he does not repeat any particular grade more than once."

The most prominent observation on these provisions is that they never permit the failure of the pupil in the early grades (from the first grade to the third grade), that is to say, success at this stage is automatic; whereas they permit failure from the fourth grade up to the eleventh grade, on condition that the pupil does not repeat any particular grade more than once. Accordingly, we consider that automatic promotion in the first three grades, and failure in the other grades on condition that the same grade is not repeated more than once, is liable to result in the pupil reaching higher grade levels while not being qualified for them. It is worth noting in this connection that automatic promotion, or failure conditional upon the grade not being repeated more than once, is not the only factor affecting the academic qualification of the pupil; rather, the teaching by certain teachers in the Kingdom of subjects outside the scope of their specialisations - owing to a shortage of teachers in the specialisations of science, mathematics, physics, earth sciences and the English language - has also contributed to the pupil's academic weakness, given the negative effect of this practice upon the extent of the pupil's acquisition of the basic skills of those subjects, since they are taught by teachers who are not specialists, which is liable to disrupt the course of the educational process⁴⁹.

As regards the remediation of students in the schools of the Kingdom, we find that the Instructions Regulating the Programmes of Remedial Classes and Enrichment Classes in Government Schools No. (15) of 1977 and the amendments thereto⁵⁰ contain the provisions governing the mechanism for organising remedial and enrichment classes in schools; however, there is no clear practical application of these Instructions, quite apart from the absence of any mechanism for following up this matter.

In sum, Jordanian legislation came to a certain extent consistent with the international standards as regards the principle of the compulsory nature of education. It has not, however, provided for the necessity of taking any measures or imposing penalties upon those parents and

⁴⁸Bases of Success, Completion and Failure at the Basic Education and Comprehensive Secondary Education Stages (academic and vocational) for the academic year 2016/2017, published on the website of the Jordanian Ministry of Education at the following link: [http://www.moe.gov.jo/Files/\(27-10-2016\)\(1-51-17%20PM\).pdf](http://www.moe.gov.jo/Files/(27-10-2016)(1-51-17%20PM).pdf) ; this site was accessed on 3/July/2017.

⁴⁹Eighth Annual Report on the State of Human Rights in Jordan 2011, National Center for Human Rights, Amman, 2012, p. 89.

⁵⁰See the full text of the Instructions published on the website of the Ministry of Education at the following link: <http://moe.gov.jo/Departments/DepartmentsMenuDetails.aspx?MenuID=326&DepartmentID=5> ; this site was accessed on 6/July/2017.

guardians who breach this principle. Nor has the Education Law expressly provided for the compulsory nature of education for students with disabilities. Moreover, paragraph (c) of article (10) of the Education Law permits the expulsion of students suffering from a special health condition even if they have not completed the age of sixteen; this provision may constitute an avenue for the State to deprive this category of its right to education, since it suffices that the student with a disability be classified among the special health conditions on the basis of a medical report from a competent authority in order for him to be expelled from education - which is at variance with the standards governing the compulsory nature of education, if this case is dealt with in this manner.

Sub-section Two

The Free Nature of Primary Education

The free nature of education means that the State shall guarantee primary education to the child free of charge, without the imposition of fees on the part of the Government, the local authorities or the school⁵¹. This in turn places upon the State a positive obligation requiring the provision of sufficient financial resources to achieve the free nature of primary education⁵². On that basis, if the national legislation on education includes provisions relating to the imposition of certain fees, even if symbolic, whether directly or indirectly, this constitutes an express violation of the child's right to free primary education.

The Committee on Economic and Social Rights has set out the gravity that results from failure to abide by the principle of the free nature of education - including indirect costs, such as compulsory levies imposed upon parents (sometimes portrayed as being voluntary when in fact they are not), or the obligation to wear a relatively expensive school uniform - which consists in creating a disincentive that prevents the effective enjoyment of the right to education⁵³.

Turning to the free nature of primary education in Jordanian legislation, it is apparent that Article (20) of the Constitution and article (10) of the Education Law have both provided for the free nature of education. The Jordanian legislator has reinforced the principle of the free nature of education by expressly providing for the necessity of distributing textbooks to students free of charge for the first time, and in particular to students at the basic stages. This is what is expressly provided for in article (27/a) of the Education Law and confirmed by article (7) of the Instructions on the Sale and Distribution of Textbooks and Educational Materials No. (3) of 2015.

It is likewise observed that article (41) of the same Law has permitted the collection of school donations, providing: "... b - School donations may be collected in government educational institutions in order to promote educational work, pursuant to a regulation issued for this purpose." In response thereto, the School Donations Regulation No. (35) of 1994 was issued, which set the donations to be collected from students in the early grades at (5) dinars, article

⁵¹General Comment of the Committee on Economic, Social and Cultural Rights No. (11), op. cit., paragraph 7.

⁵²Interim report of the Special Rapporteur on the right to education, Kishore Singh, submitted to the United Nations General Assembly at its sixty-sixth session, dated 5/8/2011, document symbol A/66/269, paragraph 4.

⁵³General Comment of the Committee on Economic, Social and Cultural Rights No. (11), op. cit., paragraph 7.

(4) thereof providing: "The school donations to be collected annually shall be determined as follows: a. A pupil in the grades of the basic stage - 5 dinars."

As regards the possibility of exempting students from these donations, we find that article (9) of the School Donations Regulation permits the school donations committee - which is established in each school pursuant to the text of article (7) of the same Regulation - to exempt any pupil from paying part of the school donations if he is unable to pay that part, provided that the overall rate of exemption does not exceed 20% of the total amounts prescribed to be collected in accordance with the provisions of the Regulation. That same committee is also the body with original competence to determine the purposes for which the school donations are to be spent, according to the needs of the school.

It is worth noting that the Head of State, King Abdullah II, has established a commendable practice of exempting students from school donations since the year 2009, which has been reflected positively in strengthening the free nature of education. Although the amount is not large, it has eased the burden upon many families having more than one pupil in schools, in the light of the difficult financial circumstances suffered by the majority of Jordanian families under the weight of the difficult economic conditions from which the Jordanian State suffers. The research team considers that the Royal policy represents an indirect Royal direction to amend the legislation that imposes upon students the payment of these donations, in a manner consistent with the constitutional provision that expressly provided for the free nature of basic education.

Among the impediments confronting the sound application of the free nature of education is the imposition of indirect taxes that ultimately lead to an increase in the financial costs of educating students, represented by the sales tax on stationery, which ranges between (4-16%)⁵⁴. In addition, the Jordanian Government has retreated from its earlier decision to reduce the sales tax on the clothing, footwear, leather and fabrics sector from 16% to 8%, and to reduce customs duties from 30% to 5%. This will ultimately lead to raising the financial cost of the educational process and constitutes, under the international human rights standards, retrogressive measures which the State may not take in the field of economic, social and cultural rights.

It is essential to refer to the role of the Ministry of Education in guaranteeing the compulsory and free nature of basic education for refugee students, and in particular Syrian students. We find that the Ministry has exempted them from paying school donations and the price of textbooks, and has converted some schools to the double-shift system, with the evening shift being for Syrian students, with a view to confronting the continuous increase in the numbers of Syrian students. Schools have also been established in the Zaatari camp, the Emirati camp and the Azraq camp⁵⁵.

As for the legislative basis for the education of refugee students in Jordan, there is no national legislation expressly providing for this matter. However, the existence of legislation specific

⁵⁴Eighth Annual Report on the State of Human Rights in Jordan for the year 2011, National Center for Human Rights, Amman, 2012, p. 86.

⁵⁵Twelfth Annual Report on the State of Human Rights in Jordan for the year 2015, National Center for Human Rights, op. cit., p. 163.

to the education of refugees does not mean that Jordan is exempt from the obligation to provide educational opportunities to refugees; rather, the source of the obligation is the United Nations Convention relating to the Status of Refugees of 1951, as an integral part of international custom⁵⁶. In addition, there is what is set out in the Memorandum of Understanding concluded between the Office of the High Commissioner for Refugees and the Jordanian Government in 1998, partially amended in 2004, which determines the standards of cooperation between the High Commissioner's Office and the Government⁵⁷. Under that Memorandum, the Jordanian Government undertakes to accord refugees treatment no less favourable than that accorded to Jordanian citizens as regards the practice of religious rites and the religious education of their children; and there shall be no discrimination between refugees on grounds of race, religion or country of origin, in a manner not at variance with the provisions of the Jordanian Constitution and provided that these rites are not contrary to the laws and regulations in force and to public morals⁵⁸.

In conclusion, we find that Jordanian legislation is not consistent with the international standards as regards the free nature of education, for we find that the Education Law violated this principle when it provided in article (41/b) thereof for the permissibility of collecting school donations, which are imposed upon students at the rate of (5) dinars for the basic stage. This prompts the study team to call for the repeal of paragraph (b) of the text of article (41) of the Education Law and for the repeal of the School Donations Regulation.

Section Two

The Educational Environment

The educational environment is regarded as one of the fundamental elements in the provision of good-quality education. In order for the educational environment to be an effective element among the elements of education, it must be characterised as a safe and suitable environment. This has been affirmed in a number of the international instruments governing human rights, which national legislation must necessarily take into consideration. In its substance, the educational environment rests upon two fundamental matters: the provision of a safe educational environment free from violence (suitability) and the provision of a suitable material educational environment (safety). In order to cover these two pillars, we shall address each of them in a separate sub-section.

Sub-section One

⁵⁶Article (22) provides: "(1) The Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education. (2) The Contracting States shall accord to refugees treatment as favourable as possible, and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, with respect to education other than elementary education and, in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships."

⁵⁷This was confirmed by the High Commissioner's Office when it provided a general overview of the situation of refugees in Jordan, published on its website at the following link: <http://www.unhcr.org/ar/4be7cc278c8.html> ; this site was accessed on 26/8/2017.

⁵⁸Article (6) of the Memorandum of Understanding between the Jordanian Government and the Office of the United Nations High Commissioner for Refugees of 1998, partially amended in 2004.

Providing a Safe Educational Environment Free from Violence

The educational environment is described as safe if the child is protected from all forms of violence to which he may be exposed in the educational environment, whether such violence is practised by peers, by teachers or even by those working in the schools. The phenomenon of school violence, and in particular bullying by peers, is regarded as among the phenomena that most disturb the child's educational life and adversely affect his academic attainment and his emotional well-being, quite apart from the long-term negative effects that extend with him into adulthood⁵⁹.

In order to combat this phenomenon, the Convention on the Rights of the Child⁶⁰ laid down a general rule by which it affirmed the necessity of combating all forms of violence, through obliging all member States to take all necessary measures to protect the child from the scourge of violence in all its forms. Article (19/1) thereof provides: "States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child."

School violence is classified among the matters that detract from the human dignity of the child. The Convention on the Rights of the Child therefore affirmed in particular the necessity of providing an educational environment that preserves the child's human dignity, providing in article (28/2) thereof: "States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention."

It likewise provides in article (37) thereof: "States Parties shall ensure that: (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age ..."

The Convention did not confine itself to affirming the protection of the child from all forms of violence; it also imposed an obligation upon the States Parties to take all the measures necessary to rehabilitate every child who falls victim to violence, providing in article (39) thereof: "States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child."

⁵⁹ Report of the United Nations Secretary-General on protecting children from bullying, submitted to the United Nations General Assembly at its seventy-first session, dated 26/7/2016, document symbol A/71/213, paragraph 3.

⁶⁰ Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989; date of entry into force: 2 September 1990, in accordance with article 49; ratified by the Jordanian Government by Law No. (50) of 2006, the Law Ratifying the Convention on the Rights of the Child, published in the Official Gazette, issue (4787), dated 16/10/2006, p. 3991.

As for the position of national legislation on the provision of a safe educational environment, the Education Law does not expressly provide for this. It cannot, however, be said that the Law has focused upon respect for human dignity, for among the most important objectives which education in Jordan has sought to achieve from the period of basic education is that the student should accept himself, respect others, have regard to their feelings and appreciate their merits and achievements⁶¹. This is the same objective that is expected to be achieved after secondary education, namely strengthening the student's self-confidence and his appreciation of the humanity of man and his respect for the dignity and freedoms of others⁶². In giving effect to the text of article (6/e) of the Law, which set out the role of the Ministry of Education in providing suitable counselling and preventive health care in government educational institutions, the Instructions on Student Discipline in Government and Private Schools No. (5) of 2017 were issued⁶³. These Instructions incorporate a set of measures to be taken in the event that a student commits any act liable to disrupt the course of the educational process; they likewise incorporate a set of prohibited forms of conduct which teachers and school employees may not adopt in dealing with students. With a view to analysing the substance of these Instructions and examining the extent of their consistency with the relevant international standards, the part concerning the confrontation of school violence will be examined, whether its source is bullying by peers or by teachers and school employees.

First: School violence practised by peers (bullying by peers)

Bullying by peers is defined as: deliberate and unwanted conduct that is harmful physically, verbally or relationally - such as the spreading of rumours or exclusion from the group - and that occurs repeatedly in situations where there is an actual or perceived imbalance in the balance of power, and in which the victim feels weak and helpless in a manner that makes self-defence impossible⁶⁴.

Bullying by peers occurs in several forms, of which we may mention, by way of example and not of limitation: violence occurring in playgrounds; violence practised against children who come from poor families or who have particular personal characteristics, such as appearance or physical or mental disability; quite apart from gender-based violence perpetrated by male students against female students⁶⁵.

With a view to confronting the phenomenon of bullying by peers, the international standards require all States to take a set of measures capable of eliminating this phenomenon or at least of mitigating its severity. Among these measures are the following⁶⁶:

⁶¹Article (9/b/19) of the Education Law.

⁶²Article (11/b/6) of the Education Law.

⁶³The Instructions on Student Discipline in Government and Private Schools were published in the Official Gazette, issue 5455, dated 16/4/2017, p. 2769. It should be noted that these Instructions were preceded by the School Discipline Instructions No. (1) of 1998 and the Instructions on Student Discipline in Government and Private Schools No. (1) of 2007.

⁶⁴Report of the United Nations Secretary-General on protecting children from bullying, op. cit., paragraph 9.

⁶⁵Report of the independent expert for the United Nations study on violence against children, submitted to the United Nations General Assembly at its sixty-first session, dated 29/8/2006, document symbol A/61/299, paragraph 51.

⁶⁶Report of the United Nations Secretary-General on protecting children from bullying, op. cit., paragraphs 83 and 85 to 86.

1. Replacing traditional measures, such as temporary suspension or expulsion, with restorative measures, by seeking to repair the harm and the relationships rather than to punish and take revenge, in a manner that ensures assistance to the aggressor in reintegrating into the school milieu.
2. Mediation between the victim and the aggressor, the holding of meetings and reconciliation circles, training students in the means of settling disputes among their peers by performing the role of mediator, and working to establish parents' and teachers' associations to play a supportive role in the mediation process.
3. Affording children the opportunity to express their feelings and enabling them to relate their account, working to assist them in overcoming their negative feelings, and restoring their rights so as to relieve their suffering.
4. The participation of the aggressor in finding solutions, so as to enable him to recognise his fault and the harm he has caused, with a view to preventing him from returning to such conduct.

Turning to the position of national legislation on the phenomenon of bullying by peers, it is apparent that the Instructions on Student Discipline in Government and Private Schools affirm the necessity for the school to use preventive and remedial methods to modify the conduct of students in a positive and acceptable manner at the various educational stages, through the various educational means. The Instructions also affirmed that penalties are not to be imposed upon students from the first grade up to the sixth grade, and that their conduct is to be corrected solely through preventive and remedial means, penalties being imposed for offences committed by students from the seventh grade upwards⁶⁷.

The Instructions likewise provided for the necessity of forming a discipline council in every school comprising the seventh grade or a higher grade, which assumes responsibility for considering student infractions⁶⁸. The council is entitled to impose a set of penalties pursuant to decisions issued by the discipline council or under its supervision, which are implemented directly or are made conditional upon the approval of the director of education concerned if the

⁶⁷Article (3) of the Instructions on Student Discipline in Government and Private Schools.

⁶⁸Article (4/a) of the Instructions provides: "A discipline council shall be formed during the first week of the academic year in every school comprising the seventh grade or above, as follows: (1) the school principal, as chairman; (2) four teachers, as members (elected by secret ballot by the teaching staff, the vice-chairman being the teacher who obtains the highest number of votes); (3) the class supervisor to whom the student belongs, as a member in that case; (4) a representative of the parents' and teachers' council, as a member, elected by the parents' and teachers' council, provided that he is not one of the members of the teaching staff of the school; (5) a representative of the students, elected by the members of the student parliamentary council; (6) in schools in which there is not a sufficient number of teachers to serve as members of the council, its formation shall be confined to the school principal as chairman and all the teachers as members, in addition to a representative of the parents' and teachers' council and a representative of the students." As for the functions of the council, these are set out in article (4/c) of the Instructions as follows: (1) taking written statements from each of the complainant, the person complained against and the witnesses, separately, before the council; (2) considering the complaint within (48) hours and issuing its decision or recommendation thereon within a period not exceeding three working days from the date of its submission, unless the attendance of one of the principal parties to the case is impossible for compelling and legitimate reasons; (3) drawing up the investigation records and the decisions of the council, signing them by the members of the council and sending a copy thereof to the Director and the Minister within a period not exceeding three days, and keeping another copy at the school, this being in respect of the penalties that require the approval of the Director or a decision of the Minister; (4) recording the decisions of the council, signed by all the members present, in a special register kept with the school administration.

offence warrants a severe penalty, or by a decision issued by the Minister if the offence warrants final expulsion from education.

As regards the phenomenon of bullying by peers, the Instructions have imposed a set of penalties graduated according to the gravity of the offence, as follows:

(1) Warning: A warning is issued against the student in several cases, among which we may mention those cases which in their substance constitute the phenomenon of bullying by peers, namely the following⁶⁹:

- a. The student's assault upon his classmate by striking without the use of a sharp instrument.
- b. Possession of a sharp instrument or any implement suitable for use in acts of violence.
- c. The student's theft of the property of his fellow students.
- d. Cheating in school examinations, or damaging his answer papers or the answer papers of one of his classmates, or any conduct liable to disrupt or obstruct the examinations.
- e. Uttering obscene words contrary to public morals.

(2) Transfer within the schools of the directorate: This penalty is imposed if one of the offences warranting the issuance of a warning to the student is repeated, or in the event of the commission of two of the offences warranting a warning, or in the event of tampering with school records or official seals or damaging them⁷⁰.

(3) Transfer outside the schools of the directorate: This penalty is imposed if one of the offences warranting the penalty of warning coupled with the penalty of transfer within the schools of the directorate is repeated, or in the event of brandishing a sharp instrument and attempting an assault upon one of the students or upon one of the teachers or employees of the school⁷¹.

(4) Removal from the school until the end of the academic year: This penalty is imposed upon the recommendation of the council and by decision of the Director in the following cases: if the student repeats the offences warranting the penalty of warning coupled with:
(a) insulting one of the teachers or employees of the school by vilification, abuse, contempt

⁶⁹Article (5) of the Instructions provides: "The penalty of warning shall be imposed upon the offending student, upon the recommendation of the class supervisor and by decision of the school principal, for the following offences committed: (a) threatening teachers or school employees with assault upon them or upon their property; (b) assaulting the property of teachers or school employees, or damaging it, together with his being obliged to make good the damage or to compensate; (c) the student's abuse of teachers or school employees through social media sites; (d) the student's assault upon his classmate by striking without the use of a sharp instrument; (e) smoking inside the school; (f) disabling, damaging or tampering with school equipment, together with his being obliged to make good the damage or to compensate; (g) bringing in or circulating indecent publications or pictures, or directing students to deal with publications or pictures that offend modesty or are contrary to public morals, in their various forms and from their various sources; (h) possession of a sharp instrument or any implement that may be used in acts of violence; (i) cheating in school examinations, or damaging his answer papers or the answer papers of one of his classmates, or any conduct liable to disrupt or obstruct the examinations; (j) the student's incitement, or participation in incitement, to obstruct the lesson or to disrupt the educational process; (k) theft of any of the property of the school, the students or those working therein, together with his being fined the value of the stolen items and their restoration to their previous condition; (l) violating the sanctity of the month of Ramadan; (m) using a mobile telephone during the class lesson or class activities; (n) uttering obscene words contrary to public morals and ethics."

⁷⁰Article (6/a/1) of the Instructions on Student Discipline in Government and Private Schools.

⁷¹Article (6/b) of the Instructions on Student Discipline in Government and Private Schools.

or any other means; (b) offending against the Divine Being, the revealed religions or the prophets by abuse, vilification or contempt, or by any other means; (c) the use of drugs, alcohol, intoxicants, narcotics or psychotropic substances, in addition to other cases which are not the subject of this study⁷².

(5) Expulsion from education: This penalty is regarded as among the most severe penalties that may be imposed, upon the recommendation of the council, the proposal of the Director and a decision of the Minister, upon the student in the event that he commits one of the following grave offences⁷³: (a) repetition of one of the offences provided for in article seven of these Instructions; (b) offending, by word or deed, against persons of high standing, the Jordanian flag or the Jordanian national symbols; (c) engaging in conduct contrary to chastity and offensive to morals and public decency, such as immoral conduct, sexual assaults or engaging in sexual conduct; (d) defaming the honour of others and sowing discord among classmates and others (by way of example and not of limitation); (e) assaulting one of the teachers or employees of the school, personally or in concert with others, inside or outside the school; (f) deliberately injuring one of the students by using a hard implement or a sharp instrument; (g) trafficking in drugs, intoxicating alcohol, narcotic substances or psychotropic substances.

It is observed that the Instructions on Student Discipline, in their confrontation of the phenomenon of bullying by peers, are confined to traditional measures aimed at imposing punishment and retribution, with an absence of restorative measures and of the method of mediation in settling student disputes; quite apart from the fact that the penalties of removal from education and expulsion from study constitute a violation of the right to education, since they entail depriving a person of his right to education.

As regards the role of the educational counsellor in settling student disputes, we find that the Instructions affirmed the necessity of referring student cases to the educational counsellor before referring them to the discipline council, in order to prepare a detailed report on the circumstances of the offence together with a proposal of remedial programmes to correct the conduct of the offending student and his recommendations, without the Instructions referring to the necessity of the educational counsellor attempting to resolve the dispute before referring it to the council and, if he fails to do so, referring it to the discipline council. That is to say, the role of the counsellor is confined solely to putting forward recommendations and proposals that are not binding. Article (4/d) of the Instructions provides: "All student cases shall be referred to the educational counsellor at the school before being referred to the council, in order to study their causes, clarify their psychological and social effects, propose remedial programmes to modify the offending conduct, and submit a detailed report containing his recommendations, and to present them to the council before it convenes."

It may be concluded from the foregoing that the Instructions on Student Discipline fall short of confronting and resolving the phenomenon of bullying by peers, owing to their reliance upon

⁷²Article (7/a) of the Instructions on Student Discipline in Government and Private Schools.

⁷³Article (8) of the Instructions on Student Discipline in Government and Private Schools.

traditional measures in settling student disputes, quite apart from the neglect of the role of the counsellor in this field.

Second: School violence practised by teachers or school employees

School violence practised by teachers or school employees consists in corporal punishment, such as beating with sticks or whips, whether with the express or implied consent of ministers of education or without such consent; or verbal and psychological punishment; or gender-based sexual punishment⁷⁴.

In order to avoid the phenomenon of school violence in all its forms, the Convention on the Rights of the Child has required all States Parties to include in their national legislation a set of provisions ensuring that all forms of school violence are combated, for national legislation plays an important role in this field by achieving the following⁷⁵:

1. Defining the prohibited forms of conduct.
2. Guaranteeing the rights of children harmed by violence on the part of the teacher or one of the school employees, or by bullying by peers.
3. Establishing counselling and reporting procedures, which must be safe and responsive to the needs of the child.
4. Informing victims of the means of redress.
5. Providing guidance on investigating and recording cases of bullying by peers.
6. Providing counselling and training to prevent, identify and address bullying by peers.
7. Laying down specific protection measures for the categories at risk.

Turning to the Instructions on Student Discipline in Government and Private Schools as regards violence inflicted upon students by teachers and school employees, it is apparent that these Instructions contain a set of forms of conduct which the school is prohibited from adopting in dealing with students, in order to safeguard their physical, psychological and emotional well-being. The legislator was well advised in adopting this approach; however, he may be criticised for confining himself to defining the prohibited forms of conduct without specifying the measure to be taken against teachers or school employees if they engage in one of these prohibited forms of conduct. Article (9/a) of the Instructions prohibits engaging in any of the following practices: (1) corporal punishment in any form whatsoever; (2) reducing the school mark or threatening to do so; (3) depriving the student of taking his meal at its appointed time; (4) requiring the student to copy out the school assignment or to perform school tasks in excess of those of his classmates inside the classroom or in the school; (5) ridicule, mockery or disparagement for any reason whatsoever; (6) belittling, humiliating or insulting the student in any manner whatsoever; (7) resorting to the method of collective punishment for an offence committed by one student or by a particular group of them; (8) removing the student from the school during official working hours for an offence he has committed; (9) withholding the student's book bag or any school equipment he owns for any reason whatsoever."

⁷⁴Report of the independent expert for the United Nations study on violence against children, op. cit., paragraph 16.

⁷⁵Report of the United Nations Secretary-General on protecting children from bullying, op. cit., paragraph 92/i.

Notwithstanding that the aforementioned Instructions are confined to defining the acts which teachers and school employees are prohibited from adopting in dealing with students, without specifying the penalties or the measures to be taken against teachers and school employees if they engage in such conduct, this does not negate the classification of those acts as disciplinary offences warranting punishment in accordance with what is set out in the Civil Service Regulation, namely: admonition, warning, deduction from salary, withholding of the annual increment, dispensing with service, and dismissal⁷⁶. As for those working in private schools, their practice of violence against students is regarded as a disciplinary offence warranting the imposition of one of the disciplinary penalties, namely: a warning pursuant to the provisions of article (19/d) of the Labour Law, or a fine or suspension from work without pay pursuant to the provisions of article (84). Moreover, the assault by a teacher or school employees upon students by striking or by disparagement is regarded as a justified ground for dismissing the worker without notice, pursuant to the provisions of article (28/i) of the Labour Law.

Sub-section Two

Providing a Suitable Material Educational Environment

The material educational environment cannot be described as suitable unless it is consistent with the requirements of teaching, health, sanitation, safety and administration⁷⁷. This necessarily entails the construction of buildings capable of withstanding all natural factors and the modernisation of existing buildings in a manner that achieves the foregoing purpose, providing them with sanitary facilities for both sexes, providing potable water and healthy classrooms⁷⁸. If we subject the international standards governing the suitable material environment of educational institutions to analysis, we find that they consist in the following:

First: The construction of buildings capable of withstanding all natural conditions and of protection therefrom⁷⁹. For example, these buildings must be capable of withstanding earthquakes and the various weather conditions, particularly strong winds, rain, low temperatures in winter and high temperatures in summer; they must also be far from the hazards arising from traffic movement or from factories and hazardous trades.

Second: The proportionality of class size to the numbers of students. The overcrowding of classes with students in schools is liable to impair the quality of education. Accordingly, having regard to class size in relation to the numbers of students, and limiting overcrowded classes, is liable to have a positive effect upon the quality of education, since it assists

⁷⁶See in this regard article (141/a) of the Jordanian Civil Service Regulation. For further detail on the disciplinary system applicable to the public employee see: Al-Khalayleh, Mohammad, Administrative Law - Book Two, 2nd edition, Dar Al-Thaqafa for Publishing and Distribution, Amman, 2015, p. 117 et seq.; Al-Helw, Majed Raghieb, Administrative Law, 1996, Dar Al-Matbou'at Al-Jami'iyya, Alexandria, p. 339 et seq.

⁷⁷Report of the Special Rapporteur on the right to education, Kishore Singh, Normative action for quality education, issued at the twentieth session of the Human Rights Council and submitted to the United Nations General Assembly on 2/5/2012, document symbol A/HRC/20/21, paragraph 52.

⁷⁸General Comment of the Committee on Economic, Social and Cultural Rights No. (13), op. cit., paragraph 6/a; and Report of the Special Rapporteur on the right to education, Kishore Singh, Normative action for quality education, op. cit., paragraph 51.

⁷⁹General Comment of the Committee on Economic, Social and Cultural Rights No. (13), op. cit., paragraph 6/a.

teachers in performing their duty in a better manner and assists students in learning and comprehending well⁸⁰. National legislation usually determines the ratio of class size to the number of students by allocating at least one square metre to each student⁸¹.

Third: The provision of facilities and basic structures. Basic facilities include several matters, the most prominent of which are: sanitation, toilets designated for both sexes, and sloped passageways designated for persons with special needs. Basic structures include lighting, audio services, safety and security, and means of communication⁸². Accordingly, any educational institution that does not observe the international standards governing the provision of a suitable material educational environment is deemed to be in violation of the right to education.

In the course of regulating the provisions governing the functions of the Ministry of Education, the Education Law affirmed the necessity for the Ministry to construct buildings fit and suitable for carrying out the educational process, providing in article (6/b) thereof: "The Ministry shall carry out the following functions: ... b. Providing buildings fit for education in government educational institutions and distributing them in a manner consistent with educational policy ..."

The Law has also imposed an education tax, the proceeds of which are spent on providing school buildings and maintaining them and on any other matters relating to the course of the educational process. Article (42/a) thereof provides: "An education tax shall be imposed at the rate of 2% of the net rental value assessed under the Law on the Tax on Buildings and Land within the Areas of Municipalities in force, to be called the (Ma'arif Tax), and shall be collected from the occupier of any property, whether owner or lessee. The procedures for collecting this tax shall be determined by a regulation issued pursuant to this Law, and its proceeds shall be spent on providing school buildings and maintaining them and on all other matters relating to the achievement of the objectives of the educational process."

If the aforementioned provisions are subjected to analysis, the following is observed:

1) The Law confined itself to providing for the necessity for the Ministry to provide buildings fit for education, without specifying the standards and bases to be met in order for buildings to be deemed fit for education. Nor did it provide for the necessity of specifying these bases by regulations or instructions issued for this purpose. It would have been more appropriate for the Jordanian legislator to require the provision of buildings fit for learning in accordance with the relevant international standards, and to specify the bases

⁸⁰Report of the Special Rapporteur on the right to education, Kishore Singh, Normative action for quality education, paragraph 54.

⁸¹See, for example, article (5/a) of the Jordanian Regulation on the Establishment and Licensing of Private and Foreign Educational Institutions No. (130) of 2015 and the amendments thereto, published in the Official Gazette, issue (375), dated 31/12/2015, p. 9781, which allocated to each student an area of one square metre of the total area of the classroom. See also paragraph six of the general conditions of the standards and requirements to be met in school buildings in Qatar, published on the website of the Ministry of Education and Higher Education in Qatar at the following link: <http://www.edu.gov.qa/Ar/Search/Pages/Results.aspx?k=%D9%85%D8%B9%D8%A7%D9%8A%D8%B1>, which allocated to each student an area of two square metres of the total area of the classroom.

⁸²Report of the Special Rapporteur on the right to education, Kishore Singh, Normative action for quality education, op. cit., paragraph 52.

necessary for providing healthy buildings suitable for the educational environment. These bases must affirm several matters, the most prominent of which are: (a) the construction of buildings capable of withstanding all natural conditions; (b) having regard to the proportionality of class size to the numbers of students; (c) the provision of facilities and basic structures.

2) The Law provided a dedicated funding source for providing school buildings fit for the educational environment, represented by the Ma'arif tax, the Ministry's revenue from which is estimated at (JD 12,418,146) according to what is set out in the Law of the Budgets of Government Units for the fiscal year 2016⁸³.

As regards the practical application of the Education Law in relation to the provision of schools fit for education, the Kingdom has, throughout its past, witnessed considerable attention on the part of the State to the construction of school buildings and their provision in the various areas of the Kingdom; indeed, there is no residential community devoid of at least one basic school. The problem, however, lies in maintaining these buildings and in the continuity of their upkeep. Certain human rights reports have referred to the suffering of some schools from the poor condition of the infrastructure, and to repeated interruptions of electricity and water, quite apart from defects in the windows and doors of certain schools⁸⁴.

Reference must be made in this field to the fact that private and foreign educational institutions are not granted any licences until a set of conditions and standards has been satisfied pursuant to the Jordanian Regulation on the Establishment and Licensing of Private and Foreign Educational Institutions of 2015, article (4) thereof providing:

- a. Each student shall be allocated an area of one square metre inside the classroom and two square metres of the open courtyards.
- b. The building of the institution must be independent of any other building, and the area of the open courtyards therein may not be less than (500 m²). These courtyards must be free of columns and of any buildings or facilities, with the exception of the shelters designated for students and the sanitary facilities necessary for them.
- c. The open courtyards designated for students may not be used as parking areas for cars or buses.
- d. The roofs of the buildings of the institution may not be used as courtyards for students.
- e. The institution may not use buildings that are not constructed of concrete or steel.
- f. A private educational institution may not be licensed on commercial streets or in industrial and commercial areas, or above the roofs of commercial, industrial or residential premises.

The most prominent observation on this Regulation is that it is confined solely to private and foreign schools, without extending beyond that to government schools. It would have been

⁸³Law No. (4) of 2016, the Law of the Budgets of Government Units for the fiscal year 2016, published in the Official Gazette, issue 5378, dated 1/2/2016, p. 415, chapter 8119, Ministry of Education / Ma'arif (Education) Tax.

⁸⁴For more on this subject see the Eleventh Annual Report on the State of Human Rights in Jordan for the year 2014, National Center for Human Rights, Amman, 2015, p. 131, and the Twelfth Annual Report on the State of Human Rights in Jordan for the year 2015, op. cit., p. 163.

more appropriate for the Jordanian legislator to provide in the body of the Education Law for the necessity of issuing a regulation setting out the standards and bases for the establishment of official and private schools, and to issue on that basis a regulation covering the basic standards to be met in school buildings, whether government or private, rather than issuing a regulation specific to the standards for the establishment of private schools - a matter which has left us with a legislative vacuum as regards the bases and standards for the establishment of government schools.

Section Three

The Curricula

The curricula are regarded as a fundamental pillar of the professional development of teachers and of the general philosophy of the educational programme. The curricula must, in their substance, be consonant with the purpose towards which the education system must be directed. Article (26/2) of the Universal Declaration of Human Rights provides: "Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace."

This purpose was also affirmed in the International Covenant on Economic, Social and Cultural Rights, which provides in article (13/1) thereof: "The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace."

The Convention against Discrimination in Education likewise came to affirm this purpose, providing in article (5/1) thereof: "The States Parties to this Convention agree that: (a) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms; it shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace ..."

As for the position of the Convention on the Rights of the Child in this regard, it was no different from the aforementioned conventions, providing in article (29/1) thereof: "States Parties agree that the education of the child shall be directed to: (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential; (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations; (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own; (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and

friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin; (e) The development of respect for the natural environment."

On a reading of the aforementioned provisions, we find that education must achieve several objectives, ranging from the development of the child's personality, respect for human rights and the natural environment, and the dissemination of a culture of peace. Since the curricula are the fundamental means by which the objectives of education are achieved, they must therefore be framed in a manner consonant with those objectives, and in particular those set out in article (13/1) of the International Covenant on Economic, Social and Cultural Rights⁸⁵. In order to cover these standards, this Section will be divided into three sub-sections, each sub-section examining the concept of each principle and the extent to which its elements are incorporated in Jordanian legislation.

Sub-section One

The Full Development of the Human Personality and the Safeguarding of its Dignity

The full development of the human personality and the sense of its dignity means not attributing a material character to the human being and not making him an instrument that may be traded, quite apart from treating him in a humane manner; for every inhumane act directed against any person is regarded as an act that detracts from the human dignity of that person⁸⁶.

The full development of the human personality is achieved through: respect for the cultural identity, language and particular values of the child, together with respect for the national values of the country in which the child lives, and respect for civilisations different from his own, by teaching the various cultures, the reciprocal influences between them and the ways of life associated with them, with a view to working towards the mutual appreciation of the differences and distinctions between these cultures. It is also necessary to work towards teaching foreign languages and the civilisations and cultural heritage of the various nations, as a means of strengthening understanding between States and between different cultures⁸⁷.

Turning to Jordanian legislation, it is apparent that it affirms **the treatment of the person in a humane manner**; for, according to the Jordanian Constitution, personal freedom is safeguarded, and every assault upon public rights and freedoms or upon the sanctity of the private life of Jordanians is an offence punishable by law⁸⁸. In the course of the Education Law's exposition of the bases upon which the philosophy of education in the Kingdom rests, foremost among them was respect for the freedom and dignity of the individual⁸⁹. The

⁸⁵General Comment of the Committee on Economic, Social and Cultural Rights No. (13), paragraph 49, and likewise paragraphs (4) and (5).

⁸⁶Dr Ahmad Abdullah Farhan, working paper entitled "Human Dignity in the International Human Rights Instruments", presented in the booklet of the symposium entitled "Human Dignity for All" on the occasion of the Arab Day for Human Rights, Cairo, 2016, pp. 34 and 35.

⁸⁷Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms (1974), United Nations Educational, Scientific and Cultural Organization, Records of the General Conference, Eighteenth Session, Volume I, Paris, 17 October - 23 November 1974, p. 167, paragraph 17.

⁸⁸Article Seven of the Jordanian Constitution.

⁸⁹Art. 3/c/2 of the Education Law.

Education Law also affirmed respect for the particular values of the student and respect for the national values of the country in which the person lives, including respect for the cultural identity of the child. The philosophy of education thus proceeded from respect for the freedom and dignity of the individual⁹⁰, faith in God Almighty, faith in the high ideals of the Arab nation, and faith that Islam is an intellectual and behavioural system that respects man, exalts the standing of the intellect and urges knowledge, work and good character; and that Islam is an integrated system of values that provides the sound values and principles that shape the conscience of the individual and of the group; and that the relationship between Islam and Arabism is an organic one⁹¹.

As regards **respect for other civilisations**, among the most important basic principles of educational policy in the Kingdom was: directing the educational process in a manner that develops in the personality of the citizen the capacity for analysis, criticism, initiative, creativity and positive dialogue, and strengthening the values derived from Arab, Islamic and human civilisation⁹². The Education Law also specified the objectives of education in this field as follows: (a) the conscious assimilation of the facts, concepts and relationships connected with the natural, geographical, demographic, social and cultural environment, locally and globally, and their effective use in public life⁹³; (b) openness to the commendable values and attitudes found in human cultures⁹⁴; (c) stimulating students to participate positively in world civilisation and to develop it⁹⁵; (d) that the student should form a cultural self derived from the civilisation of his nation, past and present, and should appreciate the necessity of conscious openness to world civilisation and of contributing thereto⁹⁶; (e) that the student should assimilate the principles of the Islamic creed, the provisions of its Sharia and its values, embody them in his conduct, and understand the values and beliefs found in the other revealed religions⁹⁷; (f) openness to the commendable values and attitudes found in human cultures⁹⁸.

It is observed that the foregoing provisions focus upon the Islamic Sharia in a manner suggesting the neglect of the Christian religion, whose adherents form part of the Jordanian social fabric - which constitutes a violation of the standards for disseminating a culture of peace referred to in an earlier part of this study.

As regards **enabling every person to contribute a useful role in a free society**, among the most important general objectives specified by the Education Law were: (a) adapting to the changes of the age and providing the self-capacity to meet its requirements⁹⁹; (b) that the

⁹⁰Art. 3/c/2 of the Education Law.

⁹¹Art. 3/a of the Education Law.

⁹²Art. 5/d of the Education Law.

⁹³Art. 4/b of the Education Law.

⁹⁴Art. 4/e of the Education Law.

⁹⁵Art. 3/b/12 of the Education Law.

⁹⁶Art. 11/b/3 of the Education Law.

⁹⁷Art. 11/b/7 of the Education Law.

⁹⁸Art. 4/e of the Education Law.

⁹⁹Art. 3/b/10 of the Education Law.

cohesion and survival of society is an interest and a necessity for every one of its members, and that its fundamental pillars are social justice, striking a balance between the needs of the individual and the needs of society, and the cooperation and solidarity of its members in a manner that achieves the common good and the bearing of individual and social responsibility¹⁰⁰; (c) that the progress of society is contingent upon the organisation of its members in a manner that safeguards the national and pan-national interest¹⁰¹; (d) that education is a social necessity and that education is a right for all, each according to his aptitude and his own abilities¹⁰².

The Education Law also devoted a number of its provisions to **respect for the person's language**, making it one of the most important bases of the philosophy of education in the Kingdom that the Arabic language is a fundamental pillar of the existence of the Arab nation and a factor of its unity and renaissance¹⁰³, and the use of the Arabic language in expressing oneself and communicating with others with ease and facility¹⁰⁴. It also regarded mastery of the basic skills of the Arabic language, such that the student is able to use it with ease and facility, as one of the principal capacities which the student must master upon completing the basic education stage¹⁰⁵. On the same approach, it affirmed that one of the most important things the student is to obtain after completing the secondary education stage is the student's use of his Arabic language in strengthening his capacity to communicate and in developing his scientific and literary culture, having regard to the elements of sound linguistic construction of the language and appreciating its arts¹⁰⁶.

The Education Law was careful to ensure that among the objectives of education in Jordan is **the teaching of the various cultures with a view to working towards the mutual appreciation of the differences and distinctions between these cultures**; among the bases upon which the philosophy of education in the Kingdom rests was achieving a balance between the elements of the national, pan-national and Islamic personality on the one hand and openness to world cultures on the other¹⁰⁷. Among the general objectives of education was: openness to the commendable values and attitudes found in human cultures¹⁰⁸.

Sub-section Two

Respect for Human Rights and Fundamental Freedoms

In addition to what has been mentioned above concerning the necessity of treating the student with dignity and of not infringing his dignity, among the most important objectives of education

¹⁰⁰ Art. 3/c/3 of the Education Law.

¹⁰¹ Art. 3/c/4 of the Education Law.

¹⁰² Art. 3/c/6 of the Education Law.

¹⁰³ Art. 3/b/4 of the Education Law.

¹⁰⁴ Art. 4/a of the Education Law.

¹⁰⁵ Art. 9/b/2 of the Education Law.

¹⁰⁶ Art. 11/b/1 of the Education Law.

¹⁰⁷ Art. 3/b/9 of the Education Law.

¹⁰⁸ Art. 4/e of the Education Law.

under the international standards is respect for human rights and fundamental freedoms, foremost among them freedom of opinion and expression and freedom of conscience and belief, in addition to political freedoms - a matter which will be achieved only through education and training in the field of human rights. This education includes the following¹⁰⁹:

- a. Education about human rights, in a manner that ensures that knowledge of human rights standards and principles, the values that underpin them and the mechanisms for their protection is made available and understood.
- b. Education through human rights, including teaching and learning in a manner that respects the rights of both educators and learners.
- c. Education for human rights, including empowering persons to enjoy and exercise their rights and to respect and uphold the rights of others.

A study of Jordanian legislation shows that the provision for respect for human rights and fundamental freedoms is couched in general terms. The Jordanian Constitution set out in Chapter Two thereof the rights and duties of Jordanians. As for the Education Law, it set out that the philosophy of education in Jordan rests upon the basis of respect for the freedom and dignity of the individual¹¹⁰, and that among the general objectives pursued by the education system in Jordan are: adherence to the rights of citizenship and the bearing of the responsibilities entailed thereby¹¹¹. Among the objectives which the secondary education stage seeks to achieve, it affirmed the formation of a citizen capable of strengthening his self-confidence and his appreciation of the humanity of man and his respect for the dignity and freedoms of others¹¹², and who performs his duties and adheres to his rights¹¹³.

Within the concept of respect for rights and freedoms, and as a fundamental human principle, falls **the achievement of equality between the sexes**. International human rights law has settled upon the position that respect for human rights requires the achievement of effective equality between males and females in the field of education; equality in this field encompasses all persons of school age, whether nationals or foreigners, and irrespective of their legal status. It is essential to note that separate educational institutions for groups defined by category are not regarded as a form of discrimination and do not in their substance constitute a violation of the principle of equality in the field of education¹¹⁴.

Jordanian legislation has laid down the rules of equality and non-discrimination as a general principle, without referring to the role of education in strengthening these rules. Article Six of the Constitution affirmed the principle of equality, stating: "Jordanians shall be equal before the law. There shall be no discrimination between them as regards their rights and duties on grounds of race, language or religion." As for the Education Law, it affirmed the same

¹⁰⁹ See in this regard article (2/3) of the United Nations Declaration on Human Rights Education and Training, issued by the United Nations General Assembly at its sixty-first session, dated 16/2/2012, document symbol A/RES/66/137.

¹¹⁰ Art. 3/c/2 of the Education Law.

¹¹¹ Art. 4/n of the Education Law.

¹¹² Article 11/b/6 of the Education Law.

¹¹³ Art. 11/b/10 of the Education Law.

¹¹⁴ General Comment of the Committee on Economic, Social and Cultural Rights No. (13), op. cit., paragraphs 32 to 34.

principle, item one of paragraph (c) of article three providing: "Jordanians are equal in political, social and economic rights and duties, and are distinguished from one another by the extent of their giving to their society and their belonging to it."

By contrast, Jordanian legislation has not expressly and directly provided for the achievement of equality in the field of education so as to encompass all persons of school age, whether nationals or foreigners and irrespective of their legal status. It is observed that both the Constitution and the Education Law confined the provision to the achievement of equality among Jordanians alone.

As for the field of achieving effective equality between males and females in the field of education, it may be said that Jordanian legislation confined itself to the general provision in the Jordanian Constitution stating that Jordanians are equal, and the text of Article Six has been interpreted to the effect that the word "Jordanians" encompasses male and female. Notwithstanding the objection of many to the absence of a provision prohibiting discrimination on the basis of sex in the Constitution, particularly following the introduction of the amendments to the Jordanian Constitution in the year 2011, this approach calls for reconsideration, with affirmation of the importance of equality in the field of education, particularly since reality confirms the absence of discrimination. What, then, prevents the entrenchment of this practice in Jordanian legislation, whether in Article Six of the Constitution or in article (3/c/1), whose text came similar to the text of the first paragraph of Article Six of the Constitution, providing: "Jordanians are equal in political, social and economic rights and duties, and are distinguished from one another by the extent of their giving to their society and their belonging to it."

Jordanian legislation has also adopted, in general terms, **the permitting of separate educational institutions for groups defined by community, and not regarding this as a form of discrimination or a violation of the principle of equality in the field of education**; Article (19) of the Constitution provides: "Congregations shall have the right to establish and maintain their own schools for the education of their own members, provided that they comply with the general provisions of the law and are subject to the control of the Government in their curricula and orientation." Notwithstanding the importance of this constitutional provision, it has not been clearly reflected in educational legislation; the Education Law does not contain any provision regulating the establishment of such schools and the supervision thereof. Rather, it regulated the manner of establishing private and foreign educational institutions through a licence issued by the Ministry of Education¹¹⁵, which may prompt anyone wishing to establish a school belonging to one of the congregations to resort to this provision, notwithstanding that it was framed for different purposes. The research team therefore affirms the necessity of giving effect to the constitutional provision and of regulating its provisions in the Education Law.

Within respect for human rights falls **respect for the natural environment in which the student lives**: this means that education should seek to assist the child in exploration, inference and prediction in order to understand the interrelationship between man, the earth, plants and animals; to discover the relationship between living and inanimate beings; to observe change

¹¹⁵Article (31) of the Education Law.

and to respond to each of them; and to develop the child's awareness and perception of the extent of the effect of human activity upon the environment, whether negatively or positively¹¹⁶.

It is apparent, on referring to Jordanian legislation, that it has focused upon disseminating awareness of the importance of the natural environment and its preservation. Among the general objectives of education in Jordan is that the student should, at the end of the educational stages, be capable of: (a) assimilating facts, concepts, principles and theories, dealing with them and using them in interpreting cosmic phenomena, harnessing them to serve man, solving his problems and providing the means of his happiness¹¹⁷; (b) affirming the importance of military education and environmental culture¹¹⁸.

Legislation has also focused upon acquiring the knowledge necessary concerning environmental problems, their improvement and the role of man therein. Among the objectives which the basic stage seeks to achieve is: that the student should be aware of the basic facts relating to the Jordanian, Arab and global natural and geographical environment; that he should assimilate the basic scientific facts and generalisations and their experimental bases and use them in interpreting natural phenomena; and that he should be keen on the soundness, cleanliness, beauty and resources of his environment¹¹⁹. Among the objectives which the secondary education stage seeks to achieve is: that he should adapt to the environmental changes particular to his homeland and their natural, demographic, social and cultural dimensions, and work towards their sound exploitation, conservation, the improvement of their potential and their development; and that he should preserve the environment and its cleanliness and develop its potential and resources¹²⁰.

Sub-section Three

Disseminating a Culture of Peace

International human rights law views the culture of peace according to a broad concept encompassing: respect for democracy, tolerance and dialogue, cultural diversity and reconciliation, and the establishment of the rules of equality and non-discrimination, on the basis that this constitutes in its substance an integrated approach to preventing violence and conflicts and to contributing to creating and supporting the conditions of peace¹²¹. In furtherance of this, UNESCO affirmed the necessity of framing and revising curricula in a manner that ensures the dissemination of a culture of peace, by incorporating into the curricula

¹¹⁶Belonging, Being and Becoming - The Early Years Learning Framework for Australia, Department of Education, Employment and Workplace Relations, Australia, 2009, document reference ISBN 978-0-642-77872-7, pp. 20 and 21.

¹¹⁷Art. 4/g of the Education Law.

¹¹⁸Art. 5/k of the Education Law.

¹¹⁹Art. 9/b/4, 10 and 13 of the Education Law.

¹²⁰Art. 11/b/2 and 17 of the Education Law.

¹²¹General Assembly resolution on a culture of peace, adopted at its fifty-first session, dated 3/3/1997, document symbol A/REC/51/101, paragraph 3.

subjects relating to human rights, democracy and civic education, and education for non-violence, tolerance, international understanding, and cultural and linguistic diversity¹²².

A study of Jordanian legislation shows that the Education Law focused upon the values of **respect for democracy**, by affirming that among the general bases upon which the philosophy of education rests is: that political and social participation within the framework of the democratic system is a right of the individual and a duty upon him towards his society¹²³. The Law affirmed that among the most important basic principles of the educational system is the affirmation of the importance of political education within the educational system and the entrenchment of the principles of participation, justice and democracy and their practice¹²⁴. The Law further set out that among the general objectives of education in the Kingdom is: appreciating the humanity of man and forming positive values and attitudes towards oneself, others, work and social progress, and embodying democratic principles in individual and social conduct¹²⁵. The Law affirmed that among the objectives of the secondary education stage is forming an individual who works in a spirit of teamwork, who is aware of the bases of consultation (shura) and democracy and their forms, who practises them in his dealings with others, and who believes in the principles of social justice¹²⁶.

In the field of **tolerance and dialogue**, the Education Law affirmed, among the general bases upon which the philosophy of education rests: international understanding on the basis of justice, equality and freedom¹²⁷. The Law affirmed that among the most important basic principles of the educational system is the affirmation of the expansion of the patterns of education in educational institutions so as to encompass programmes of special education and programmes for the gifted and for those with special needs¹²⁸.

As regards **cultural diversity and reconciliation**, the Law provided that among the bases of the philosophy of education is the balance between the elements of the national, pan-national and Islamic personality on the one hand and openness to world cultures on the other¹²⁹. It also made among the objectives of education: preparing a citizen capable of openness to the commendable values and attitudes found in human cultures¹³⁰. On the same approach, it made among the objectives of basic education the preparation of a citizen who accepts himself, respects others, has regard to their feelings and appreciates their merits and achievements¹³¹. It likewise made among the objectives of secondary education the preparation of a citizen who

¹²²Report of the United Nations Secretary-General on the International Decade for a Culture of Peace and Non-Violence for the Children of the World, submitted to the United Nations General Assembly at its fifty-sixth session, dated 13/12/2001, document symbol A/56/349, paragraph 19.

¹²³Art. 3/c/5 of the Education Law.

¹²⁴Art. 5/c of the Education Law.

¹²⁵Art. 4/q of the Education Law.

¹²⁶Art. 11/b/11 of the Education Law.

¹²⁷Art. 3/b/11 of the Education Law.

¹²⁸Art. 5/f of the Education Law.

¹²⁹Art. 3/b/9 of the Education Law.

¹³⁰Art. 4/e of the Education Law.

¹³¹Art. 9/b/19 of the Education Law.

strengthens his self-confidence and his appreciation of the humanity of man and his respect for the dignity and freedoms of others¹³².

The principle of **preventing violence and conflicts and contributing to creating and supporting the conditions of peace** likewise had its share in the Education Law; among the bases of the philosophy of education is: international understanding on the basis of justice, equality and freedom, and positive participation in world civilisation and its development¹³³. It also made among the objectives of secondary education: that the citizen should be aware of international issues and problems and should appreciate the importance of international understanding and of peace founded upon right and justice¹³⁴.

In sum, the Jordanian legislator has included in both the Constitution and the Education Law the majority of the standards and bases upon which educational curricula must rest, even if these standards and bases have come under general headings such as the philosophy of education and its objectives, the principles of educational policy, and the objectives of the educational stages. The research team calls for the development of these provisions so that they encompass these standards and bases more clearly, and for the following to be added thereto:

- Expanding the provision on the principle of equality and the prohibition of discrimination so as to encompass all persons of school age, whether nationals or foreigners, and irrespective of their legal status, in addition to expressly providing for equality and the prohibition of discrimination in education on the basis of sex.
- Expanding the field of human rights education so that three levels are adopted: education about human rights, education through human rights, and education for human rights.
- Respect for the identity and culture of the country in which the person lives (there are no provisions in this regard).
- Developing the skills of individuals and groups and improving their conduct and attitudes towards environmental issues.
- Assisting individuals and groups in evaluating the means adopted for protecting the environment and the methods of education on environmental issues.
- Activating the participation of individuals and groups and developing a sense of responsibility towards environmental issues, and linking environmental concepts to sustainable development.

Section Four

Improving the Conditions of Teachers

Improving the qualifications of teachers and their working conditions is regarded as one of the fundamental pillars of providing a good-quality education system¹³⁵, quite apart from the fact

¹³²Art. 11/b/6 of the Education Law.

¹³³Art. 3/b/11 and 12 of the Education Law.

¹³⁴Art. 11/b/12 of the Education Law.

¹³⁵Resolution adopted by the Human Rights Council on the right to education at its twentieth session, dated 16/7/2012, document symbol A/HRC/REC/20/7, paragraph (4/d).

that the quality of education depends upon providing teachers with the capabilities necessary to transmit knowledge, values and skills, and depends also upon improving their conditions¹³⁶.

This Section will be divided into three sub-sections: Sub-section One will set out the role of the material conditions of teachers in developing the educational process; Sub-section Two will be devoted to setting out the role of the safety and job stability of teachers in developing the educational process; and Sub-section Three will be devoted to the role of the professional development of teachers in developing the educational process.

Sub-section One

The Material Conditions of Teachers and their Role in Developing the Educational Process

The International Covenant on Economic, Social and Cultural Rights came to affirm expressly the importance of improving the financial conditions of teachers, providing in article (13/2) thereof: "The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right: ... (e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved ..."

On an analysis of the substance of this provision, we find that it places upon States a positive obligation consisting in the necessity of taking all the means necessary to improve the conditions of teachers working in the teaching profession at all its stages, by providing working conditions that assist in achieving the greatest possible degree of effectiveness of education and that allow them to devote themselves wholly to their professional functions¹³⁷, since low wages have come to drive most teachers towards other economic activities as second jobs, which results in their not devoting themselves to their academic functions - a matter liable to affect the quality of education adversely¹³⁸.

Accordingly, in order to be consistent with the international standards governing the right to education, all States must work to grant teachers salaries that are sufficient and remunerative for them, so as to make the teaching profession more attractive to those who wish to take it up as a profession¹³⁹, taking into consideration the necessity that teachers' wages be commensurate with the wages paid in other occupations requiring similar qualifications¹⁴⁰.

¹³⁶Report of the Special Rapporteur on the right to education, Kishore Singh, Normative action for quality education, op. cit., paragraphs (20) and (57).

¹³⁷Recommendation concerning the Status of Teachers (1966), adopted by the Special Intergovernmental Conference on the Status of Teachers, held in Paris, 5/October/1961, paragraph 8; Recommendation concerning the Status of Higher-Education Teaching Personnel (1979), adopted by the General Conference of UNESCO at its thirty-ninth session, Paris, 11 November 1979, paragraph 7.

¹³⁸Concluding observations of the Committee on Economic, Social and Cultural Rights, submitted at its forty-second session, Geneva, dated 12/6/2009, document symbol E/C.12/KHM/CO/1, paragraph 35.

¹³⁹Report of the Special Rapporteur on the right to education, Kishore Singh, transmitted to the United Nations General Assembly at its sixty-eighth session by the Secretary-General of the United Nations, dated 9/8/2013, document symbol A/68/294, paragraph 58.

¹⁴⁰Recommendation concerning the Status of Teachers (1966), op. cit., paragraph (115/b).

If we analyse the reality of the material conditions of teachers working in the various schools of the Jordanian Kingdom, whether belonging to the public or the private sector, it is apparent that, when a teacher begins his work in the public sector, he is appointed under what is termed Category One/Level Two/Grade Seven. The basic salary of this category under the Civil Service Regulation amounts to (150) dinars, with an annual increment of (3) dinars. The teacher progresses upwards within this category during the period of his service until his basic salary reaches (165) dinars at the sixth grade, (181) dinars at the fifth grade, (202) dinars at the fourth grade, (228) dinars at the third grade, (260) dinars at the second grade, (328 dinars) at the first grade, and (425) dinars at the special grade, in addition to the annual increment¹⁴¹. The teacher receives, under the Civil Service Regulation, a set of allowances as follows¹⁴²:

- 1) A cost-of-living allowance in the amount of (135) Jordanian dinars.
- 2) A family allowance in the amount of (20) Jordanian dinars.
- 3) Additional allowances as follows:
 - a. Technical allowances: an educational counsellor's allowance of (90%) of the basic salary; an educational supervisor's allowance of (90%) of the basic salary; and a teacher's allowance of (100%) of the basic salary¹⁴³.
 - b. Supervisory allowances: a supervisor's allowance in the Ministry of Education of (10%) of the basic salary¹⁴⁴.
 - c. Place-of-work allowance: the rate of this allowance differs according to the area of work, the rates being distributed between (5%, 10%, 15%, 20%)¹⁴⁵.

As for the teacher's total salary, it differs from one teacher to another according to his marital status (single or married), according to his place of work and according to the nature of his post. The minimum total salary of a newly appointed single teacher may, however, be calculated without counting any additional allowance - with the exception of the teacher's allowance, since it differs from one teacher to another - as follows:

Basic salary (150 dinars) + (135 dinars) cost-of-living allowance + (150 dinars) technical allowance ("teacher's allowance") at the rate of 100% of the basic salary = 430 Jordanian dinars.

As for the teacher who works in the private sector, he is subject to the Labour Law and accordingly receives as a minimum (220 dinars), that amount being the minimum wage in the private sector under the provisions of the Jordanian Labour Law¹⁴⁶.

¹⁴¹See in this regard article (20) of the Jordanian Civil Service Regulation No. (82) of 2013.

¹⁴²See in this regard articles (24), (25) and (26) of the Jordanian Civil Service Regulation No. (82) of 2013.

¹⁴³See in this regard article (2) of the Instructions on Granting Additional Allowances to Employees, issued pursuant to article (26/a) of the Jordanian Civil Service Regulation No. (82) of 2013. The full text of the Instructions is published on the website of the Civil Service Bureau at the following link: <http://www.csb.gov.jo/csb/Legislations/Instructions> ; this site was accessed on 3/July/2017.

¹⁴⁴See in this regard article (3) of the Instructions on Granting Additional Allowances to Jordanian Employees.

¹⁴⁵See in this regard article (5) of the Instructions on Granting Additional Allowances to Jordanian Employees.

¹⁴⁶Decision issued pursuant to the provisions of article (52) of Labour Law No. 8 of 1966, published in the Official Gazette, issue 5442, dated 12/2/2017, p. 1132.

The most prominent observation on the wages of teachers working in the private sector, fixed at (220) dinars as a minimum, is that they constitute the total salary; whereas teachers working in the government sector, in addition to their salaries, receive an annual increment, quite apart from the allowances referred to above. This discrimination between the wages of teachers in the private sector and the salaries of teachers in the public sector entails a violation of the principle of equality provided for in Article Six of the Jordanian Constitution. In order to achieve equality between teachers, the basic salary of all teachers must be unified, whether they work in the private or the public sector.

It is apparent from a review of the wages of teachers working in government and private schools that their salaries do not meet the minimum of their needs necessary to provide a dignified life for themselves and their families, which drives them to seek another source of livelihood, either by teaching in cultural centres or by giving private lessons or by undertaking any other work - a matter liable to affect the course of the educational process adversely.

Sub-section Two

The Safety and Job Stability of Teachers

Safety and job stability are regarded as two fundamental pillars serving the interest of education and of teachers alike, with a view to the sound practice of the profession, and they must be guaranteed even when changes are made to the academic system¹⁴⁷. Teachers must therefore be given tenure and the continuity of their service must be guaranteed, since this constitutes a fundamental safeguard against arbitrary decisions, quite apart from the fact that it strengthens individual responsibility and retains the talented and competent members of the teaching staff¹⁴⁸.

On examining the safety and job stability of teachers under Jordanian legislation, it is apparent that the Jordanian Civil Service Regulation classified employees, according to the nature of appointment, into two classes: permanent employees and contract employees. Permanent employees are those persons appointed to permanent posts of specified categories and grades in the schedule of post establishments prior to 1/1/2014, including employees whose tenure was decided by a decision of the Council of Ministers before that date. Contract employees are those persons appointed under contracts, or under contracts inclusive of all allowances, to posts listed in the schedule of post establishments, and those appointed under contracts against the account of projects, or against the salaries of employees released from work by reason of secondment or unpaid leave and allowances¹⁴⁹.

If we apply this to the reality of teachers in the public sector, we find that safety and job stability are realised for those who were appointed before 1/1/2014 in their capacity as permanent employees, which guarantees them continuity in their work and the enjoyment of all the advantages associated with length of service, such as promotion and allowances. As for those

¹⁴⁷ Recommendation concerning the Status of Teachers (1966), op. cit., 45.

¹⁴⁸ Recommendation concerning the Status of Higher-Education Teaching Personnel, op. cit., paragraph 45.

¹⁴⁹ See in this regard article (18) of the Jordanian Civil Service Regulation.

appointed after that date, we find that safety and job stability are not available to them, since their service is contingent upon the term of the contract and ends with its expiry.

Teachers working in the private sector lack job security to a greater degree than teachers of the public sector, owing to their signing annual contracts that expire at the end of the academic year, which has made it possible to dispense with them easily without their obtaining their legal entitlements¹⁵⁰, quite apart from the practice of some private schools of terminating teachers' services during the summer vacation so as to deprive them of receiving their wages during that period. It should be noted that during the year 2015 (11) thousand male and female teachers were deregistered from the Social Security Corporation as a result of the expiry of their contracts in private schools¹⁵¹.

As regards private universities, it is apparent that these institutions conclude annual employment contracts with the majority of professors, which adversely affects the academic and material situation of the teacher, particularly since this practice prevents his promotion, especially as the criteria for promotion require the lapse of a specified period of service in order to obtain it.

With a view to achieving job security for teachers, the Regulation on the Social Security Fund for Employees of the Ministry of Education No. (31) of 1998 was issued, pursuant to the text of article (6/k) of the Education Law¹⁵², which achieved job security for teachers through two fundamental matters:

First: Payment of compensation to subscribers upon the termination of their services. By way of example, the teacher recovers the whole of his contributions if his service was less than 10 years; the teacher likewise recovers the whole of his contributions in addition to (100) dinars if his service exceeded ten years and did not exceed 15 years for females and did not exceed 20 years for males. If the teacher is retired or leaves the service, compensation is paid to him consisting of thirteen months' salary out of the total of his monthly salary and allowances for the first fifteen years of his service and one hundred and fifty dinars for each year of the subsequent years of service¹⁵³.

Second: Enabling the teacher to obtain an advance of not less than two thousand dinars and not more than six thousand dinars, equivalent to the amount allocated to him out of his entitlements in the Fund as at the date of the request for the advance. Priority in obtaining the advance is given where the purpose is housing or education, whether for the teacher or for one of his children¹⁵⁴.

¹⁵⁰Tenth Annual Report on the State of Human Rights in Jordan for the year 2013, National Center for Human Rights, Amman, 2014, p. 105.

¹⁵¹Twelfth Annual Report on the State of Human Rights in Jordan for the year 2015, National Center for Human Rights, Amman, 2016, p. 176.

¹⁵²The full text of the Regulation is published on the website of the Ministry of Education at the following link: <http://www.moe.gov.jo/NewPages.aspx?PageID=FtRugleRkFk> ; this site was accessed on 24/8/2017.

¹⁵³See in this regard article (7) of the Regulation on the Social Security Fund for Employees of the Ministry of Education.

¹⁵⁴See in this regard article (13) of the Regulation on the Social Security Fund for Employees of the Ministry of Education.

In further support of enabling the teacher to obtain a measure of job security, the Regulation on the Housing Fund for Employees of the Ministry of Education and the amendments thereto, No. 55 of 1980¹⁵⁵, was also issued, pursuant to the text of article (6/k) of the Education Law. The Fund works to provide a loan to the subscriber for the purposes of building a dwelling for himself on a plot of land he owns, or purchasing a suitable dwelling for himself, or purchasing a plot of land and building a dwelling for himself thereon. The Fund also aims to purchase dwellings and distribute them among the subscribers, or to purchase land, subdivide it and build dwellings for the subscribers thereon¹⁵⁶.

The teacher is also covered by health insurance in accordance with the provisions of the Civil Service Regulation or the provisions of the Labour Law, depending upon the nature of the sector in which he works, governmental or private. As for the role of the Teachers' Syndicate in this regard, we find that the Syndicate established the Social Solidarity Fund¹⁵⁷, and the Syndicate is working to establish a retirement fund for the Teachers' Syndicate¹⁵⁸ and a health insurance fund¹⁵⁹.

Sub-section Three

The Role of the Professional Development of Teachers in Developing the Educational Process

The international standards require the improvement of the academic conditions of teachers and the provision of the training necessary to raise their academic level. This principle was incorporated in the text of article (4) of the Convention against Discrimination in Education, which provides: "The States Parties to this Convention undertake furthermore to formulate, develop and apply a national policy which, by methods appropriate to the circumstances and national usage, will tend to promote equality of opportunity and of treatment in the matter of education and in particular: ... (d) To provide training for the teaching profession without discrimination."

If we analyse this principle, we find that any educational planning must include a set of provisions and bases necessary to provide advanced in-service training for teachers with a view to raising their academic competence. It should be noted that improving the academic conditions of teachers is not confined to providing them with advanced training, but extends beyond that to the necessity of requiring anyone who wishes to work in the field of education

¹⁵⁵The full text of the Regulation is published on the website of the Ministry of Education at the following link: <http://www.moe.gov.jo/Departments/DepartmentsMenuDetails.aspx?MenuID=378&DepartmentID=11> ; this site was accessed on 24/8/2017.

¹⁵⁶See in this regard article (3) of the Regulation on the Housing Fund for Employees of the Ministry of Education.

¹⁵⁷This Fund was established pursuant to the Regulation on the Social Solidarity and Education Fund of 2014, published on the website of the Teachers' Syndicate at the following link: <http://www.jts.org.jo/node/3849> ; this site was accessed on 24/8/2017.

¹⁵⁸See in this regard the draft Regulation on the Retirement Fund of the Jordanian Teachers' Syndicate of 2015, published on the website of the Teachers' Syndicate at the following link: <http://www.jts.org.jo/node/3847> ; this site was accessed on 24/8/2017.

¹⁵⁹See in this regard the draft Regulation on Health Insurance of the Jordanian Teachers' Syndicate of 2014, published on the website of the Teachers' Syndicate at the following link: <http://www.jts.org.jo/node/3846> ; this site was accessed on 24/8/2017.

to complete a particular course of study at a suitable institution for the preparation of teachers before their appointment¹⁶⁰.

Improving the academic conditions of teachers places a positive obligation upon the governmental authorities, consisting in the necessity of employing only qualified and trained teachers. The Special Rapporteur on the right to education, Kishore Singh, referred in his report on normative action for quality education to the Albanian example, which requires the teacher to hold a master's degree in education, to undergo professional training for a period of one year, and to sit and pass the State examination for teachers. He also referred to the French experience, which requires teachers, before practising the teaching profession, to undergo initial training equivalent to a master's degree at one of the accredited universities¹⁶¹.

As for the position of Jordanian national legislation on improving the academic conditions of teachers, article (6/k) of the Education Law affirmed the necessity for the Ministry of Education to raise the academic level of teachers. We also find that the subsidiary legislation issued pursuant to the provisions of the Education Law has contributed considerably to improving the academic conditions of teachers through several important pieces of legislation, the most prominent of which are:

First: The Regulation on the Educational Training Centre of 2009: The Educational Training Centre was established pursuant to the Regulation on the Educational Training Centre No. (35) of 2009, issued in accordance with the text of article (45) of the Education Law, the Centre being intended to develop professional, technological and educational expertise and skills and scientific knowledge through the implementation of specialised training programmes for teachers, school principals and their assistants, educational counsellors and those working in the supporting administrative and technical affairs at the school¹⁶².

Second: The Regulation on Scholarships for Obtaining the Bachelor's Degree for Work at the Ministry of Education of 2009: The Regulation on Scholarships for Obtaining the Bachelor's Degree for Work at the Ministry of Education No. (127) of 2009 was issued pursuant to the text of article (6/a) and article (44) of the Education Law¹⁶³. Under the provisions of this Regulation, the Ministry of Education sends students on scholarships, in accordance with specified conditions, to obtain the bachelor's degree in the specialisations required by the Ministry.

Third: The Regulation on Scientific Research for the Development of the Educational Process of 1997: The Regulation on Scientific Research for the Development of the Educational Process No. (41) of 1997 was issued pursuant to the text of article (6/z) and

¹⁶⁰Recommendation concerning the Status of Teachers (1966), adopted by the Special Intergovernmental Conference on the Status of Teachers, held in Paris, 5/October/1961, paragraph 11/i-j, and paragraph 13.

¹⁶¹Report of the Special Rapporteur on the right to education, Kishore Singh, Normative action for quality education, issued at the twentieth session of the Human Rights Council and submitted to the United Nations General Assembly on 2/5/2012, document symbol A/HRC/20/21, paragraph 63.

¹⁶²Article (3) of the Regulation on the Educational Training Centre.

¹⁶³The Regulation was published in the Official Gazette, issue 4686, dated 1/12/2004, p. 5431.

article (43) of the Education Law¹⁶⁴. The Regulation affirmed the necessity of conducting research and of employing its findings in the process of decision-making and the formulation of educational policies, of contributing to finding solutions to address the problems relating to the educational process, and of supporting researchers and encouraging them to carry out research relating to the development of the educational process and to prepare research projects at the national level¹⁶⁵. The Regulation also affirmed the necessity of disbursing rewards to encourage scientific research¹⁶⁶. Accordingly, the role played by this Regulation in encouraging scientific research contributes considerably to raising the cognitive, scientific and cultural competence of the teacher.

Notwithstanding the existence of this legislation, which contributes considerably to improving academic conditions, the National Strategy for Human Resource Development for the years 2015-2016 affirmed clearly and expressly that one of the principal challenges facing schools in Jordan lies in their failure to provide sufficient academic support to teachers and to train them before and during service¹⁶⁷. Among the successful examples at the level of practical reality of improving the academic conditions of teachers in Jordan is the establishment by Queen Rania Al Abdullah of the Queen Rania Teacher Academy¹⁶⁸ and the launching of the Jordan Education Initiative¹⁶⁹, which have contributed considerably to improving the academic conditions of teachers.

On the basis of the foregoing, we consider that a more effective mechanism must be found to raise the academic level of teachers. The research team therefore proposes that, in the light of the establishment of a syndicate for teachers, a training programme be introduced for every teacher wishing to join the syndicate, the programme to be implemented over a specified period of not less than one year during which the teacher is trained practically and theoretically, on the model of the Bar Association. At the end of this period, the teacher must sit theoretical and

¹⁶⁴The Regulation was published in the Official Gazette, issue 951, dated 16/2/1994, p. 3738.

¹⁶⁵Article (3) of the Regulation on Scientific Research for the Development of the Educational Process.

¹⁶⁶Article (7) of the Regulation on Scientific Research for the Development of the Educational Process.

¹⁶⁷The National Strategy for Human Resource Development 2015-2016, Education for Prosperity: Delivering Results, prepared by the National Committee for Human Resource Development, p. 31. The full text of the Strategy is published at the following link: https://docs.wixstatic.com/ugd/176e64_8b8f62475b64449db41fad2cec5a64e0.pdf ; this site was accessed on 8/25/2017.

¹⁶⁸The Queen Rania Teacher Academy is an independent institution that adopts the vision of Queen Rania Al Abdullah of advancing the quality of education, by providing teachers with the necessary skills, appreciating their role and providing the support necessary for their excellence inside the classrooms. For more on the Queen Rania Academy, see the Academy's website at the following link: <http://www.qrta.edu.jo> ; the site was accessed on 25/8/2017.

¹⁶⁹The Jordan Education Initiative is one of the non-profit educational institutions of Her Majesty Queen Rania Al Abdullah. It is classified as the first model to embody a genuine partnership between the public and private sectors, and was launched by the World Economic Forum and the Jordanian Government during the extraordinary meeting of the Forum held under the patronage of His Majesty King Abdullah II at the Dead Sea in June 2003. The purpose of launching the Initiative lies in supporting Jordan's efforts to improve the quality of education, encourage creativity, develop capacities and build a knowledge economy through the use of modern technological means in one hundred government schools, known as the "Discovery Schools", in which the technological infrastructure was developed by providing a wireless network and equipping teachers with a laptop and a projector, in addition to developing electronic content consistent with and supportive of the Jordanian curricula, and training teachers in the use of these curricula in a manner that serves the educational process. It is worth noting that the impact of the Initiative has extended to 108 thousand male and female students and 6 thousand male and female teachers. For more on the Initiative, see the Initiative's website at the following link: <http://jei.org.jo/ar-jo/> ; the site was accessed on 25/8/2017.

practical examinations measuring the extent of his competence to practise the teaching profession, and upon passing these examinations successfully he obtains a licence from the Teachers' Syndicate to practise the teaching profession.

Section Five

Higher Education

In the course of their treatment of higher education, the various international instruments governing the right to education have laid down several standards to guarantee the right of individuals to university education, the most prominent of which are: the provision of higher education on the basis of equality and equality of opportunity; the promotion and protection of academic freedoms; and the autonomy of higher education institutions. In order to ascertain the international standards governing higher education, and to examine the position of Jordanian national legislation on those standards, these standards will be discussed through three sub-sections: the provision of higher education on the basis of equality of opportunity will be discussed in Sub-section One; Sub-section Two will be devoted to discussing academic freedom; and Sub-section Three will be devoted to examining the autonomy of higher education institutions.

Sub-section One

Providing Higher Education on an Equal Footing and on the Basis of Equality of Opportunity

Higher education must be available to all on an equal footing and on the basis of equality of opportunity. Equality in this field means enabling all individuals to join the ranks of higher education without discrimination. The Convention against Discrimination in Education has specified the criteria relied upon in characterising conduct as discrimination in the field of education; article one of this Convention provides: "The term 'discrimination' includes any distinction, exclusion, limitation or preference which, being based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth, has the purpose or effect of nullifying or impairing equality of treatment in education ..."

In order to eliminate the various forms of discrimination in respect of higher education, it must be provided on the basis of equality of opportunity¹⁷⁰, which is assessed on the basis of the expertise and experience possessed by individuals in every matter connected with higher education¹⁷¹, the enjoyment of which is subject to the criteria of merit or capacity, with respect for the fundamental principles of non-discrimination and equality¹⁷².

Turning to both the Higher Education and Scientific Research Law and the Jordanian Universities Law, it is apparent that neither expressly provided for the principle of providing

¹⁷⁰Preamble to the report of the Special Rapporteur on the right to education, Kishore Singh, Promotion of equality of opportunity in education, issued at the seventeenth session of the Human Rights Council, op. cit.

¹⁷¹General Comment of the Committee on Economic, Social and Cultural Rights No. (13), op. cit., paragraph 19.

¹⁷²Report of the Special Rapporteur on the right to education, Kishore Singh, Promotion of equality of opportunity in education, op. cit., paragraph 10.

higher education on an equal footing and on the basis of equality of opportunity. It appears that the Jordanian legislator confined himself to the fundamental provision contained in the supreme legislation in Jordanian law affirming the principle of equality, namely Article Six of the Jordanian Constitution, which provides: "Jordanians shall be equal before the law. There shall be no discrimination between them as regards their rights and duties even if they differ in race, language or religion"¹⁷³.

The Universities Law confined itself to providing for the formation of a number of councils, such as the board of trustees, the university council, the deans' council, the faculty council and the department council; it did not, however, make it within the powers of any of them to determine the bases of admission and the principles upon which reliance must be placed in admitting students to universities, foremost among them the affirmation of the principle of providing higher education on an equal footing and with equality of opportunity. As for the Higher Education and Scientific Research Law, it referred, among the functions of the Higher Education Council, to laying down the general bases relating to the admission of students to higher education institutions and determining the numbers of those admitted annually in the various fields of specialisation in accordance with the accreditation standards¹⁷⁴.

It is observed in respect of this provision that it granted the Higher Education Council the power to lay down the bases but without setting out what the substantive bases and rules are that must be relied upon in laying down these bases; indeed, the legislator did not refer to the legal instrument that must be issued in order to lay down these bases. The Ministry of Higher Education has become accustomed to publishing the bases of unified admission to the Jordanian universities at the beginning of each academic year, confining itself to indicating that these bases are issued pursuant to the Higher Education and Scientific Research Law¹⁷⁵. A study of these bases¹⁷⁶ shows that they contain a number of violations of the principle of providing higher education on the basis of equality and equality of opportunity, which may be summarised as follows:

a. The inclusion in these bases of **broad exceptions to unified admission** to the Jordanian universities, such that these exceptions become the rule and unified admission founded upon the principle of equality and equality of opportunity becomes the exception. These exceptions rest upon a number of considerations, namely:

1. The allocation of 10% of the seats as a Royal grant for the sons of the tribes.
2. The allocation of 5% of the seats for the children of employees of the Ministry of Education.

¹⁷³For further detail on the principle of equality in the Jordanian Constitution see: Alwan, Mohammad Yousef, *The Principle of Equality and Non-Discrimination - A Study in International and Jordanian Law*, Mizan Law Group publications, Amman, 2012, p. 140 et seq.

¹⁷⁴Article 6/a/5 of the Higher Education Law.

¹⁷⁵Higher Education and Scientific Research Law No. (23) of 2009, published in the Official Gazette, issue 4987, page 5739, dated 28/9/2009.

¹⁷⁶See in this regard the Bases for the Admission of Students to the Jordanian Official Universities for the academic year 2016/2017, issued pursuant to article 6/a/5 of Law No. 23 of 2009, the Higher Education Law and the amendments thereto, and pursuant to Higher Education Council decision No. (300) dated 2/8/2016.

3. The allocation of 2% of the numbers of students at each university for the children of its employees.

4. The allocation of 20% of the seats prescribed in each faculty or specialisation at the universities for the children of those serving in the armed forces.

5. The allocation of 15 seats at each university for the children of the martyrs of the armed forces, the Public Security Directorate, the Gendarmerie, the Intelligence Department and the Civil Defence, and those designated by the competent authority.

b. The introduction of the parallel education programme, which in its substance violates the principle of equality and equality of opportunity. This programme enables students to study the specialisation which they were unable to join in accordance with the general rules of admission, on condition that they pay high fees by comparison with what is paid by students admitted under the rules of unified admission, which may amount to several times as much, thereby constituting discrimination between students on an economic basis. According to the website of the University of Jordan - Admission and Registration Unit, the difference in fees between the regular and the parallel programme in certain specialisations appears as follows¹⁷⁷:

Table No. (2): Credit-hour fees of the parallel programme compared with the regular programme

Specialisation	Tuition fees of the regular programme per credit hour	Tuition fees of the parallel programme per credit hour
Law	JD 16	JD 65
Engineering (all branches)	JD 29	Between JD 85 and JD 95
Sciences (all branches)	Between JD 26 and JD 45	Between JD 60 and JD 70

Accordingly, admission under the parallel education programme constitutes an express contravention of the Jordanian Constitution and a clear inconsistency with the international standards governing the right to education, which require the State to make higher education available to all on an equal footing and with equality of opportunity.

Sub-section Two

Academic Freedoms

Academic freedom means the freedom of the members of the academic community to pursue, develop and transmit knowledge and ideas through research, teaching, study, discussion, documentation, creation, writing or lecturing¹⁷⁸. General Comment No. (13) of the Committee on Economic, Social and Cultural Rights and numerous international declarations have

¹⁷⁷ See in this regard the website of the University of Jordan / Unified Admission Unit at the following links: <http://registration.ju.edu.jo/RegPages/Regular/RegularProgramme.aspx> for the regular programme, and <http://registration.ju.edu.jo/RegPages/Parallel/ParallelProgramme.aspx> for the parallel programme; this site was accessed on 19/11/2016.

¹⁷⁸ General Comment of the Committee on Economic, Social and Cultural Rights No. (13), op. cit., paragraph 39; article (1/a) of the Lima Declaration on Academic Freedom and Autonomy of Institutions of Higher Education.

affirmed academic freedoms. In its substance, academic freedom rests upon several matters, the most prominent of which are:

1. The freedom of individuals to express their opinions concerning the institution or system in which they work.
2. Enabling individuals to perform their functions without discrimination or fear of any repressive action on the part of the State or any other sector.
3. The freedom of individuals to participate in professional and representative academic bodies.
4. The enjoyment of all internationally recognised human rights applicable to other individuals within the same jurisdiction.
5. The enjoyment of freedom of association entails an obligation to respect the academic freedom of others, to ensure the proper discussion of opposing views and to treat all without discrimination.
6. Enabling members of the teaching staff to enjoy freedom of teaching and discussion without being subject to institutional censorship.
7. Not compelling members of the teaching staff to teach matters contrary to their scientific knowledge or their conscientious convictions, or to use curricula or teaching methods contrary to national or international human rights standards.
8. Enabling members of the teaching staff to determine the curriculum and to participate in framing it.
9. The right to conduct research without interference or repression by any body whatsoever, and the right to publish and communicate the findings of such research, subject to compliance with the ethics of scientific research.
10. Enabling members of the teaching staff to participate in professional activities outside the framework of their post, in particular those that enhance their professional skills, on condition that these activities do not conflict with their professional obligations.
11. Protecting members of the teaching staff, in particular those working in schools, from excessive and unjustified interference by parents in matters falling within the core professional competences of teachers.
12. Granting members of the teaching staff freedom to choose suitable means of assessing students, on condition that such means do not result in injustice to students.

It is apparent, on referring to Jordanian legislation, that the Constitution added an express provision under the constitutional amendments of the year 2011 guaranteeing freedom of scientific research, which is regarded as lying at the core of academic freedoms. Notwithstanding this important constitutional reference, which is supposed to be reflected in lower legislation, a study of the Higher Education and Scientific Research Law reveals insufficient attention to academic freedoms. In the course of regulating the objectives of higher education, it confined itself to a general provision indicating that among the objectives of higher education is fostering and strengthening the democratic approach in a manner that guarantees freedom of academic work, the right of expression, respect for the opinion of others,

working in a spirit of teamwork, bearing responsibility and using critical scientific thinking ...¹⁷⁹

The Jordanian Universities Law likewise did not define academic freedoms and did not specify their scope and types; rather, it confined itself to provisions that strengthen freedom of scientific research, focusing upon scientific research and urging the members of the teaching staff at the universities to carry out scientific research¹⁸⁰. Nor did it restrict the researcher or the academic professor in conducting research and publishing its findings, and it did not impose any restrictions to be observed by the researcher other than the rules and fundamentals of scientific research. This position is to be credited to the Jordanian legislator, since it guaranteed freedom of scientific research¹⁸¹.

By contrast, Jordanian legislation has included numerous provisions that impinge upon the nature and substance of academic freedoms, the most important of which are the following:

a - Not permitting members of the teaching staff at universities to exercise their right to peaceful organisation through the formation of syndicates to defend their rights:

University professors are still demanding their constitutional right, guaranteed under the international standards, consisting in the establishment of a syndicate that brings them together and protects their rights; no amendment has been made to the question of establishing a syndicate for university professors¹⁸², notwithstanding the receipt by the Ministry of Higher Education and Scientific Research of the file of the application to establish a syndicate for Jordanian university professors on 15/6/2011¹⁸³.

b - The failure to give effect to the mechanisms of student representation, since these mechanisms in their substance constitute a challenge and an obstacle to the ability of students to participate and to express their opinions and themselves. There is no general union for all the students of the Kingdom; rather, students are represented at each university individually and each has its own representative mechanism, quite apart from the absence of elected student councils at some private universities such as the University of Petra, Irbid National University and Jerash. Moreover, the electoral process for student councils witnesses clear interference and pursuit by the security agencies with a view to influencing the student elections - a matter liable to impede the freedom of students to participate and to choose freely those who represent them¹⁸⁴.

¹⁷⁹Article (3/c) of the Higher Education Law.

¹⁸⁰See articles: (17/4), (20/6) and (21/b/3) of the Jordanian Universities Law.

¹⁸¹Dr Mukhallad Al-Tarawneh et al., *Academic Freedoms in Jordanian Universities*, National Center for Human Rights, Amman, 2011, p. 20.

¹⁸²Twelfth Annual Report on the State of Human Rights in Jordan for the year 2015, National Center for Human Rights, Amman, 2016, p. 168.

¹⁸³Article entitled "Higher Education receives the file for the establishment of a syndicate of Jordanian university professors", published on the website of the Rum News Agency at the following link: <http://www.rumonline.net/index.php?page=article&id=54913> ; the site was accessed on 24/8/2017.

¹⁸⁴Tenth Annual Report on the State of Human Rights in Jordan for the year 2013, National Center for Human Rights, Amman, 2014, p. 110.

c - Restricting student activity by requiring the prior approval of the competent bodies at the university where students wish to hold any gathering, whether of a demands-related or a political nature; and if such a gathering is held without prior approval, this is regarded as a disciplinary offence warranting punishment.

d - Prohibiting the distribution of leaflets, newspapers or posters of whatever kind or purpose¹⁸⁵.

e - The inclusion in the student disciplinary regulations of the various Jordanian universities of general provisions that may be used to restrict the right of students to freedom of student activity.

Sub-section Three

The Autonomy of Educational Institutions

This means the independence of higher education institutions from the general administration of the State and from the other forces of society, and the taking of decisions relating to the conduct of their internal work, their finances and their administration, and the adoption of their policy on education, research, extension and other related activities¹⁸⁶.

This independence is regarded as a degree of self-governance which must be available to educational institutions in order for them to take decisions effectively in relation to academic work, its standards and its administration and the activities connected therewith. This self-governance must be consistent with systems of public accountability, especially with respect to funding provided by the State. Accordingly, a proper balance must be struck between the autonomy of educational institutions and their accountability¹⁸⁷.

In conclusion, this autonomy is in its substance an inevitable corollary of enabling higher education institutions to take final and executable decisions. This autonomy by no means signifies the absence of responsibility of these institutions and of their accountability; rather, this autonomy must be coupled with a high level of responsibility and submission to accountability, in a manner through which a proper balance is struck between the autonomy of higher education institutions and their accountability¹⁸⁸.

The international standards governing the right to education have affirmed the necessity of the independence of the higher education institutions of the State from the government or any other societal forces, so as to ensure that they take the sound decisions necessary for conducting the academic, administrative and financial affairs of the educational institution, while being subject to oversight and accountability.

¹⁸⁵See in this regard, by way of example, article (3/e, h) of the Regulation on Student Discipline at the University of Jordan No. 94 of 1999, and article (3/d, z) of the Regulation on Student Discipline at the Hashemite University No. 53 of 1999.

¹⁸⁶This is what is provided for in article (1/c) of the Lima Declaration on Academic Freedom and Autonomy of Institutions of Higher Education, World University Service, 1988.

¹⁸⁷General Comment of the Committee on Economic, Social and Cultural Rights No. (13), op. cit., paragraph 40.

¹⁸⁸United Nations Educational, Scientific and Cultural Organization, World Conference on Higher Education, working document entitled "Higher Education in the Twenty-First Century (Vision and Action)", August/1998, document symbol ED-98/CONF-202/CLD23, paragraph 137; and General Comment No. (13), op. cit.

If we apply this standard to the legislative reality of higher education institutions in Jordan, we find that the national legislation represented by the Higher Education and Scientific Research Law and the Jordanian Universities Law did not guarantee the autonomy of higher education institutions, whether official or private universities. The most prominent aspects of the absence of autonomy lie in the following:

1) The control of the executive authority over the framing of the general policy of higher education in Jordan, including:

- a. The establishment of higher education institutions and their closure, permanently or temporarily.
- b. Laying down the regulations relating to the work of educational institutions.
- c. Control over the policies of admitting students to educational institutions and universities.

2) Limiting the administrative independence of universities, since the executive authority, represented by the Ministry of Higher Education and the Higher Education Council chaired by the Minister of Higher Education, controls the appointment of the governing bodies at the university, namely:

a - The appointment of the boards of trustees of universities: The Jordanian Universities Law¹⁸⁹ affirmed the necessity that the affairs of each higher education institution be managed by a board of trustees¹⁹⁰ composed of members most of whom are from outside the university, its chairman and members being appointed by Royal Decree upon the recommendation of the Minister of Higher Education if it is an official university¹⁹¹, and by a decision of the Higher Education Council if it is a private university¹⁹². This distinction between the mechanism for appointing the chairman and members of the boards of trustees of government universities and the boards of trustees of private universities is unjustified, and the mechanism of appointment must be unified, since universities, whether private or governmental, perform the same function and seek to achieve the same objectives.

b - The appointment of university presidents and their removal from their posts by a decision of the Higher Education Council: indeed, the removal of the president of an official university does not require a recommendation from the board of trustees, as is the case at private universities, which indicates greater control by the executive authority in respect of the official universities.

c - The appointment of administrative employees: The most recent Civil Service Regulation, issued at the end of the year 2014, adopted a new rule that detracts from the administrative independence of universities. The Regulation obliged universities to appoint the administrative and technical employees of the official universities through

¹⁸⁹Jordanian Universities Law No. (20) of 2009, published in the Official Gazette, issue 4890, dated 6/9/2009, p. 4707.

¹⁹⁰See the text of article (8) of the Jordanian Universities Law.

¹⁹¹See the text of article (9) of the Jordanian Universities Law.

¹⁹²See the text of article (10) of the Jordanian Universities Law.

the applications for appointment submitted to the Civil Service Bureau. This matter as a whole constitutes a clear conflict with the principle of the autonomy of higher education institutions, since higher education institutions are obliged to appoint their employees, administrative and technical, through the Civil Service Bureau¹⁹³, and universities are unable to appoint any employee, even if he is more competent, save through the Civil Service Bureau.

d - Limiting the financial independence of universities by granting the Higher Education Council the right to approve the annual budgets and final accounts of higher education institutions¹⁹⁴.

In conclusion, the broad powers held by the Higher Education Council have led a section of Jordanian legal scholarship - and rightly so - to state that they impair the autonomy of universities and their ability to take decisions and to manage their internal affairs freely and democratically, away from the directions and authority of this Council¹⁹⁵.

¹⁹³Article (187/c) of the Jordanian Civil Service Bureau Regulation provides: "... c - 1. Notwithstanding what is set out in paragraph (a) of this article and in any other regulation, the administrative and technical employees of the official universities and the official university hospitals shall be appointed through the applications for appointment submitted to the Civil Service Bureau."

¹⁹⁴See in this regard article (6) of the Jordanian Higher Education and Scientific Research Law.

¹⁹⁵Dr Mukhallad Al-Tarawneh et al., op. cit., p. 20.

Chapter Three

The Findings of the Field Study and their Discussion

This Chapter contains a presentation and discussion of the findings of the field study that were reached in the light of the principal question of the study and the questions branching from it, which sought to identify the extent to which Jordanians and non-Jordanian residents obtain their right to education as a right guaranteed in the Jordanian Constitution and in the international human rights standards.

What follows is a presentation of the findings and their analysis in accordance with the sequence of the questions of the study.

The principal question: To what extent do Jordanians and non-Jordanian residents obtain their right to education as a right guaranteed in the Jordanian Constitution and in the international human rights standards, from the viewpoint of school students and their teachers and from the viewpoint of university students and their professors? This is addressed through the following sub-questions:

First: The findings relating to the question which provides: Is basic education available to all free of charge and on a compulsory basis?

Table (3) sets out the arithmetic means and standard deviations of the estimates of the sample of school students on the dimension "the availability of education", composed of six items (1-6) of the students' questionnaire, and likewise on the dimension as a whole.

Table (3): Arithmetic means and standard deviations of the estimates of school students on the dimension (the availability of education)

Item No.	Item	Arithmetic mean	Standard deviation
1	Many school students are enrolled in kindergartens before joining the school	3.13	0.736
2	All the children of the area in which the school is located are enrolled at the basic education stage	3.62	0.554
3	Students are enrolled at the school without paying any financial amounts (fees)	3.63	0.640
4	Education is described as available and free of charge for foreign students at my school	1.95	0.771
5	Students do not leave their studies by reason of marriage	2.78	0.913
6	Students continue their studies notwithstanding their need to work	3.33	0.655
	The dimension as a whole	3.07	0.328

Table No. (3) shows that the arithmetic means of the estimates of the sample of school students on the dimension amounted to (3.07), with a medium degree of agreement. The arithmetic means of their estimates on the items of the dimension likewise show that item (3), which provides "Students are enrolled at the school without paying any financial amounts", came first with an arithmetic mean of (3.63) and a high degree of agreement, followed by item (2), which

provides "All the children of the area in which the school is located are enrolled at the basic education stage", with an arithmetic mean of (3.62) and likewise a high degree of agreement.

Table (4), for its part, sets out the arithmetic means and standard deviations of the estimates of the sample of school principals and teachers on the dimension "the availability of education", composed of six items (1-6) of the questionnaire of school principals and teachers, and likewise on the dimension as a whole.

Table (4): Arithmetic means and standard deviations of the estimates of school principals and teachers on the first dimension (the availability of education)

Item No.	Item	Arithmetic mean	Standard deviation
1	Many school students are enrolled in kindergartens before joining the school	3.53	0.616
2	All the children of the area in which the school is located are enrolled at the basic education stage	3.75	0.464
3	Students are enrolled at the school without paying any financial amounts (fees)	3.68	0.569
4	Education is considered available and free of charge at the school for foreign students	2.80	0.960
5	Marriage does not constitute a principal reason for students leaving their studies	2.91	1.034
6	Students continue their studies notwithstanding their need to work	3.03	0.729
	The dimension as a whole	3.28	0.427

Table No. (4) shows that the arithmetic means of the estimates of the sample of school principals and teachers on the dimension amounted to (3.28), with a medium degree of agreement. The arithmetic means of their estimates on the items of the dimension likewise show that item (2), which provides "All the children of the area in which the school is located are enrolled at the basic education stage", came first with an arithmetic mean of (3.75) and a high degree of agreement, followed by item (3), which provides "Students are enrolled at the school without paying any financial amounts (fees)", with an arithmetic mean of (3.68) and likewise a high degree of agreement.

The findings of the estimates of the sample of school students on the dimension (the availability of education) showed a medium degree of agreement on the provision and availability of the conditions suitable for the educational process. This is attributable to the spread of schools, and in particular at the basic stage, to the small residential communities, and to the compulsory education applied by the official bodies, and to the free nature of education, since the State does not collect any financial amounts as wages or the price of books; or it is attributable to the increased awareness among Jordanian families of the importance of education and the necessity of their following up the education of their children for the sake of their children's future, whatever the cost.

The estimates of school principals and teachers likewise showed a medium degree of agreement on the same dimension, for the reasons set out above in relation to the estimates of students, in addition to the fact that the Jordanian State treats refugee students in the same way as Jordanian

students as regards the payment of fees and the price of books. This dimension would have obtained a high degree of agreement were it not for the responses of students and their teachers, which indicated that education is not available by reason of the collection of fees from foreign students and the payment of an amount of (40) dinars for the primary stage and (60) dinars for the secondary stage, in addition to the price of books, bearing in mind that these fees collected from foreign students are used by the schools to cover certain financial and material matters according to the views of teachers and school principals.

The findings of the focus groups confirmed the emphasis placed on the availability of education to foreign students through the collection of fees and the price of books in the Kingdom, since teachers complained that they face in reality a number of foreign students unable to pay the fees, which prompts them to provide financial assistance to those students from their own funds - especially in the absence of a school principal's power to exempt a foreign student, despite his emphasis on the importance of these amounts for the school; for these amounts are used to cover the periodic maintenance of the school, in particular in the absence of the provision of these funds by the bodies concerned. One of the students mentioned that he is of Arab nationality and an orphan and is unable to pay the annual fees and the price of books unless he works and provides the required amount. Students also raised the question of the price of secondary stage books, which amounts to (12) dinars at government schools as against (100) dinars at private schools, in addition to what students pay in subscription fees for the General Secondary Examination, amounting to (20) dinars.

On the other hand, the findings of the focus groups, the interviews of the research team and their dialogues with many female students showed a complaint by many female students about the phenomenon of early marriage, particularly in the Al-Atraf (outlying) governorates. This is attributable to the low level of cultural and social awareness among some families, to poverty on the one hand, to the weak academic attainment of some female students on the other, and additionally to the distance of secondary schools from the location of the residential communities, which prompts families to withdraw their daughters from study. One of the female teachers mentioned that in the city of Salt, for example, in the Al-Khamra area, there is no secondary school for girls nearby. This may also be due to the presence of Syrian refugees and to the culture of early marriage having an effect on the practice of Jordanian families.

In the same context, the findings of the focus groups showed, according to the statements of students, the existence of a small number of cases of some students dropping out of schools in order to work. They explained that the reasons prompting them to do so lie in the following: assisting parents in difficult financial circumstances, especially where there is no breadwinner for the family; some students also confirmed that the family's circumstances, and in particular in cases of family breakdown, lead some students to leave their studies. As for the fields in which those students who have work engage, these are: working with the owners of trades such as blacksmiths, carpenters and car workshops. School teachers, for their part, explained that the real reason lies in the absence of an educational cadre able to identify the student in need of financial assistance and to refer him to the bodies capable of providing support to him, notwithstanding that in principle the school follows up these cases and obtains sufficient information about the social and financial situation of the student's family.

By contrast, the National Strategy for Human Resource Development showed that the current state of the Jordanian education system does not permit suitable education for all children of basic school age, since there are more than 110 thousand children not enrolled in schools in Jordan¹⁹⁶, which constitutes approximately 5.7% of the total number of students. This, moreover, is consistent with what emerged from the answers of students and teachers with what came in the aforementioned Strategy, which confirmed the rise in the rates of absence among students enrolled in schools¹⁹⁷, since the findings of the questionnaires on "Students do not leave their studies by reason of marriage" obtained a low arithmetic mean, which confirms the existence of dropout of students from schools for this reason. This situation is attributable to a number of impediments, the most important of which are: (a) the low standard of living of the Jordanian family in general; (b) the suffering of some students from the geographical location of the family, since the family lives in a place closer to a school with limited capacity, and in particular the access of female students; (c) the situation of children with disabilities, especially since the proportion of persons with disabilities in Jordan amounts to 11%¹⁹⁸, which is considered a high proportion of the young generation who face challenges in obtaining equal opportunities in education, and who thus lose the full opportunity to obtain education.

In sum, the findings of the answers of students, principals and teachers showed that the availability of education in Jordan appeared with a medium degree of agreement. This is consistent with what the legal analysis showed as to the existence of certain gaps that limit the compulsory and free nature of education, just as the situation of refuge in Jordan has contributed to reducing the high rates which Jordan had previously achieved in the field of making education available to children of school age.

Second: The findings relating to the question which provides: "To what extent does the education system in Jordan abide by the values upon which the international human rights standards are founded?"

Table (5) sets out the arithmetic means and standard deviations of the estimates of the sample of school students on the dimension (the values upon which the education system is founded), composed of five items (7-11) of the students' questionnaire, and likewise on the dimension as a whole.

Table (5): Arithmetic means and standard deviations of the estimates of school students on the dimension (the values upon which the education system is founded)

Item No.	Item	Arithmetic mean	Standard deviation
7	I feel respected at my school	2.90	1.016
8	My school deals with everyone equally and impartially	2.41	0.919
9	My school deals with refugee students without any discrimination	3.20	0.716
10	The school has regard to individual differences between students	3.12	0.850

¹⁹⁶The National Strategy for Human Resource Development, p. 119.

¹⁹⁷The previous reference.

¹⁹⁸Op. cit., p. 119.

Item No.	Item	Arithmetic mean	Standard deviation
11	There is communication between students and the school administration and teachers	3.01	0.866
	The dimension as a whole	2.93	0.560

Table No. (5) shows that the arithmetic means of the estimates of the sample of school students on the dimension amounted to (2.93), with a low degree of agreement. The arithmetic means of their estimates on the items of the dimension likewise show that item (9), which provides "My school deals with refugee students without any discrimination", came first with an arithmetic mean of (3.20) and a medium degree of agreement, followed by item (10), which provides "The school has regard to individual differences between students", with an arithmetic mean of (3.12) and likewise a medium degree of agreement.

Table (6), for its part, sets out the arithmetic means and standard deviations of the estimates of the sample of school principals and teachers on the dimension (the values upon which the education system is founded), composed of ten items (7-16) of the questionnaire of school principals and teachers, and likewise on the dimension as a whole.

Table (6): Arithmetic means and standard deviations of the estimates of school principals and teachers on the dimension (the values upon which the education system is founded)

Item No.	Item	Arithmetic mean	Standard deviation
7	Students feel respected at the school	3.44	0.613
8	The school deals with everyone equally and impartially	3.28	0.763
9	The school deals with refugee students without any discrimination	3.44	0.592
10	The school has regard to individual differences between students	3.31	0.704
11	Students communicate with the school administration and teachers	3.33	0.652
12	Students attend the school regularly during official working hours	2.88	0.769
13	Students preserve the property of the school	2.73	0.811
14	An atmosphere of mutual respect between students and teachers prevails at the school	2.93	0.839
15	The families of students interact positively with the school	2.81	0.781
16	Students feel a moral responsibility towards their school community and their wider community	2.71	0.732
	The dimension as a whole	3.08	0.515

Table No. (6) shows that the arithmetic means of the estimates of the sample of school principals and teachers on the dimension amounted to (3.08), with a medium degree of agreement. The arithmetic means of their estimates on the items of the dimension likewise show that item (7), which provides "Students feel respected at the school", and item (9), which provides "The school deals with refugee students without any discrimination", came first with an arithmetic mean of (3.44) and a medium degree of agreement.

The findings of the estimates of the sample of school students on the dimension (the values upon which the education system is founded) showed a low degree of agreement as to the adherence of the educational institution, and of those responsible for it, to the values and the international standards of human rights. This finding is attributable to the feeling of many students at the clear absence of adherence to these values, which appears through the students' emphasis on the failure to adhere to the values of equality and justice in dealings with students. The students showed a low degree of agreement that the school deals with them equally and impartially, and this item was the lowest among the items of this dimension. The students participating in the focus groups explained that the manifestations of inequality and injustice consist in bias by some teachers towards a section of the students, in addition to the students' feeling of a lack of the hoped-for degree of respect through dealings inside or outside the classroom. Some students displayed dissatisfaction with the state of discrimination between students, and in particular between school principals and teachers on the one hand and students on the other. According to the statements of the students, there were a small number of cases of a lack of respect arising from the mistreatment of some students by some teachers. Likewise, the students' feeling that the school does not deal with everyone equally and impartially is sometimes caused by some teachers treating some students preferentially for family reasons, and likewise by some teachers treating some students preferentially, particularly in cases of transfer from one school to another. This is an important indicator that calls for serious work by all the bodies concerned to determine the causes of this feeling and to attempt to find solutions to it. By contrast, their estimates showed a greater degree of acceptability of the approach applied in schools in dealing with refugee students.

The estimates of the sample of school principals and teachers, for their part, showed a medium degree of agreement on the same dimension. This is attributable to the vision of school principals and teachers that what the Ministry of Education provides satisfies them to the greatest extent possible in the light of the difficult economic circumstances affecting all educational institutions, in addition to their vision that their behavioural and academic dealings with their students proceed from the bases of justice, equality and non-bias and belonging to the educational process, and their role in activating the relationship of communication between the school and the local community, which has assisted in applying and implementing the values hoped for from the education system through support and contribution thereto. Reference should be made here to the teachers' emphasis on the weak interaction of parents with the school, since this item was the lowest among the items of this dimension.

The findings of the focus groups confirmed the emphasis on the absence of a feeling among students of moral responsibility towards their school community and their wider community, which obtained the lowest rank in the answers of teachers on this dimension, and which indicates the lack of agreement of teachers to a low degree on the availability of this feeling among students. The students participating in the focus groups indicated that the absence of the feeling of responsibility appears from the failure of students to preserve the property of schools, and they explained that the reasons for this are attributable to: (a) the students' lack of affection for the school owing to the difference in treatment between students and their inability to express their anger at the conduct of some teachers towards them; (b) the lack of diversity in the methods of teaching and the failure to use extracurricular activities, which causes

students boredom and drives them to vandalise the property of the school; (c) the students' feeling of individual ownership of the property belonging to the school; (d) a reaction towards the family violence practised against students. Some students affirmed that vandalism is more prevalent at the basic stage, owing to the young age of students and their failure to understand the true nature of their relationship with the school and its property, whereas vandalism is lower at the secondary education stage owing to the greater culture of students and their understanding of the true nature of their relationship with the school, and by reason of the large size of the curriculum, which takes up most of the students' time. It is striking that students affirmed that vandalism increases whenever processes of marginalisation of students by the school administration and teachers increase.

School teachers, for their part, affirmed the existence of certain phenomena from which it may be concluded that students lack a feeling of belonging to the school and to society, and they explained that this is an extension of the students' feeling within the family and society. As to the causes of the lack of belonging, teachers attributed them to the following reasons: (a) the failure of students to interact with the school community owing to their preoccupation with and attachment to social media; (b) the inability of the school to deal in some cases with the psychological conditions of the student owing to the lack of proportionality between the number of counsellors and the number of students; (c) the absence of two counsellors at the school and the limitation to social counsellors.

In sum, the Jordanian education system does not provide expressly and directly in educational legislation for the achievement of equality in the field of education so as to encompass all persons of school age, whether nationals or foreigners and irrespective of their legal status, since it is observed that both the Constitution and the Education Law confined the provision to the achievement of equality among Jordanians alone. This is the matter that emerged from the analysis of the answers of students, which showed their agreement to a low degree on the dimension of the values upon which the Jordanian education system is founded, and the lowest arithmetic mean within this dimension was the item which provides "My school deals with everyone equally and impartially".

Third: The findings relating to the question which provides: "To what extent is the content of school curricula and the accompanying activities suitable for qualifying students to pursue their university studies and their practical life with ease?"

Table (7) sets out the arithmetic means and standard deviations of the estimates of the sample of school students on the dimension "the content of school curricula and the accompanying activities", composed of six items (12-17) of the students' questionnaire, and likewise on the dimension as a whole.

Table (7): Arithmetic means and standard deviations of the estimates of students on the dimension (the content of school curricula and the accompanying activities)

Item No.	Item	Arithmetic mean	Standard deviation
12	My school provides me with the school books at the appropriate time	3.29	0.819

Item No.	Item	Arithmetic mean	Standard deviation
13	I learn from my books information that benefits me in my practical and daily life	3.06	0.881
14	The school curricula develop my abilities and my scientific, artistic and sporting talents	2.55	0.917
15	The school curricula focus upon human values consisting in equality, justice, dignity and respect for others	3.25	0.768
16	The school curricula promote the role of women in public and private life	3.23	0.651
17	The school curricula promote respect for all sexes and religions	3.47	0.633
	The dimension as a whole	3.14	0.472

Table No. (7) shows that the arithmetic means of the estimates of the sample of school students on the dimension amounted to (3.14), with a medium degree of agreement. The arithmetic means of their estimates on the items of the dimension likewise show that item (17), which provides "The school curricula promote respect for all sexes and religions", came first with an arithmetic mean of (3.47) and a medium degree of agreement, followed by item (12), which provides "My school provides me with the school books at the appropriate time", with an arithmetic mean of (3.29) and likewise a medium degree of agreement.

Table No. (8), for its part, sets out the arithmetic means and standard deviations of the estimates of the sample of school principals and teachers on the dimension "the content of school curricula and the accompanying activities", composed of nine items (17-25) of the questionnaire of school principals and teachers, and likewise on the dimension as a whole.

Table (8): Arithmetic means and standard deviations of the estimates of school principals and teachers on the dimension (the content of school curricula and the accompanying activities)

Item No.	Item	Arithmetic mean	Standard deviation
17	The school provides the school books at the appropriate time	3.46	0.615
18	The school curricula include information that benefits students in their practical and daily life	2.99	0.720
19	The school curricula develop students' talents (artistic, musical, sporting and scientific)	2.64	0.815
20	The school curricula focus upon human values consisting in (equality, justice, dignity and respect for others)	3.09	0.697
21	The school curricula promote the role of women in public and private life	2.91	0.620
22	The school curricula promote respect for all sexes and religions	3.15	0.618
23	The school curricula provide means of learning for persons with special needs	2.46	0.810
24	The school curricula promote students' capacity for critical thinking	2.94	0.603
25	The school curricula have regard to individual differences between students	2.96	0.770
	The dimension as a whole	2.95	0.507

Table (8) shows that the arithmetic means of the estimates of the sample of school principals and teachers on the dimension amounted to (2.95), with a low degree of agreement. The arithmetic means of their estimates on the items of the dimension likewise show that item (17), which provides "The school provides the school books at the appropriate time", came first with an arithmetic mean of (3.46) and a medium degree of agreement, followed by item (22), which provides "The school curricula promote respect for all sexes and religions", with an arithmetic mean of (3.15) and likewise a medium degree of agreement.

The findings of the estimates of the sample of school students on the dimension "the content of school curricula and the accompanying activities" showed a medium degree of agreement as to the suitability of those curricula for students. This is attributable to their vision of what the curricula contain by way of knowledge that respects human values and freedom of religion, and as they promote the role of women in society, in addition to the feeling of school students that they have learned, through these fundamentals of the educational process, (reading, writing and arithmetic) and what they receive by way of knowledge and abilities qualifying them for the General Secondary Examination and for competing with the students of the private sector and excelling over them.

The students likewise showed agreement to a low degree on the capacity of the curricula and the accompanying activities to develop their scientific and artistic abilities and talents and their sporting abilities. This is attributable to the nature of the compressed school programme, which does not enable the teacher to expand upon and apply the teaching methods that develop the students' academic and non-academic abilities, and to the absence of the infrastructure and the educational means suitable for sporting, artistic and scientific activities inside and outside the scope of the school.

The findings of the focus groups showed the students' emphasis on the incapacity of the school curricula to develop students' scientific, artistic and sporting skills, and they attributed this to the following reasons: (a) the focus of teachers upon providing the student with the information contained in the curricula only; (b) the unsuitability of the timetable for certain classes concerned with developing abilities and artistic, scientific and sporting talents; (c) the weakness of some teachers and their inability to convey information to students; (d) the failure to focus upon extracurricular methods.

The findings of the estimates of school principals and teachers, for their part, showed on the same dimension a low degree of agreement on the suitability of the school curricula and what they give to students in the light of the circumstances and the nature of the school programme applied. This is attributable to the vision of school principals and teachers that what cannot be implemented by way of methods and means of teaching in schools, and the nature of the school programme, do not enable the teacher to implement his study plan and his vision in the optimal manner, since he finds before him nothing but preparation and teaching by way of rote instruction in order to be able to complete the curriculum at the required time. In addition, the content of the current school curricula does not develop the artistic, institutional and sporting talents of students, and what the student receives is merely abstract, non-applicable knowledge; it neglects the psychological, emotional and inclinational aspects and the attitudes of students and takes them out of the psychological pressures resulting from the length of the school

programme and the number of classes, which reaches 7-8 classes per day. It is striking that the dimension of the provision of curricula and means of learning for persons with special needs was the lowest item among the items of this dimension from the viewpoint of teachers, which confirms the non-availability of such means, or their being confined to particular schools - a matter inconsistent with a fundamental principle of the rights of this category of students, which requires their integration into their natural community. The findings of the arithmetic means of the estimates of school principals and teachers likewise showed the decline of the role of the curricula in promoting the role of women in life, and at the same time in promoting students' capacity for critical thinking.

The teachers participating in the focus groups agreed on the absence of focus upon developing students' scientific, artistic and sporting skills, save that they attributed this to the large number of students, to the focus upon curricula without focusing upon refining the student's personality, and upon the failure to teach art and sports classes in some schools.

In sum: the suitability of the content of school curricula and the accompanying activities for qualifying students for university study and practical life came with a medium degree of agreement on the part of students and on the part of school principals and teachers, and the reason for the failure to advance to a high degree of agreement lies in the insufficient attention paid by the school curricula to the method of critical thinking, relying instead upon the method of rote instruction and memorisation. This is consistent with what the National Strategy for Human Resource Development concluded, which confirmed that the school education sector still suffers from the method of rote instruction and memorisation, and from traditional educational methods and techniques of the old education. A comprehensive review was conducted recently of the revised books prescribed for the first grades of basic education, which found that these books include practical training and limited participatory activities, and do not focus in the required manner upon entrenching creative thinking methods and problem-solving strategies. Thus, by way of example, the curricula and books in the first grades of basic education allocate only (15%) of the total mark to practical experiments, whereas (85%) of the total mark is allocated to theory. Moreover, the content of the books and their subjects is very old, to the degree that the examples they contain have no connection at all with the modern world¹⁹⁹. By contrast, the findings showed that item "The school curricula promote respect for all sexes and religions" obtained a medium degree of agreement from both students, principals and teachers. This is inconsistent with what the National Strategy for Human Resource Development concluded, which found that the school curricula do not include content consistent with the objectives of the educational process consisting in promoting the values of tolerance, respect and the acceptance of people of different religions and cultures²⁰⁰.

Fourth: The findings relating to the question which provides: "Is the qualification of the teachers responsible for teaching students sufficient for students to obtain their right to suitable education?"

¹⁹⁹Op. cit., p. 133.

²⁰⁰The National Strategy for Human Resource Development, p. 133.

Table (9) sets out the arithmetic means and standard deviations of the estimates of the sample of school students on the dimension "the performance of teachers and the outputs of education", composed of seven items (18-24) of the students' questionnaire, and likewise on the dimension as a whole.

Table (9): Arithmetic means and standard deviations of the estimates of students on the fourth dimension (the performance of teachers and the outputs of education)

Item No.	Item	Arithmetic mean	Standard deviation
18	The school enables me to acquire the basic educational skills (reading, writing, mathematics)	3.43	0.704
19	The school enables me to learn another language alongside my Arabic mother tongue	2.49	0.943
20	The school enables me to engage in critical thinking	2.71	0.866
21	The teachers are described as capable of implementing the school curricula	2.92	0.852
22	The teachers are described as capable of conveying information	2.89	0.763
23	The teacher uses varied teaching methods (classroom and extracurricular)	2.72	0.906
24	The teacher encourages me to participate and to discuss	2.97	0.893
	The dimension as a whole	2.87	0.488

Table No. (9) shows that the arithmetic means of the estimates of the sample of school students on the dimension amounted to (2.87), with a low degree of agreement. The arithmetic means of their estimates on the items of the dimension likewise show that item (18), which provides "The school enables me to acquire the basic educational skills (reading, writing and mathematics)", came first with an arithmetic mean of (3.43) and a medium degree of agreement, followed by item (24), which provides "The teacher encourages me to participate and to discuss", with an arithmetic mean of (2.97) and a low degree of agreement.

Table No. (10), for its part, sets out the arithmetic means and standard deviations of the estimates of the sample of school principals and teachers on the dimension "the conditions of teachers, their performance and the outputs of education", composed of ten items (26-35) of the questionnaire of school principals and teachers, and likewise on the dimension as a whole.

Table No. (10): Arithmetic means and standard deviations of the estimates of school principals and teachers on the dimension (the conditions of teachers, their performance and the outputs of education)

Item No.	Item	Arithmetic mean	Standard deviation
26	Salaries motivate teachers to perform their work to a high standard	2.35	1.057
27	Teachers are given sufficient incentives to carry out their work (housing, transport, etc.)	1.91	0.944
28	The training necessary for the performance of their functions is available to teachers	2.63	0.891
29	Teachers are subject to suitable means of evaluation	2.68	0.792
30	Teachers possess the ability to convey information to students	3.14	0.630

Item No.	Item	Arithmetic mean	Standard deviation
31	Teachers use varied teaching methods (the computer, the board, etc.)	3.19	0.638
32	Teachers encourage students to participate and to discuss	3.31	0.648
33	Students possess the basic educational skills (reading, writing and mathematics)	2.85	0.765
34	The school enables students to learn another language alongside the Arabic language (the mother tongue)	2.71	0.830
35	The school provides varied methods of evaluation for assessing students' capacities	2.86	0.689
	The dimension as a whole	2.76	0.456

Table (10) shows that the arithmetic means of the estimates of the sample of school principals and teachers on the dimension amounted to (2.76), with a low degree of agreement. The arithmetic means of their estimates on the items of the dimension likewise show that item (32), which provides "Teachers encourage students to participate and to discuss", came first with an arithmetic mean of (3.31) and a medium degree of agreement, followed by item No. (31), which provides "Teachers use varied teaching methods (the computer, the board, etc.)", with an arithmetic mean of (3.19) and likewise a medium degree of agreement.

The findings of the estimates of school students on the dimension (the performance of teachers and the outputs of education) showed a low degree of agreement on the performance of their teachers and their educational outputs being sufficient for students to obtain their right to suitable education; and the findings of the arithmetic means of the estimates of the sample of school principals and teachers came to the same degree. Perhaps among the most prominent manifestations of the unsoundness of the outputs of the educational process is the weakness of students in the English language, which came in the lowest rank with an arithmetic mean of (2.49). The research team attributes this to the fact that it is not taught as a second language but rather is taught to them as a foreign language only, since it is not used inside or outside the classroom, and what is given is merely a teaching subject relied upon to teach the student the rules of the language and not to speak it or to make it fluent. Likewise, the item "The school enables me to engage in critical thinking" came in the second lowest rank with an arithmetic mean of (2.71), which the research team attributes to the lack of conviction of students in the teaching methods applied by their teachers, which rely upon the method of rote instruction in addition to the failure of their teachers to apply educational methods that encourage students to engage in critical thinking, participation and discussion.

The findings of the focus groups confirmed the emphasis on the weakness of students in the English language, and they explained that the reason for this is attributable to the following causes: (a) causes attributable to teachers, such as the weakness of their foundation and the absence of sufficient experience among them, in addition to the fact that a single teacher teaches all subjects in the early stages of study, quite apart from the failure to encourage students to participate and speak in English; (b) causes attributable to the curricula, such as the use of the Arabic language while teaching the English language, the focus upon reading and writing only, the neglect of conversation and listening, the unsuitability of the methods of foundation in the

English language, and the lack of variety of teaching methods; (c) causes attributable to the lack of interest of students and of the surrounding community in learning the English language and the failure to use the language in daily life and to speak in it outside the classroom.

Teachers, for their part, explained that the weakness of students in the English language is attributable to the following causes: (a) causes attributable to students, such as their lack of desire to learn the English language and their fear of using the English language and studying it even inside the classroom; (b) causes attributable to the teaching methods, such as the non-availability of the tools that assist students in learning the language, such as the absence of laboratories dedicated to the English language, the absence of recording devices and tapes, the focus upon reading and writing only, the neglect of conversation and listening, and the high number of students in the classroom, which does not enable the teacher to implement the required activities properly; (c) causes attributable to the surrounding community, such as the failure of the surrounding environment to encourage the learning of the English language and the absence of specialised centres for holding English language courses in the governorates. Teachers and students proposed the holding of English language courses during the summer vacation, and that schools should hold these courses.

The findings of the focus groups likewise confirmed the emphasis on the continuation of the education system in relying upon the method of rote instruction without paying attention to critical thinking, notwithstanding that some curricula contain methods of critical thinking. Students affirmed that the method most used by teachers is the lecture method, and that the majority of teachers do not encourage the method of participation and discussion and do not resort to practical application, although there is variety in the teaching methods of some subjects such as mathematics, chemistry and English. This is attributable to the high number of students in the classroom and the size of the educational curriculum. Students also called for the adoption of the practical application method in teaching, and proposed the holding of summer clubs in schools that work to entrench information by means other than the traditional method during the academic year.

Teachers, for their part, affirmed during the focus groups the importance of using non-traditional methods for students, from which the level of academic attainment of students appears to decline, and they explained that the reason for some teachers resorting to the rote instruction method is attributable to the following causes: (a) the size of the curricula, which deprives the teacher of using critical thinking; (b) the high number of students, which reduces the teacher's competence and does not enable him to vary the teaching methods and to encourage students to participate and discuss; (c) the high teaching load of the teacher, which reduces his competence and does not enable him to vary the teaching methods. Some teachers expressed their feeling that the current education policy is a policy of keeping the coming generation ignorant rather than a policy capable of critical thinking, and they demanded courses to develop teachers' methods.

Reference should be made here to the divergence between the views of students and teachers on the two items "The teacher uses varied methods" and "The teacher encourages students to participate and to discuss", where the averages of the students' answers came lower than the answers of teachers in general. This is the matter explained by the rise in the expectations of

students as to the performance of their teachers, whereas teachers believe that they provide the best within the means available to them at the school - which calls for a clear explanation of the concept of methods and participation so that consistency exists in the concepts held by students and teachers.

In sum: the Jordanian teacher performs a great role in preparing students scientifically to enter university education and the struggle of life, save that the teaching methods adopted rely upon the rote instruction method without attention to critical thinking, the most widely used method being the lecture method. Likewise, school education is characterised by the failure to graduate students proficient in the English language. This is attributable to reasons connected with the educational environment inside the classroom, such as the high number of students inside a single classroom and the high teaching load of teachers. To this is added what has already been mentioned, namely that the mechanism for selecting teachers and training them before and during their performance of teaching does not enable them to follow the modern scientific methods that work to raise students' capacities - a matter which calls for activating the role of the Ministry of Education and the bodies concerned in qualifying teachers with redoubled effort in this field, by developing the bases and means of selecting teachers and creating a programme concerned with the professional development of teachers and ensuring that the teacher obtains a licence to practise the profession, on the model of doctors, lawyers and engineers.

The findings of the estimates of school principals and teachers, for their part, showed on the same dimension a low degree of agreement as to their satisfaction with the conditions, performance and outputs of school principals and teachers. This is attributable to the deterioration of the economic and living conditions of most teachers and the neglect of the official bodies towards the teacher, which has led to a weakness of the educational standard and scientific performance for him, since item "Teachers are given sufficient incentives to carry out their work" came with the lowest degree, with an arithmetic mean of (1.91) and a degree of satisfaction that is not agreement to a medium degree, which indicates the existence of a real problem in this field. In the second lowest rank came item "Salaries motivate teachers to perform their functions to a high standard", with an arithmetic mean of (2.35) and a low degree of agreement, bearing in mind that the total salary of the Jordanian teacher upon appointment at government schools amounts to 430 dinars (without the deductions such as social security and health insurance), which is not below the poverty line according to the Department of Statistics, amounting to 580 dinars per month for the family²⁰¹.

The findings of the focus groups confirmed the emphasis on the decline of the incentives granted to teachers, since the teaching profession has become a profession that has no professional standing, and accordingly the competent persons are reluctant to take up the teaching profession. Teachers attributed this to the following reasons: (a) administrative reasons consisting in the routine dealings of the Ministry with the teacher, which has stifled the teacher's creativity and the absence of suitable qualification for him, with the exception of what

²⁰¹ National Center for Human Rights, Thirteenth Annual Report on the State of Human Rights in the Hashemite Kingdom of Jordan for the year 2016, Amman, 2017, p. 119.

is undertaken by the Queen Rania Teacher Academy²⁰²; (b) the non-availability of sufficient income owing to the low salary, which may sometimes drive teachers to work in unacceptable occupations, thereby reducing the community's respect for the teacher; (c) the insufficiency and unsuitability of health insurance to provide health care to teachers; (d) the teacher's not obtaining additional advantages such as some of those working in other fields, such as exemption from customs duty on cars and the non-receipt of telephones.

The principals and teachers in the focus groups also had a vision concerning the education system applied in schools and its capacity to enable students to engage in critical thinking. They affirmed that the nature of the current school programme is not commensurate with variety in teaching methods and does not enable the teacher to achieve this, because it is governed by broad content and limited time. Accordingly, most teachers resort to the rote instruction method, consisting in delivering the curriculum regardless of the benefit obtained. In addition, owing to the absence of a suitable educational environment, and particularly in the light of the deteriorating condition of the facilities and infrastructure of schools, students lose concentration and attention. Moreover, the lack among some teachers of modern teaching methods and their failure to master the use of contemporary supporting technological techniques has placed them within a narrow list of old teaching methods which have become incapable of achieving the objectives of the educational process. On the other hand, teachers consider that the curricula lack the information necessary and essential for all the educational stages and what the human mind has arrived at by way of development, since it is observed that most of the information contained in the curricula is old and in need of development and amendment in a manner consonant with the latest research and scientific studies.

In sum: the findings of the quantitative analysis of the views of teachers and their observations during the focus groups concerning their satisfaction with their economic and social conditions came consistent with the legal analysis, which concluded that the salaries of teachers do not meet the minimum of their needs to provide a dignified life for themselves and their families. This calls for the Government to review the salaries and incentives provided to teachers, which must be directly linked to the qualification the teacher obtains, together with suitable training for developing his capacities in the fields serving the educational process, including his ability to benefit from innovation and technology in developing the process of teaching and learning.

Fifth: The findings relating to the question which provides: Does the infrastructure in schools enable students to obtain their suitable right to education?

Table (11) sets out the arithmetic means and standard deviations of the estimates of the sample of school students on the dimension "the infrastructure", composed of thirteen items (25-37) of the students' questionnaire, and likewise on the dimension as a whole.

²⁰²The Queen Rania Teacher Academy is an independent institution that adopts the vision of Her Majesty Queen Rania Al Abdullah of advancing the quality of education in Jordan and the region, by equipping teachers with the necessary skills, appreciating their role and providing them with the support necessary to distinguish themselves inside the classroom. The Academy, which Her Majesty Queen Rania Al Abdullah officially launched in June 2009, works to develop teacher training programmes and professional development programmes responsive to educational needs in Jordan in particular and in the Arab world in general, in partnership with Teachers College, Columbia University in New York and the Columbia Middle East Research Center, and with the Ministry of Education. For further detail see the link: <https://www.queenrania.jo/ar/initiatives/queen-rania-teacher-academy> ; the link was accessed on 22/12/2017.

Table (11): Arithmetic means and standard deviations of the estimates of school students on the dimension (the infrastructure)

Item No.	Item	Arithmetic mean	Standard deviation
25	Suitable courtyards are available at my school	2.02	0.946
26	Suitable playing fields are available at my school	1.53	0.707
27	The area of the classrooms is proportionate to the numbers of students	1.63	0.767
28	Suitable drinking water is continuously available at my school	1.45	0.669
29	Sound sanitary facilities and suitable cleaning equipment are continuously available at my school	1.55	0.729
30	Comfortable study seats are available for students	1.62	0.722
31	The location of the school is described as suitable in terms of its distance from the place of residence	2.38	1.015
32	The location of the school is described as sufficiently far from environmental hazards	2.43	0.975
33	Means of safety and public security are available at the school	2.04	0.902
34	Suitable heating and cooling means are available at the school	1.68	0.816
35	A paper and electronic library is available at the school	2.12	0.972
36	Computers and electronic communication means are available at the school	2.54	1.033
37	Facilities designated for persons with disabilities are available at the school	1.40	0.682
	The dimension as a whole	1.87	0.682

Table No. (11) shows that the arithmetic means of the estimates of the sample of school students on this dimension amounted to (1.87), with a medium degree of disagreement. The arithmetic means of their estimates on the items of the dimension likewise show that item (36), which provides "Computers and electronic communication means are available at the school", came first with an arithmetic mean of (2.54) and a low degree of agreement, followed by item (32), which provides "The location of the school is described as sufficiently far from environmental hazards", with an arithmetic mean of (2.43) and a low degree of disagreement.

Table (12), for its part, sets out the arithmetic means and standard deviations of the estimates of the sample of school principals and teachers on the dimension "the infrastructure", composed of thirteen items (36-48) of the questionnaire of school principals and teachers, and likewise on the dimension as a whole.

Table (12): Arithmetic means and standard deviations of the estimates of school principals and teachers on the dimension (the infrastructure)

Item No.	Item	Arithmetic mean	Standard deviation
36	Suitable courtyards are available at the school	2.95	0.870
37	Suitable playing fields are available at the school	2.43	0.854
38	Suitable and healthy drinking water is continuously available at the school	2.65	0.873
39	Sound sanitary facilities are available at the school	2.68	0.808

Item No.	Item	Arithmetic mean	Standard deviation
40	Suitable cleaning equipment is continuously available at the school	2.69	0.856
41	Comfortable seats for students are available at the school	2.61	0.787
42	The location of the school is described as suitable in terms of its distance from the place of residence	2.85	0.713
43	The location of the school is described as far from environmental hazards	2.94	0.832
44	Suitable means of safety are available at the school	2.93	0.589
45	Suitable heating and cooling means are available at the school	2.79	0.867
46	A paper and electronic library is available at the school	2.64	0.750
47	Computers and electronic communication means are available at the school	2.90	0.648
48	Facilities designated for persons with disabilities are available at the school	2.11	0.811
	The dimension as a whole	2.70	0.535

Table (12) shows that the arithmetic means of the estimates of the sample of school principals and teachers on the dimension amounted to (2.70), with a low degree of disagreement. The arithmetic means of their estimates on the items of the dimension likewise show that item (36), which provides "Suitable courtyards are available at the school", came first with an arithmetic mean of (2.95) and a low degree of agreement, followed by item (43), which provides "The location of the school is described as far from environmental hazards", with an arithmetic mean of (2.94) and likewise a low degree of agreement.

The findings of the estimates of school students on the dimension (the infrastructure) showed a medium degree of disagreement as to the suitability and adequacy of the infrastructure for the educational process. This is the lowest assessment of all the dimensions of the study, the arithmetic mean of the dimension as a whole among the sample of students amounting to (1.87). This is attributable to the students' view of their responses, and - consistently with the observation of the research team, both north and south, and in the course of gathering information during the field visits to the schools of most governorates - to the non-availability and unfitness of the school facilities, as follows: (a) the absence of suitable school courtyards, since most schools have a single courtyard for assembly and for sporting games and other activities; (b) the absence of suitable sports fields at a number of schools, which is what many students - and in particular female students - complained of, having been prevented from practising the sports class; (c) the unsuitability of the size of the classrooms to the numbers of students; (d) the unsuitability of the study seats for students in terms of size and fitness; (e) the absence of potable water and of sound sanitary facilities and the absence of cleaning equipment; (f) the lack at a number of schools of particular means of security and safety, and the existence in the Al-Atraf (outlying) governorates of schools more than 30-40 km distant from the nearest health centre.

The problem of the failure to provide facilities designated for persons with disabilities also emerged clearly, the findings having shown that students disagreed to a high degree on the

availability of facilities designated for persons with disabilities, since the arithmetic mean of this item amounted to (1.4), which is the lowest arithmetic mean of the items of this dimension. In the second lowest rank came item "Suitable healthy drinking water is continuously available at my school", with an arithmetic mean of (1.45) and a high degree of disagreement.

The findings of the focus groups confirmed the emphasis on the unpreparedness of the majority of schools to receive students with disabilities. The students participating in the focus groups attributed this to the following reasons: (a) the absence of passageways and sanitary facilities designated for students with disabilities; (b) the absence of a Braille system at schools; (c) the failure to qualify normal students psychologically to deal with students with disabilities; (d) the absence of educational aids and means designated for students with disabilities; (e) the absence of tools that assist students with disabilities in integrating into the school; (f) the view of normal students towards students with disabilities is a view of assistance and not a view of integration; indeed, in some cases there was a lack of respect for them.

The findings of the focus groups likewise showed the students' emphasis on the suffering of schools from the unsuitability of the infrastructure, for the following reasons: (a) the non-availability of potable water, which drives students to bring water from home, especially since most of the water sources are close to the toilets and are therefore exposed to contamination. Water is also sometimes sold inside the school and at high prices, despite the rise in temperature in summer, and some students are unable to buy it; (b) the unfitness of the sanitary facilities owing to their uncleanness, and sometimes they are out of order and there is at times no water in them, together with the emergence of the problem of students smoking in the sanitary facilities, which results in the students being mistreated by teachers - with reference to the fact that some students damage and vandalise the sanitary facilities; (c) the absence of playing fields at a number of schools and their unfitness for the practice of play at most schools, since most of their ground surfaces are made of asphalt and concrete, and the absence of sufficient experience among a large number of the female teachers responsible for teaching most of the sports subjects in these fields, and the teaching of the single sports class per week at some secondary schools; (d) the unsuitability of the seats existing at most schools at the present time, and the students' statement that the seats which existed in the past were better than the current seats, together with the demand for the provision of a chair and a table for each student.

The findings of the estimates of school principals and teachers, for their part, showed on the dimension (the infrastructure) agreement to a low degree on the suitability of the infrastructure and the facilities relating to the requirements of the educational process. This is attributable to the view of school principals and teachers as to the unsuitability of most school facilities, such as courtyards, gardens, sanitary facilities, drinking water, heating and cooling; and it is attributable to the view of school principals and teachers as to the unsuitability of the classrooms, which are the home of the educational process, since they do not contain the educational means necessary for the teacher and the student to vary the teaching methods, in addition to the unfitness of most of these rooms and their unsuitability in terms of size and the numbers of students; and in terms of fitness, since many of the educational establishments are old and in urgent need of renewal so as to be commensurate with the educational process and with the aspects of safety and security of education. Moreover, a number of these schools are

rented, and many of the principals showed the unsuitability of the nature of the current buildings for the process of teaching in terms of discipline, control and the monitoring of the performance and conduct of the teacher and the student.

Reference should be made to the existence of a divergence between the assessment of students and teachers of the dimension "the infrastructure", since the assessment of students of this dimension came with an arithmetic mean of (1.87) and a medium degree of disagreement, whereas the mean for teachers amounted to (2.7) and a low degree of disagreement. This is attributable to the fact that teachers have knowledge and awareness of the capabilities of the Ministry of Education, whereas students aspire to an ideal school environment.

In sum: notwithstanding the expansion of the Jordanian State in establishing schools in the various areas of the Kingdom, which has contributed effectively to promoting the opportunities of children to enrol in study, there is a retreat in the suitability of the infrastructure at these schools owing to the non-sustainability of the maintenance of the buildings and facilities of these schools, which has contributed to a marked deterioration in the conditions of these buildings, which have become an unattractive environment for students, since the classrooms in many schools are unsuitable and do not provide an ideal environment for education, whether owing to a lack of lighting or to the failure to provide suitable environmental conditions in terms of ventilation, cooling and heating. Perhaps the most prominent problem lies in the unsuitability and uncleanliness of the sanitary facilities - a matter which has become clear to a large extent to those responsible for public education and to public opinion, which calls for thinking of creative methods to resolve this problem.

Sixth: The findings relating to the question which provides: To what extent do school students enjoy a safe educational environment (free from school violence)?

Table (13) sets out the arithmetic means and standard deviations of the estimates of the sample of school students on the dimension "violence in schools", composed of eight items (38-45) of the students' questionnaire, and likewise on the dimension as a whole.

Table (13): Arithmetic means and standard deviations of the estimates of school students on the sixth dimension (violence in schools)

Item No.	Item	Arithmetic mean	Standard deviation
38	The educational counsellor (psychological, social) performs his role in the fullest manner in resolving the problems faced by students	2.55	1.078
39	Students resort to violence in resolving problems among themselves	2.93	0.955
40	Students resort to violence in resolving their problems with their teachers	2.29	1.001
41	Teachers resort to physical violence with students	2.34	1.106
42	Teachers resort to verbal violence with students	2.91	1.056
43	The school applies a clear mechanism in dealing with a teacher who uses verbal and physical violence against students	2.08	0.990
44	The school applies a clear mechanism in dealing with students who use verbal and physical violence against their classmates	0.89	0.960

Item No.	Item	Arithmetic mean	Standard deviation
45	A psychological counselling programme exists for students who are subjected to violence at the school	1.78	0.951
	The dimension as a whole	2.47	0.485

Table No. (13) shows that the arithmetic means of the estimates of the sample of school students on the dimension amounted to (2.47), with a low degree of disagreement. The arithmetic means of their estimates on the items of the dimension likewise show that item (39), which provides "Students resort to violence in resolving problems among themselves", came first with an arithmetic mean of (2.93) and a low degree of agreement, followed by item (42), which provides "Teachers resort to verbal violence with students", with an arithmetic mean of (2.91) and likewise a low degree of agreement.

Table (14), for its part, sets out the arithmetic means and standard deviations of the estimates of the sample of school principals and teachers on the dimension "violence in schools", composed of seven items (49-55) of the questionnaire of school principals and teachers, and likewise on the dimension as a whole.

Table (14): Arithmetic means and standard deviations of the estimates of school principals and teachers on the sixth dimension (violence in schools)

Item No.	Item	Arithmetic mean	Standard deviation
49	Students resort to violence in resolving problems among themselves	2.56	0.869
50	Students resort to violence in resolving their problems with their teachers	2.30	0.802
51	Teachers resort to physical violence in their dealings with students	1.89	0.746
52	Teachers resort to verbal violence in their dealings with students	2.14	0.807
53	The school applies clear mechanisms in dealing with a teacher who uses verbal and physical violence against students	2.74	0.868
54	The school applies clear mechanisms in dealing with students who use verbal and physical violence against their classmates	2.80	0.892
55	A psychological counselling programme exists for students who are subjected to violence at the school	2.89	0.900
	The dimension as a whole	2.47	0.435

Table (14) shows that the arithmetic means of the estimates of the sample of school principals and teachers on the dimension amounted to (2.47), with a low degree of disagreement. The arithmetic means of their estimates on the items of the dimension likewise show that item No. (55), which provides "A psychological counselling programme exists for students who are subjected to violence at the school", came first with an arithmetic mean of (2.89) and a low degree of agreement, followed by item No. (54), which provides "The school applies clear mechanisms in dealing with students who use verbal and physical violence against their classmates", with an arithmetic mean of (2.80) and likewise a low degree of agreement.

The findings of the estimates of the sample of school students on the dimension (violence in schools) showed disagreement to a low degree on the existence of the phenomenon of violence in schools. This is attributable to the conviction of students that most cases of violence that occur are individual cases and that school violence has not reached the level of a phenomenon; whereas their estimates on item "The school applies a clear mechanism in dealing with students who use verbal and physical violence against their classmates" showed disagreement to a high degree, with an arithmetic mean of (0.89), which is the lowest arithmetic mean of all the items of the questionnaire. They likewise showed complete dissatisfaction with the role of the educational and psychological counsellor in resolving and addressing cases of violence, with an arithmetic mean of (1.78).

An in-depth study of the students' answers, however, showed that students resort to violence in resolving their problems with a low degree of agreement, and likewise that teachers resort to physical violence with students with a low degree of disagreement. As for teachers resorting to verbal violence, the result was agreement to a low degree. The research team finds that these findings confirm the existence of violence in schools, and tangibly so, save that the absence of a sound understanding among students of the concept of violence, and the unwillingness of some to acknowledge the existence of violence as a reaction if they were victims - or their desire to continue practising acts of violence if they were among those who practise violence against others - may have reduced this proportion. This is consistent with the findings of certain specialised studies on school violence, one study having shown that in the academic year (2015/2016) (18%) of children reported being subjected to verbal violence in schools and (11%) reported being subjected to physical punishment²⁰³. The research team also heard, during its field visits, of the existence of grave cases of violence amounting to sexual assault upon some students by their classmates - a matter which calls for the tightening of the procedures followed by the Ministry of Education in order to contain the phenomenon of violence in schools, including the creation of a psychological counsellor at schools and not merely confining the matter to the social counsellor.

The findings of the focus groups showed that students affirmed the existence of violence in schools in all its forms, and they attributed this to the following reasons: (a) the students' desire to assert themselves; (b) excessive joking, which may develop into one of the forms of violence; (c) the existence of tribal groupings that motivate and encourage students to resort to violence; (d) the absence of psychological counselling for students, whether for those who practise violence or those who are subjected to violence, and instead they are threatened with expulsion from the school; (e) the absence of an open attitude at the school that encourages students to resort to it and to present their problems and seek assistance; (f) the absence of courage among some students to report cases of violence; (g) the existence of experiences among some female students of the counsellor's failure to preserve the confidentiality of information and of her disclosing it, most often, to her teacher colleagues; (h) the transformation of verbal violence into physical violence in some instances. The students also affirmed the practice by teachers of

²⁰³The World Bank, Program Information Document for the Programme-for-Results (PID), education stage, p. 5. The document is available on the electronic site: documents.worldbank.org/.../PIDA131205-PGID-ARABIC-P162407-Appraisal-Box4.

verbal violence by describing some students with unbecoming characteristics such as stupidity and likening them to animals. The students likewise affirmed the absence of a clear mechanism for dealing with violence inside schools.

The findings of the estimates of school principals and teachers, for their part, showed on the same dimension disagreement to a low degree on the existence of violence in government schools. This is attributable to the view of school principals and teachers that the cases of violence that have occurred have not risen to the degree of gravity that affects the course of the educational process, and also to the existence of strict laws and instructions against whoever commits violence, whether a teacher or a student.

As for the findings of the focus groups for teachers, they confirmed the practice of violence among students, and they explained that the nature of the school building does not enable the administration to follow up the situations and events at the school, in addition to the shortage of the administrative and educational cadre, which results in the failure to resort to remedial methods to address the phenomenon of violence, notwithstanding that some schools conduct a survey of counselling needs at the beginning of each year to assist in resolving the problems that may occur.

The comparative study of the findings of the estimates of students and teachers on this dimension shows their complete agreement on the totality of the items of the dimension, with a mean of 2.47 for both categories, save that the divergence appears clearly in the findings of a number of the items, the most important of which is item "The school applies a clear mechanism in dealing with students who use violence", where the arithmetic mean of the students' estimates amounted to (0.89) whereas the same mean for teachers amounted to (2.89). This indicates the absence of a conviction among students that clear mechanisms are applied to those who commit violence, which drives them to resort to violence to defend themselves if they are victims of violence, or to continue with violence if they were in fact practising it. The comparison likewise shows the divergence between teachers and students in respect of item "A psychological counselling programme exists for students who are subjected to violence at the school", where the arithmetic mean of the students' estimates amounted to (1.78), with a medium degree of disagreement, whereas the mean of the teachers' estimates amounted to (2.89), with a low degree of agreement. This means the absence of shared concepts between teachers and students as to the mechanisms of dealing with and counselling those who commit violence and the victims, which may lead to a lack of efficacy and success of the methods that may be used by the school administration and teachers to curb the manifestations of violence in schools.

In sum: the students' disagreement to a low degree on the existence of violence does not mean the absence of the practice of violence in schools; rather, the findings of the focus groups confirmed the practice of violence in schools, whether by students or by teachers. It is striking that the lowest mean of the estimates of school students at the level of the study was on item "The application by schools of a clear mechanism in dealing with students who use verbal and physical violence against their classmates".

Seventh: The findings relating to the seventh question, which provides: Are there statistically significant differences at the level of significance (α 0.05) between the mean estimates of school students according to gender?

In order to answer this question, the arithmetic means and standard deviations were extracted and (t-test) tests were conducted for the estimates of males and the estimates of females on the six dimensions, and Table (15) below sets this out.

Table (15): Arithmetic means, standard deviations and (t) tests for the estimates of males and females in the three governorates

Dimension	Gender	Number	Arithmetic mean	Standard deviation	t value	Degrees of freedom	Statistical significance
The availability of education	Male	241	3.057	0.318	-0.993	478	0.748
	Female	239	3.087	0.338			
The values upon which the education system is founded	Male	241	2.971	0.537	1.741	478	0.008
	Female	239	2.882	0.580			
The content of school curricula and the accompanying activities	Male	241	3.012	0.461	-6.289	478	0.480
	Female	239	3.273	0.447			
The performance of teachers and the outputs of education	Male	241	2.778	0.518	-4.498	478	0.013
	Female	239	2.975	0.435			
The infrastructure	Male	241	1.894	0.404	1.111	478	0.436
	Female	239	1.854	0.387			
Violence in schools	Male	241	2.580	0.487	5.260	478	0.032
	Female	239	2.363	0.414			

Table (15) shows the absence of statistically significant differences between the mean estimates of males and the estimates of females on the dimensions (the availability of education, the content of school curricula and the accompanying activities, and the infrastructure).

By contrast, the Table shows the existence of statistically significant differences between the mean estimates of males and the estimates of females on the dimensions (the values upon which the education system is founded, the performance of teachers and the outputs of education, and violence in schools).

The arithmetic means, standard deviations and the findings of the (t-test) for the responses of the two samples of male and female students showed the absence of statistically significant differences on the dimensions (the availability of education, the content of the curricula and the accompanying activities, the infrastructure). This is attributable to the agreement of all in their responses on the items and the particulars asked about by the instrument in respect of these dimensions, which ask about material and tangible things among students and their agreement in terms of aggregation, since education is available to all in view of the concern of the Jordanian State with the educational process, in addition to the free nature of education and the provision of schools down to the level of the small residential communities. Male and female students likewise consider the content of the curricula effective, together with what they receive by way of accompanying activities suitable to their age stage and what is required to

be accomplished in the first years of study. The two parties agreed on the unfitness of the infrastructure of government schools, on its unfitness and on the non-availability of the requirements of education in terms of courtyards, buildings, study seats and means of safety and security. In sum, the agreement of male and female students here came by reason of the clarity of the questions contained in the instrument and the ease of answering them through what is available before the eyes of both parties and what is between their hands.

These dimensions, upon which all students (males and females) agreed, show a clear consistency with the reality of education in the Kingdom, since the dimension of the availability of education obtained a high degree of agreement and a wide convergence between the arithmetic means of the two parties - a matter agreed upon within the framework of the legal analysis and the focus groups, and which would have obtained a high degree of agreement were it not for the failure to make education available to foreign students in the Kingdom. The analysis showed the satisfaction of all students (males and females) with the content of the study curricula and the accompanying activities, with a degree of satisfaction greater among female students, which may indicate the distinction of female teachers and female students in dealing with identical curricula for both parties. Lastly, all students (males and females) agreed on the unsuitability of the infrastructure in schools, which confirms the deterioration of the level of the infrastructure.

By contrast, the arithmetic means and standard deviations showed for the responses of the two samples of male and female students the existence of statistically significant differences on the dimensions (the values upon which the education system is founded, the performance of teachers and the outputs of education, and violence in schools). This is attributable to the difference in the quality of the questions, since they attempt to respond to intangible or tangible matters on the ground, that is to say they depend upon the students' understanding of the question, their culture, their environment, their social surroundings and their geography, since there is a difference in the giving and the treatment between boys' schools and girls' schools, given that female students are less exposed to violence and bullying inside the school and that their dealings with one another depend in part upon the nature of the female and are remote from problems. As regards the performance of teachers and the outputs of education, the difference is attributable to the greater interest of female students in learning than male students, in addition to the greater adherence of female students to the rules and school instructions, and hence it was easier for them to obtain the information necessary from their female teachers and consequently their attainment was greater, as is in fact the case through the findings of the General Secondary Examination in Jordan. This indicates the existence of greater satisfaction with the performance of female teachers by comparison with the performance of male teachers. As regards the values upon which the education system is founded, the degree of satisfaction among male students is greater than among female students. This is consistent with the findings of the focus groups, which confirmed the existence of a tendency of parents in favour of males where there was preference between males and females, which confirms the failure to adhere to the values on the part of females and confirms the existence of a greater desire among female students to obtain suitable education, which will not be achieved without respect for the values of education.

Eighth: The findings relating to the question which provides: "Are there statistically significant differences at the level of significance (α 0.05) between the mean estimates of students according to governorate?"

In order to answer this question, the arithmetic means and standard deviations were extracted and an (f-test) was conducted for the estimates of the sample of the governorates of Mafraq, Tafilah and Balqa on the six dimensions, and Table (16) sets this out.

Table (16): Arithmetic means, standard deviations and (F) test for the estimates of the sample of students of the three governorates

Dimension	Governorate	Number	Arithmetic mean	Least significant difference (LSD)	F value	Degrees of freedom	Statistical significance
The availability of education	Mafraq	162	3.98b	0.68	29.01	479	0.0001
	Tafilah	160	2.929c				
	Balqa	158	3.19a				
The values upon which the education system is founded	Mafraq	162	2.979a	0.119	15.94	479	0.0001
	Tafilah	160	3.725b				
	Balqa	158	3.067a				
The content of school curricula and the accompanying activities	Mafraq	162	2.996c	0.099	20.12	479	0.0001
	Tafilah	160	3.117b				
	Balqa	158	3.316a				
The performance of teachers and the outputs of education	Mafraq	162	2.872ab	0.106	6.04	479	0.0026
	Tafilah	160	2.785b				
	Balqa	158	2.973a				
The infrastructure	Mafraq	162	1.814b	0.83	19.12	479	0.0001
	Tafilah	160	1.784b				
	Balqa	158	2.027a				
Violence in schools	Mafraq	162	2.498	0.102	1.95	479	0.1441
	Tafilah	160	2.416				
	Balqa	158	2.51				

Table (16) shows the absence of statistically significant differences between the mean estimates of the students of the three governorates (Mafraq, Tafilah, Balqa) on the dimension "violence in schools". The arithmetic means and the findings of the (F) test for the responses of the sample of students of the three governorates showed the absence of statistically significant differences on the dimension "violence in schools", which is attributable to their agreement on the existence of cases of violence in schools, but from the size of their estimates it may be concluded that violence in schools is still within the limits of individual cases and has not risen to the degree of a phenomenon, since they showed disagreement to a low degree on the existence of violence in the governorate of Mafraq and the governorate of Tafilah, and a state of agreement to a low degree on the existence of violence in the governorate of Balqa.

By contrast, the Table shows that there are statistically significant differences on the first five dimensions (the availability of education, the values upon which the education system is

founded, the content of school curricula and the accompanying activities, the performance of teachers and the outputs of education, the infrastructure). The arithmetic means and the findings of the (F) test for the responses of school students in the three governorates showed statistically significant differences on the first five dimensions, and the difference was in favour of the governorate of Balqa. This is attributable to: (a) the proximity of the governorate to the centre of decision-making in the capital, Amman; (b) the greater attention of those in charge of educational institutions; (c) communication between educational institutions in the governorate is easier owing to the proximity of the residential communities to one another; (d) the distinguished educational and cultural legacy of the centre of the governorate, since it was the principal educational centre in the Kingdom at the beginnings of the emergence of the Jordanian State.

It is to be mentioned that these findings are consistent with the education indicators issued by the Jordanian Government, since the percentages of students who passed the General Secondary Examination in the three governorates amounted to (31.10%) for the governorate of Balqa, (23.10%) for the governorate of Mafraq and (24.60%) for the governorate of Tafilah²⁰⁴.

The lowest estimates on four dimensions (the availability of education, the values upon which the education system is founded, the performance of teachers and the outputs of education, the infrastructure) were the estimates of the students of the governorate of Tafilah, which indicates a retreat in the level of the students of this governorate in obtaining their educational rights. The study team attributes this to the remoteness of the governorate from the centre of decision-making in the capital governorate, which results in the absence of competent teachers owing to the reluctance of teachers to work in remote areas; and the decline in economic activity and the high rates of unemployment and poverty in this governorate also affect the conditions of education therein.

Ninth: The findings relating to the question which provides: Is university education available to all?

Table (17) sets out the arithmetic means and standard deviations of the estimates of the two samples of faculty members and university students on the dimension (the availability of education), composed of four items (1-4) of the questionnaire of faculty members and university students, and likewise on the dimension as a whole.

Table No. (17): Arithmetic means and standard deviations of the estimates of the two samples of faculty members and university students on the dimension (the availability of education)

No.	Item	Estimates of faculty members		Estimates of university students	
		Arithmetic mean	Standard deviation	Arithmetic mean	Standard deviation
1	All students are able to enrol in university education with ease and without any discrimination	2.62	0.691	2.51	0.925
2	All students are able to enrol in university education with ease and on the basis of merit	2.52	0.596	2.58	0.790

²⁰⁴Source: The Executive Programme for the Governorates 2016-2018, referred to in the bulletin of Fiscal Decentralisation in Jordan, Strengthening the Role of Governorates in Improving Public Services, p. 30.

No.	Item	Estimates of faculty members		Estimates of university students	
		Arithmetic mean	Standard deviation	Arithmetic mean	Standard deviation
3	All students are able to enrol in university education from the financial standpoint	2.15	0.732	2.17	0.890
4	All students are able to enrol in university education from the geographical standpoint	2.55	0.565	2.56	0.793
	The dimension as a whole	2.46	0.465	2.455	0.527

Table (17) shows that the arithmetic means of the estimates of the sample of faculty members on the dimension amounted to (2.46), with a low degree of disagreement. The arithmetic means of their estimates on the items of the dimension likewise show that item (1), which provides "All students are able to enrol in university education with ease and without any discrimination", came first with an arithmetic mean of (2.62) and a low degree of agreement, followed by item (4), which provides "All students are able to enrol in university education from the geographical standpoint", with an arithmetic mean of (2.55) and likewise a low degree of agreement.

The same Table also shows that the arithmetic means of the estimates of the sample of university students on the dimension amounted to (2.455), with a low degree of disagreement, which is to a large extent identical to the estimates of faculty members. The arithmetic means of their estimates on the items of the dimension likewise show that item (2), which provides "All students are able to enrol in university education with ease and on the basis of merit", came first with an arithmetic mean of (2.58) and a low degree of agreement, followed by item (4), which provides "All students are able to enrol in university education from the geographical standpoint", with an arithmetic mean of (2.56) and likewise a low degree of agreement.

The findings of the estimates of the two samples of faculty members and university students on the dimension "the availability of education" showed disagreement to a low degree on the provision and availability of university education. The study team finds that this is attributable to the following reasons:

- The high material cost borne by students and their families during the years of study by way of university fees and the price of books, particularly in the case of study under the parallel programme, or the scientific specialisations newly created at the universities, which are distinguished by their high fees, and the fact that this rise is accompanied by a decline in the level of income of Jordanian families, which exhausts the income of workers in Jordan, amounting to 470 dinars per month²⁰⁵. The item relating to this point obtained the lowest arithmetic mean of this dimension among both faculty members and university students, amounting to (2.15) and (2.17) respectively, each of them being disagreement to a low degree.

²⁰⁵ National Center for Human Rights, Thirteenth Annual Report on the State of Human Rights in the Hashemite Kingdom of Jordan for the year 2016, Amman, 2017, p. 119.

- The failure to rely fully on the principles of merit and equality in obtaining a university place, since a large proportion of students are able to obtain university places that require a general average in the general competition higher than their averages in the General Secondary Examination, through the system of exceptions adopted in the higher education system in Jordan. This is confirmed by item which provides "All students are able to enrol in university education with ease and on the basis of merit", which came as the second lowest arithmetic mean among students, with an arithmetic mean of (2.52).
- The inability of most students to study the specialisations they desire, owing to their being subject to the bases of unified admission, which are governed by the admission of students according to their averages in the General Secondary Examination, since these bases do not have regard to the desire and inclinations of students or their attainment in the level of the study subjects.
- The long distance for many students owing to the geographical distribution of the universities, and in particular the universities of the outlying areas, to which many students are nevertheless compelled to travel to study as a result of their distribution by unified admission and on the basis of their averages in the General Secondary Examination and the specialisations available.
- The manner of collecting university fees from students, since the student must pay the fees due in full before registering for the study subjects. The question here is why these fees are not paid in instalments during the academic semester so as to facilitate matters for students and their parents.
- The non-availability of transport designated for the official universities, in addition to the distance between the university faculties inside the university itself, which requires the provision of transport to secure the mobility of students.
- Reliance upon the General Secondary Examination average as the sole criterion for university admission, and the absence of aptitude tests according to the specialisation, has deprived the availability of university education of the soundness of selection according to competence and attainment capacity.

The findings of the focus groups showed the emphasis of both students and members of the teaching staff upon the incapacity of the higher education system in the Kingdom to make university education available in a just and acceptable manner to the graduates of the General Secondary Examination, since some students are deprived of access to university education while others are deprived of obtaining the suitable specialisation. They explained that this is attributable to the following reasons: (a) the weakness of the family's income, and in particular where the children are numerous, which deprives some of them of university education - with the observation that most of the participants in the focus groups affirmed that priority is given to males rather than females in most cases, if there was any preference, since one of the children obtains the opportunity of university education at the expense of another; (b) the high fees of some specialisations, particularly those newly created at the universities; (c) the rise of the share of university fees in the total income of the family; (d) the low income of most Jordanian families, whose monthly income averages approximately (400) dinars, together with the high cost of university education (as stated by students).

The students set out that there are manifestations of the failure to make education available to some students in a suitable manner, consisting in the following: (a) the postponement by some students of registration for one of the study semesters owing to the insufficiency of financial resources; (b) the inability of many students to pursue university study were it not for the existence of the Royal grants. They called for education to be made available in a better manner, even if the matter required the imposition of a special tax for university teaching.

The students participating in the focus groups affirmed the inability of students to enrol in university education with ease and on the basis of merit, for the following reasons: (a) the absence of an aptitude examination competing with the bases of entry to the specialisations and reliance upon the orientation average only; (b) the exceptions in admission compete with the bases of merit, such as the parallel education programme and the existence of the Royal grants. Some professors, for their part, explained that the commencement of reducing the exceptions in admission competes with the principle of sound competition, through the adoption of the principle of securing a university place on the basis of competition; for support has become financial support and not the securing of a place.

In sum: university education is not available to many citizens owing to the high fees of certain university specialisations and the paucity of financial support from the Government, and the admission of approximately (50%) of students on non-competitive bases (the exceptions and the parallel programme), quite apart from the decline in government support for higher education, which places the burden of study fees upon students and their families notwithstanding the low income of the Jordanian family, since the majority of Jordanian families cannot bear these costs. Moreover, the mechanisms of financial support for students unable to pay the university fees currently applied are not characterised by comprehensiveness, since they serve only a small and limited category of students.

Tenth: The findings relating to the question which provides: "To what extent do the Jordanian universities abide by the values upon which the international human rights standards are founded?"

Table No. (18) sets out the arithmetic means and standard deviations of the estimates of the two samples of faculty members and university students on the dimension (the values upon which university education is founded and the interaction of students with the university environment), composed of eight items (5-12) of the questionnaire of faculty members and university students, and likewise on the dimension as a whole.

Table No. (18): Arithmetic means and standard deviations of the estimates of the two samples of faculty members and university students on the dimension (the values upon which university education is founded and the interaction of students with the university environment)

No.	Item	Estimates of faculty members		Estimates of university students	
		Arithmetic mean	Standard deviation	Arithmetic mean	Standard deviation
5	The university administration deals with everyone equally and impartially	2.73	0.634	2.41	0.920
6	The members of the teaching staff deal with everyone equally and impartially	2.80	0.576	2.41	0.863

No.	Item	Estimates of faculty members		Estimates of university students	
		Arithmetic mean	Standard deviation	Arithmetic mean	Standard deviation
7	An atmosphere of mutual university respect prevails between students and their professors	2.95	0.429	2.89	0.731
8	Students feel a moral responsibility towards their university community and their wider community	2.68	0.537	2.67	0.804
9	There is communication between the university administration and students	2.78	0.555	2.53	0.893
10	There is communication between the members of the teaching staff and students	2.97	0.486	3.03	0.689
11	Students preserve the property of the university	2.80	0.546	2.53	0.842
12	Students attend the university regularly at the times of their lectures	2.58	0.671	2.54	0.735
	The dimension as a whole	2.79	0.371	2.63	0.482

Table No. (18) shows that the arithmetic means of the estimates of the sample of faculty members on the dimension amounted to (2.79), with a low degree of agreement. The arithmetic means of their estimates on the items of the dimension likewise show that item (10), which provides "There is communication between the members of the teaching staff and students", came first with an arithmetic mean of (2.97) and a low degree of agreement, followed by item (7), which provides "An atmosphere of mutual university respect prevails between students and their professors", with an arithmetic mean of (2.95) and likewise a low degree of agreement.

The same Table also shows that the arithmetic means of the estimates of the sample of university students on the dimension amounted to (2.63), with a low degree of agreement. The arithmetic means of their estimates on the items of the dimension show that item (10), which provides "There is communication between the members of the teaching staff and students", came first with an arithmetic mean of (3.03) and a medium degree of agreement, followed by item (7), which provides "An atmosphere of mutual university respect prevails between students and their professors", with an arithmetic mean of (2.89) and a low degree of agreement.

The findings of the estimates of the two samples of faculty members and university students on the dimension "the values upon which university education is founded and the interaction of students with the university environment" showed a low degree of agreement as to the extent of the universities' adherence to and application of the values and the international standards, save that the in-depth study of the findings shows a divergence between the members of the teaching staff and students which led to the low mean of the dimension as a whole. Whereas the lowest arithmetic mean among the members of the teaching staff was focused upon the item relating to the attendance of students at the times of their lectures regularly, amounting to (2.58), followed in second lowest place by the item relating to students feeling a moral responsibility towards their university community or their wider community, with an arithmetic mean of (2.68); as for the students, the lowest arithmetic mean was for the item relating to the equal and impartial treatment of everyone by the university administration and by the members of the teaching staff, with an arithmetic mean of (2.41) for both items.

As for the findings of the focus groups, they came consistent to a certain extent with the findings drawn from the students' answers to the questionnaire, since students affirmed the failure of the university administration to deal equally and impartially with all students, through the following practices at the Jordanian universities: (a) the failure of administrative employees to deal equally with students (registration and library employees); (b) the difference in the administration's treatment of students according to connections, especially in the field of the payment of fees in instalments; (c) the difficulty of communicating with the university presidency owing to the absence of a student union at some universities, and the difficulty of communicating with the president directly, which is rejected by the majority of students; (d) the disparity in registration for divisions by relying upon tribal bases, since some students are registered and the registration of other students is refused; (e) the failure to deal with problems and infractions committed by some students at the university equally, since some students are dealt with strictly and others leniently; (f) the failure to respect the university administration's wish of the student in choosing his teachers, since the student registers a subject with a particular professor and is then surprised that it has been transferred to another professor; (g) the absence of teachers suitable for teaching certain subjects; (h) inequality in the equivalence of subjects for students transferred from another university.

As regards the manifestations of the failure of some members of the teaching staff to deal with all students equally and impartially, the students participating in the focus groups identified them as the granting by some professors of additional marks to some students, and by means of connections rather than competence, and in particular in the subjects shared between faculties or university requirements, quite apart from the leniency of some professors towards some students in respect of accountability for attendance and absence on the basis of the criteria of favouritism and connections.

As for the causes of students' failure to attend the university at the times of their lectures regularly - which ultimately reflects upon the quality of university education - the students participating in the focus groups identified them as follows: (a) causes attributable to the nature of the subject and the student's ability to study it directly and the extent of the availability of alternatives on YouTube; (b) causes attributable to the methods followed in teaching the subject; (c) causes attributable to the teachers and their method of dealing with students, such as the manner of explaining the subject and the extent of their tolerance in recording absence and the failure to motivate students to participate; (d) administrative causes such as registration for subjects according to the desire of the professors and not the desire of the students, and the unsuitability of the dates for registering subjects and the pressure of examinations; (e) emergency circumstances such as illness and the transport crisis.

The focus groups also discussed the causes of students' lack of a feeling of moral responsibility towards their wider community and their university community. The students participating concluded that it is not possible to generalise this finding to all students, since some students perform voluntary work and provide services to the local community and to the university; however, there is a considerable section who do not feel the responsibility placed upon them towards the university community and the local community, which is attributable to the following reasons: (a) the failure of the teaching staff to support and encourage students to

provide services to the university and the local community; (b) the absence of financial support from the university administration for undertaking activities aimed at serving the community; (c) the failure to raise awareness of this subject among students; (d) the pressure of study and examinations; (e) the restriction of participation in the scientific clubs at some universities to a limited number of students and the lack of democracy in the manner of the work of these clubs; (f) the numerous complexities and the difficulty of obtaining official approvals for undertaking voluntary work at the universities; (g) the absence of a feeling among students of belonging to the university, which appears from the difficulties they face in registration, particularly in the first semester of joining the university; (h) the increase in the repression from which some students suffer, which drives them to express themselves by neglect and by not interacting with the university community and the local community.

Confirming the findings of the estimates of the members of the teaching staff on the item "The university administration deals equally and impartially with everyone", which came with an arithmetic mean of (2.73) and a low degree of agreement, the members of the teaching staff pointed during the focus groups to certain manifestations relating to their relationship with the university administration, the most important of which are: (a) appointments to administrative posts on the basis of connections and personal acquaintance rather than on the basis of knowledge; (b) the failure to apply the system of full-time employment to professors fairly; (c) the change of certain subjects by some professors for administrative reasons such as the failure to complete the number of students in certain divisions.

The members of the teaching staff affirmed during the focus groups the low feeling among students of moral responsibility towards the university community and the local community, and among its causes: (a) the absence of sound upbringing of students in the stages preceding their joining the university, whether in the family or at school; (b) the absence of role models among the members of the teaching staff who motivate students to contribute to serving the university community and the local community; (c) the student's lack of interest in himself, which is reflected in his limited interest in the university community and the local community.

In sum: Jordanian university education does not abide by the values upon which the international human rights standards are founded, particularly in the fields of the treatment of the university administration and the members of the teaching staff of everyone equally and impartially. By contrast, students do not enjoy a moral responsibility towards their university community and their wider community. In addition, the members of the teaching staff feel that the university administration is not just in appointing to leadership posts at the universities.

Eleventh: The findings relating to the question which provides: "Does the knowledge and skills acquired by university students qualify them to embark upon their practical lives locally and regionally?"

Table No. (19) sets out the arithmetic means and standard deviations of the estimates of the two samples of faculty members and university students on the dimension (the suitability of the educational courses and their outputs for the economic and social conditions), composed of nine items (13-21) of the questionnaire of faculty members and university students, and likewise on the dimension as a whole.

Table No. (19): Arithmetic means and standard deviations of the estimates of the two samples of faculty members and university students on the dimension (the suitability of the educational courses and their outputs for the economic and social conditions)

No.	Item	Estimates of faculty members		Estimates of university students	
		Arithmetic mean	Standard deviation	Arithmetic mean	Standard deviation
13	The specialisations offered by the university are consonant with the needs of the local market	2.22	0.691	2.46	0.880
14	The specialisations offered by the university are consonant with the needs of the regional market	2.25	0.541	2.52	0.794
15	The teaching methods are varied so as to enable students to possess the skills that qualify them to work in the local market	2.38	0.613	2.56	0.813
16	The teaching methods are varied so as to enable students to possess the skills that qualify them to work in the regional market	2.32	0.537	2.73	0.823
17	The study courses have regard to the social characteristics of the local community	2.78	0.415	2.65	0.744
18	The plans of the specialisations focus upon the level of scientific competence	2.88	0.555	2.75	0.642
19	The study courses focus upon the level of scientific competence	2.70	0.619	2.76	0.672
20	University education is characterised by the qualities of flexibility and development so as to be consonant with the needs of students in their varied social and cultural environment	2.68	0.676	2.62	0.763
21	The university provides non-academic activities suited to the needs of students	2.45	0.594	2.58	0.884
	The dimension as a whole	2.52	0.385	2.63	0.491

Table No. (19) shows that the arithmetic means of the estimates of the sample of faculty members on the dimension amounted to (2.52), with a low degree of agreement. The arithmetic means of their estimates on the items of the dimension likewise show that item (18), which provides "The plans of the specialisations focus upon the level of scientific competence", came first with an arithmetic mean of (2.88) and a low degree of agreement, followed by item (17), which provides "The study courses have regard to the social characteristics of the local community", with an arithmetic mean of (2.78) and likewise a low degree of agreement.

The Table also shows that the arithmetic means of the estimates of the sample of university students on the dimension amounted to (2.63), with a low degree of agreement. The arithmetic means of their estimates on the items of the dimension show that item (19), which provides "The study courses focus upon the level of scientific competence", came first with an arithmetic mean of (2.76) and a low degree of agreement, followed by item (18), which provides "The plans of the specialisations focus upon the level of scientific competence", with an arithmetic mean of (2.75) and likewise a low degree of agreement.

The findings of the estimates of the two samples of faculty members and university students on the dimension "the suitability of the educational courses and their outputs for the economic and social conditions" showed agreement to a low degree on the suitability and adequacy of

the knowledge and skills which students receive through their university study for their economic and social conditions and for their qualification for practical life. It emerges from a study of the estimates of the members of the teaching staff and the students that they agree on the unsuitability of the specialisations offered by the universities to the needs of the local and regional market, since these two items came in the lowest two ranks among the items of this dimension for both categories. This is consistent with what the National Strategy for Human Resource Development concluded, whose findings showed that the current higher education system does not contribute effectively to providing job opportunities that support the current or future Jordanian economy; for the current curricula are old and unsuitable, and, according to the Arab Knowledge Report for the year 2014, it was found that approximately 25% of Jordanian students consider the educational and pedagogical competence of their professors weak or of no benefit whatsoever, while only 24% of them considered that their professors enjoy high competence²⁰⁶. The study team attributes this to the following reasons:

- The universities still follow the rote instruction method in the methods of teaching most courses.
- The complaint of students about the manner of their foundation at schools, and that what they received did not assist them effectively in their university studies, and in particular the English language, which has become the language of the age.
- The unsuitability of the knowledge and skills received to the needs of the local and regional market, owing to the failure of the study subjects to keep pace with scientific and practical developments.
- The failure of the universities to create effective partnerships between the university and both the public sector and the private sector, which leads to the isolation of the university from its economic and social surroundings and consequently from the labour market to which graduates may turn.

The students participating in the focus groups identified the causes of the unsuitability of the specialisations offered by the universities to the needs of the local and regional market - which some students felt during the practical semester - as follows: (a) overlap between many specialisations, which weakens the students' opportunity of work (for example: software engineering, the computer and computer science); (b) the existence of programmes for which there are no real work opportunities within the work opportunities available locally, such as computer engineering, which requires the existence of computer factories that do not exist in Jordan; (c) the failure of the plans of some specialisations to contain sufficient qualification to compete for work opportunities; (d) the focus upon the theoretical aspect rather than the applied aspect.

The members of the teaching staff, for their part, set out that the causes of the unsuitability of the specialisations offered by the universities to the needs of the local and regional market consist in the following: (a) the saturation of the labour market and the existence of a gap between theoretical knowledge and the applied and practical aspect; (b) the failure of what is applied in the universities to keep pace with modern knowledge; (c) the failure to deliver the

²⁰⁶The National Strategy for Human Resource Development, p. 249.

course properly, which distances it from the needs of the local and regional market; (d) the saturation of most specialisations, which requires the universities to study the needs of society for new specialisations - with the confirmation that opportunities are available to distinguished students, so that responsibility rests upon the student.

As regards the manifestations of the lack of variety in the teaching methods at the universities, the students participating in the focus groups concluded that there is variety in the methods of teachers, but that the predominant approach is the theoretical and rote instruction method, and that this is attributable to the following causes: (a) most professors resort to the rote instruction method out of a desire to complete the subject and hold the examination on all the items of the subject; (b) most university courses are theoretical; (c) among the causes that prevent teachers from varying the teaching methods is the high number of students in the teaching halls as a result of the policies of expansion in admission without regard to the scientific capacities of students and to the infrastructure available at the universities; (d) the failure to update the content and components of the subjects by teachers, which leads to the repetition of the teaching of the vocabulary of the subject and by the previous method, most of which relies upon rote instruction. The students demanded methods including: (films, field visits, laboratories, games).

The members of the teaching staff, for their part, attributed the failure to use methods other than the lecture and rote instruction to the following causes: (a) the variety of specialisations, some of which do not require practical applications; (b) the failure to qualify the members of the teaching staff to vary the teaching methods; (c) some subjects were laid down to grant students basic sciences with which it is difficult to vary the teaching methods; together with their emphasis that the university administrations call, and continuously so, for varying the teaching methods, save that some professors are unable to apply them, in addition to the high numbers of students in most specialisations together with the absence of sufficient facilities.

In sum: the Jordanian education system does not provide methods capable of graduating qualified students whose capacities and qualifications are consonant with the needs of the labour market in terms of the scientific standards characterised by critical thinking, or of providing the student with the skills of communication and cooperation with the rest of the members of the work team, or of focusing upon the skills of scientific and professional competence that enable them to carry out the work that will be required of them, in addition to the weak effect of extracurricular activities, which are liable to create a stable, attractive and positively interactive university environment.

Twelfth: The findings relating to the question which provides: "To what extent do university students and their professors enjoy academic rights and freedoms as set out in the international human rights standards?"

Table (20): Arithmetic means and standard deviations of the estimates of the two samples of faculty members and university students on the dimension (academic freedoms and the autonomy of universities), composed of eleven items (22-32)

No.	Item	Estimates of faculty members		Estimates of university students	
		Arithmetic mean	Standard deviation	Arithmetic mean	Standard deviation
22	The university provides professors and students with freedom to express their differing opinions without discrimination or fear	2.55	0.565	2.79	0.812
23	The university permits professors and students to assemble peacefully to demand their educational and political rights	2.43	0.563	2.69	0.772
24	Disciplinary penalties (including dismissal) are imposed upon professors and students who have taken part in peaceful assemblies to demand educational and political rights	2.28	0.585	2.47	0.828
25	The university provides faculty members and students with freedom to participate in the academic and representative bodies of the university	2.95	0.341	2.97	0.659
26	Systems of good governance are available at the university	2.75	0.541	2.72	0.740
27	Effective public accountability systems are available at the university	2.73	0.516	2.70	0.732
28	The university actually enjoys administrative independence	2.83	0.493	2.90	0.733
29	The university actually enjoys financial independence	2.52	0.504	2.62	0.820
30	The members of the teaching staff enjoy the exercise of the right to trade union freedoms	2.62	0.555	2.89	0.676
31	The mechanism for appointing the members of the teaching staff is characterised by transparency and clarity	2.45	0.594	2.64	0.824
32	The university provides means of developing the skills necessary for the members of the teaching staff to carry out their functions	2.87	0.566	2.83	0.773
	The dimension as a whole	2.63	0.284	2.75	0.423

Table (20) shows that the arithmetic means of the estimates of the sample of faculty members on the dimension amounted to (2.63), with a low degree of agreement. The arithmetic means of their estimates on the items of the dimension likewise show that item (25), which provides "The university provides faculty members and students with freedom to participate in the academic and representative bodies of the university", came first with an arithmetic mean of (2.95) and a low degree of agreement, followed by item (32), which provides "The university provides means of developing the skills necessary for the members of the teaching staff to carry out their functions", with an arithmetic mean of (2.87) and likewise a low degree of agreement.

The Table likewise shows that the arithmetic means of the estimates of the sample of university students on the dimension amounted to (2.75), with a low degree of agreement. The arithmetic means of their estimates on the items of the dimension show that item (25), which provides "The university provides faculty members and students with freedom to participate in the academic and representative bodies of the university", came first with an arithmetic mean of (2.97) and a low degree of agreement, followed by item (28), which provides "The university

actually enjoys administrative independence", with an arithmetic mean of (2.90) and likewise a low degree of agreement.

The findings of the estimates of the two samples of faculty members and university students on the dimension "academic freedoms and the autonomy of universities" showed agreement to a low degree on their enjoyment of their university freedoms and rights, whether on the academic side or the political side, and to the same degree as regards the independence of universities. The retreat of academic freedoms is due to the failure of the university administrations to apply what is provided for in the laws and regulations that permit professors and students to express their opinions, including the failure to permit them to hold political assemblies to demand their rights inside the university campus; and to what is more than that, namely the encroachment upon the rights of faculty members by requiring any member to obtain security approval before the procedures for his appointment are completed (this matter is applied in practice notwithstanding the requirement that it be by law). What confirms the failure of universities to provide freedoms to faculty members and students is what item (24) obtained, which provides "Disciplinary penalties (including dismissal) are imposed upon professors and students who have taken part in peaceful assemblies to demand educational and political rights", which had the lowest arithmetic mean in the answers of faculty members and students, with an average of (2.28) and (2.47), a low degree of disagreement for both samples respectively. In second lowest place among faculty members came item No. (23), which provides "The university permits professors and students to assemble peacefully to demand their educational and political rights", with an average of (2.43) and a low degree of disagreement. These findings confirm the existence of a conviction among faculty members and students of the unsuitability of the university environment for professors and students in respect of the free expression of their positions and their demands, whether academic or political.

As for the independence of universities, whether administrative or financial, the responses of the two samples showed the weakness of financial and administrative independence, which affects the performance of universities and the implementation of their programmes with competence. This indicates the decline of their estimates as to the capacity of universities to provide the means and capabilities necessary for the members of the teaching staff to carry out their functions in the required manner, and the low level of their salaries - which has driven many of the members of the teaching staff and the competent to emigrate and seek better academic and financial circumstances. On the other hand, the members of the teaching staff and university students consider that the university provides them with freedom to participate in the academic and representative bodies of the university.

The findings of the focus groups showed the existence of a restriction of political and academic freedoms, and they gave examples of this consistent with what is set out in item (23), namely: (a) the absence of a student union at some universities; (b) the selection by some universities of the members of the scientific clubs²⁰⁷ (which some universities have created as an alternative to the student union) on the basis of nomination rather than elections; (c) the failure to permit

²⁰⁷ It is to be noted that this method is the one applied at Al-Balqa Applied University, as mentioned by the students participating in the focus groups.

the holding of some activities by the university administration out of fear of the occurrence of tribal problems; (d) the weak affiliation of students to political parties, which is reflected in their capacity to organise and participate in political and social activities. As for the members of the teaching staff, they affirmed that the universities permit academic activity and do not permit political activity, just as they do not permit criticism of the university through social media.

The students also set out that the university administration resorts to indirect methods of restriction, consisting in the failure to encourage and support student initiatives by the university administration and the professors, and sometimes it resorts directly to the method of refusing to implement the activities. As for the causes which prompted the students to call for transparency in the appointment of members of the teaching staff, they consist in their feeling that some teachers are weak through the methods of teaching, and in the resort of the university administrations to offering subjects in the name of (X.Y.) without expressly naming the teacher, so as to circumvent the students' wish not to register with certain unqualified professors.

The members of the teaching staff, for their part, affirmed the existence of a problem of the lack of transparency in appointing members of the teaching staff, which appears clearly in the stagnant specialisations owing to the prevalence of connections and favouritism, and appointment without passing through the specialised academic councils. They added that the manifestations of the lack of transparency in appointment consist in depriving certain competent persons of appointment at the universities by reason of the condition of obtaining security approvals.

As for the manifestations of the absence of financial independence of the university as against the rise in administrative independence, these are attributable, according to the professors, to the following causes: (a) the weakness of the financial resources of the universities themselves, which drives them to demand government support that the Government exploits in order to interfere in the administrative work of the universities; (b) the absence of a participatory relationship between the universities and the private sector, which negatively affects the capacity of the universities to attract additional financial resources; (c) the problem of the surplus number of administrators at the universities, which drains a large part of the financial resources of the universities; (d) the failure to pay the full financial support allocated to the universities; (e) the failure of some official bodies to pay the fees of persons they send. They added that among the manifestations of the absence of administrative independence is the granting to the Ministry of Higher Education and the Higher Education Council of broad powers.

In sum: on the basis of what emerged from the analysis of the legal framework and the findings of the field study (quantitative and qualitative), the legal framework, the policies and the practices applied by the administrations of Jordanian universities are unsuitable for releasing academic freedoms at the Jordanian universities; for the outcome of the dimension as a whole was a low degree of agreement, and the lowest arithmetic mean on this dimension concerned the item relating to permitting professors and students to assemble peacefully and to demand their rights. Among the most important manifestations of this is the failure to permit the

establishment of student unions at some universities. There has also emerged the absence of administrative autonomy of the universities, consisting in the expansion of the role of both the Ministry of Higher Education and the Higher Education Council, which have gone beyond framing the policies of general higher education to a specific procedural role that devotes most of its time to issuing the decisions relating to the universities (that is, appointing presidents, monitoring compliance with the regulations and laws, and imposing restrictions on the numbers of those enrolling). This expansion has resulted in reducing the powers of the boards of trustees of the universities, which has deprived Jordanian university education of the advantage of variety and honourable competition in developing university education in the Kingdom. This is the same approach applied in managing the affairs of the university, which is characterised by severe administrative centralisation resting upon a descending system (from the top downwards), granting the university president very broad powers as against the very limited participation of the teaching staff in the higher administration.

Thirteenth: The findings relating to the question which provides: "Does the infrastructure at the universities enable students to obtain their suitable right to education?"

Table (21) sets out the arithmetic means and standard deviations of the estimates of the two samples of faculty members and university students on the dimension (the infrastructure), composed of ten items (33-42) of the questionnaire of faculty members and university students, and likewise on the dimension as a whole.

Table (21): Arithmetic means and standard deviations of the estimates of the two samples of faculty members and university students on the dimension (the infrastructure)

No.	Item	Estimates of faculty members		Estimates of university students	
		Arithmetic mean	Standard deviation	Arithmetic mean	Standard deviation
33	The university provides buildings suitable for teaching students	3.07	0.756	2.70	0.951
34	The university provides equipment suitable for teaching students	2.87	0.747	2.44	0.904
35	The university provides sanitary facilities for both sexes	3.00	0.664	2.82	0.900
36	The university provides water fit for drinking at all times	2.58	0.743	2.20	0.971
37	The university provides lecturers trained and possessed of experience	2.92	0.591	2.82	0.815
38	The university provides its professors with locally competitive salaries	2.53	0.676	2.79	0.760
39	The university provides study courses suitable for the study plan of the specialisation	2.80	0.480	2.81	0.872
40	The university provides libraries containing the references needed by students	2.97	0.551	3.27	0.737
41	The university provides the computers and information technology necessary for students	2.87	0.623	2.89	0.881
42	The area of the study halls is proportionate to the numbers of students	2.52	0.725	2.74	0.946

No.	Item	Estimates of faculty members		Estimates of university students	
		Arithmetic mean	Standard deviation	Arithmetic mean	Standard deviation
	The dimension as a whole	2.81	0.444	2.75	0.572

Table (21) shows that the arithmetic means of the estimates of the sample of faculty members on the dimension amounted to (2.81), with a low degree of agreement. Their estimates on the items of the dimension showed that item (33), which provides "The university provides buildings suitable for teaching students", came first with an arithmetic mean of (3.07) and a medium degree of agreement, followed by item (35), which provides "The university provides sanitary facilities for both sexes", with an arithmetic mean of (3.00) and likewise a medium degree of agreement.

The same Table also shows that the arithmetic means of the estimates of the sample of university students on the dimension amounted to (2.75), with a low degree of agreement. Their estimates on the items of the dimension showed that item (40), which provides "The university provides libraries containing the references needed by students", came first with an arithmetic mean of (3.27) and a medium degree of agreement, followed by item (41), which provides "The university provides the computers and information technology necessary for students", with an arithmetic mean of (2.89) and a low degree of agreement.

The findings of the estimates of the two samples of faculty members and university students on the dimension "the infrastructure" showed agreement to a low degree, and this is attributable to the following reasons:

- The overcrowding of the study halls by reason of the high number of students therein, and in particular in the humanities faculties.
- The non-availability of water fit for drinking in the public facilities of the university, which drives students to buy it.
- The dissatisfaction of the members of the teaching staff with the material returns and salaries which they receive from the university.
- Notwithstanding that the universities and the higher education institutions strive to advance the performance of the universities academically and administratively, there are impediments relating to the material aspect and to the large numbers of students who enrol in the universities annually, in addition to the failure of the universities to open up to the local market, and in particular the private sector, in order to enable their students to take up their opportunities to work, or to develop their performance by advancing their study plans and teaching methods so as to keep pace with and meet the needs of the market and to bring students to a state of confidence and possession of the capacity to work and to achieve.

By contrast, their estimates showed satisfaction as to other aspects, namely:

- The suitability of the buildings in terms of form, modernity and the civilised appearance of the universities.

- The availability of libraries and references, what they contain and their stability, to the requirements and needs of the members of the teaching staff and the students.
- General satisfaction as to the level of the use of information technology and computerisation, keeping pace with it and their study and research requirements.

The participants in the focus groups affirmed the concentration of the problems in the infrastructure at the universities on the unsuitability of certain teaching halls and the proportionality of their area to the numbers of students enrolled in the divisions that use these halls, which suffer from the following problems: (a) the insufficiency of the area of some halls and the absence of sufficient chairs or the existence of damaged chairs; (b) the lack of heating and cooling means; (c) the absence of sound ventilation in some halls owing to their location close to car parks and on the ground floor; (d) the absence of the equipment necessary and suitable in the laboratories, and sometimes these devices break down.

The students also affirmed the failure of the universities to provide water fit for drinking, and at the same time the high prices of water bottles inside the university. The students likewise complained of the failure to clean the sanitary facilities, which drives them not to use them. By contrast, the professors affirmed that certain faculties have drinking water fit for consumption and that there are model halls in some faculties, which is an indicator that it is possible to improve the situation at the universities in a manner consistent with the right of students to obtain their rights.

In sum, this dimension is the satisfaction of both the members of the teaching staff and the students as to the level of the infrastructure at the government universities, to a low degree of agreement - which is among the best findings reached by the quantitative study in this study. This does not, however, negate the existence of problems and deficiencies in the infrastructure at the universities, revolving around the unsuitability of the classroom halls and the failure to provide drinking water, which is a matter to be expected in the light of the increase in the numbers of students admitted under the parallel education programme, the decline in government financial support for the universities and the decline in the students' feeling of responsibility towards their university, which results in their failure to preserve the facilities of the university.

Fourteenth: The findings relating to the question which provides: "To what extent do university students enjoy a safe educational environment (free from university violence)?"

Table (22) sets out the arithmetic means and standard deviations of the estimates of the two samples of faculty members and university students on the dimension (violence at the universities), composed of six items (43-48) of the questionnaire of faculty members and university students, and likewise on the dimension as a whole.

Table (22): Arithmetic means and standard deviations of the estimates of the two samples of faculty members and university students on the dimension (violence at the universities)

No.	Item	Estimates of faculty members		Estimates of university students	
		Arithmetic mean	Standard deviation	Arithmetic mean	Standard deviation
43	Students resort to violence in resolving problems among themselves	2.73	0.548	2.84	0.883
44	Students resort to violence in resolving their problems with their professors	2.23	0.465	2.39	0.808
45	Professors resort to verbal violence with students	2.07	0.406	2.32	0.789
46	A clear mechanism is applied in the event of a professor's abuse of a student	2.38	0.555	2.63	0.630
47	A clear mechanism is applied in the event of a student being subjected to abuse by other students	2.80	0.480	2.72	0.867
48	The university applies deterrent penalties in cases of university violence	2.58	0.591	3.15	0.721
	The dimension as a whole	2.47	0.247	2.67	0.461

Table (22) above shows that the arithmetic means of the estimates of the sample of faculty members on the dimension amounted to (2.47), with a low degree of disagreement as to the existence of violence at the universities. Their estimates on the items of the dimension showed that item (47), which provides "A clear mechanism is applied in the event of a student being subjected to abuse by other students", came first with an arithmetic mean of (2.80) and a low degree of agreement, followed by item (43), which provides "Students resort to violence in resolving problems among themselves", with an arithmetic mean of (2.73) and likewise a low degree of agreement.

The same Table also shows that the arithmetic means of the estimates of the sample of university students on the dimension amounted to (2.67), with a low degree of agreement as to the existence of violence at the universities. Their estimates on the items of the dimension showed that item (48), which provides "The university applies deterrent penalties in cases of university violence", came first with an arithmetic mean of (3.15) and a medium degree of agreement, followed by item (43), which provides "Students resort to violence in resolving problems among themselves", with an arithmetic mean of (2.84) and a low degree of agreement.

The findings of the estimates of the sample of faculty members on the dimension "violence at the universities" showed disagreement to a low degree as to the existence of university violence, whereas the estimates of university students on the same dimension showed agreement to a low degree as to the existence of the phenomenon of violence. The research team finds that the precise analysis of the findings of the answers of faculty members and students shows the existence of cases of violence at the universities; for, notwithstanding that the arithmetic mean of the dimension as a whole among the members of the teaching staff shows disagreement to a low degree, one of the highest arithmetic means among them was what is set out in item (43), which provides "Students resort to violence in resolving problems among themselves", with an average of (2.73) and a low degree of agreement; and the same item obtained the second highest arithmetic mean among the sample of students, with an arithmetic mean of (2.84). The research team attributes this to the following causes:

- The policy of university admission, in particular in the humanities faculties, where large numbers of students with low averages who are not qualified to become university students are admitted, since the universities contribute unintentionally to the entry of a wide segment of students who would not have entered.
- The systems of university examinations, which in essence and substance do not differ from school examinations, there being three examinations for the study subject - whereas the examination system ought to rely upon research, reviewing libraries and databases, which has led to a fatal vacuum among students.
- The clash of the disciplinary procedures applied in the laws and regulations of universities with tribal pressure and external pressure for pardon or the reduction of penalties.
- The failure of universities to approve study subjects related to social service with the institutions of the local community.
- The tribal population structure, since most problems, although they begin simply and are of no value, extend, deepen and expand and go beyond the control of the universities and their findings affect the community surrounding the university.
- The failure of universities to focus upon holding seminars, workshops and conferences for the categories of the local community connected with students and examining the problem of violence and presenting its causes and finding solutions for it.

Notwithstanding that item No. (45), which provides "Professors resort to verbal violence with students", obtained the lowest arithmetic mean among the members of the teaching staff, amounting to (2.07) and a low degree of disagreement, the students affirmed in the focus groups the resort of some professors to moral violence against students, among the manifestations of which are: threatening to reduce marks, not accepting the opinion of others, and dealing with arrogance towards students. Indeed, the students affirmed the existence of verbal violence by some professors. By contrast, they affirmed the existence of physical and verbal violence among the students themselves, and among the causes of this violence are: arguments over the existence of relationships between some girls and young men, and the pressures of teaching, and the weakness of extracurricular activities. As regards the extent to which the administration applies a clear mechanism for dealing with violence, the students set out that the mechanisms in the instructions are clear but their application is unclear, while the students of one of the universities indicated that the instructions are applied only where the matter reaches the president.

In sum for this dimension: the existence of violence at the universities by reason of the unsuitability of the university environment to curbing the phenomenon of university violence, consisting in: the existence of long periods of empty time among university students without real productivity; the weakness of the extracurricular activities carried out at the universities and the decline in the number of students enrolling in them on the one hand, and of students on the other; quite apart from the absence of a university environment attractive to the student and more influential in developing the values of responsible citizenship in him.

Fifteenth: The findings relating to the question which provides: "Are there statistically significant differences at the level of significance (α 0.05) between the mean estimates of faculty members and the estimates of university students on all the dimensions?"

In order to answer this question, the arithmetic means and standard deviations were extracted and a (t-test) was conducted for the estimates of the sample of faculty members and the estimates of the sample of university students, and Table (23) sets this out.

Table (23): Arithmetic means, standard deviations and the (t-test) for the estimates of the sample of faculty members and the estimates of the sample of university students

Dimension	Sample	Number	Arithmetic mean	Standard deviation	t value	Degrees of freedom	Statistical significance
The availability of education	Faculty members	60	2.458	0.465	-0.058	238	0.424
	Students	180	2.454	0.527	-0.055		
The values upon which university education is founded and the interaction of students with the university environment	Faculty members	60	2.787	0.371	-2.741	238	0.066
	Students	180	2.626	0.462	-2.459		
The suitability of the educational courses and their outputs for the economic and social conditions	Faculty members	60	2.518	0.385	1.727	238	0.008
	Students	180	2.625	0.491	1.531		
Academic freedoms and the autonomy of universities	Faculty members	60	2.635	0.284	2.325	238	0.003
	Students	180	2.747	0.423	1.921		
The infrastructure	Faculty members	60	2.811	0.444	-0.894	238	0.007
	Students	180	2.747	0.572	-0.789		
Violence at the universities	Faculty members	60	2.467	0.247	4.483	238	0.000
	Students	180	2.676	0.461	3.370		

The findings of the arithmetic means, standard deviations and the (t-test) for the responses of the two samples of faculty members and school students showed:

- The absence of statistically significant differences on the dimensions (the availability of education, the values upon which university education is founded and the interaction of students with the university environment).
- The existence of a statistically significant difference on the dimensions (the suitability of the educational courses and their outputs for the economic and social conditions, academic freedoms and the autonomy of universities, the infrastructure, violence at the universities), as follows:

1. The dimension (the suitability of the educational courses and their outputs for the economic and social conditions): the difference was in favour of the students. This is attributable to the experience of faculty members and their view of what happens to

university graduates and the problems they face in obtaining work opportunities and their inability to pass the appointment tests required in most institutions.

2. The dimension (academic freedoms and the autonomy of universities): the difference was in favour of the students. This is attributable to the experience, knowledge and awareness of faculty members of the level of freedoms and administrative and material matters at the universities and their comparison with what ought to be the case, measured against the international standards and human rights.

3. The dimension (the infrastructure): the difference was in favour of faculty members. This is attributable to the students' view that what is available to them as against what they pay by way of university fees is not proportionate to what is provided to professors together with the salaries and other privileges they obtain, whether housing or administrative.

4. The dimension (violence at the universities): the difference was in favour of university students. This is attributable to the fact that most cases of violence occur among students themselves, and to the feeling of some students that violence is being practised against them, which appeared in their responses as to the existence of cases of violence notwithstanding their knowledge of the consequences entailed in the event of their occurrence.

Chapter Four

Summary of the Most Important Findings and Recommendations

This study has addressed ascertaining the extent to which Jordanians and non-Jordanian residents enjoy their right to education as a right guaranteed in the Constitution and in the international human rights standards. It has arrived at findings and has put forward a number of recommendations, which the study sets out as follows:

First: The Findings

1. As regards the availability of education, the findings of the sample of students, teachers and school principals showed that school education is available with a medium degree of agreement, equivalent to a proportion of (77.5%)²⁰⁸. This is consistent with what the legal analysis showed as to the existence of certain gaps that limit the compulsory and free nature of education, just as the situation of refuge in Jordan has contributed to reducing the high rates which Jordan had previously achieved in the field of making education available to children of school age.

As regards university education, the findings of the two samples of students and university professors agreed that university education is not available, with a low degree of disagreement equivalent to a proportion of (61.4%). This proportion is consistent with what the legal analysis confirmed and with what came from the professors and students in the focus groups, who showed that the reason for the failure to make university education available in parallel with school education is the high fees of certain university specialisations, the paucity of financial support from the Government, and the admission of approximately (50%) of students on non-competitive bases (the exceptions and the parallel programme), quite apart from the decline in government support for higher education and the failure of the mechanisms of financial support for students unable to pay the university fees to be characterised by comprehensiveness, since they serve only a small and limited category of students.

2. As regards the values upon which the Jordanian education system is founded, the findings of the two samples of students and school teachers and principals agreed that the Jordanian education system abides by these values with a low degree of agreement, equivalent to a proportion of (73.7%). This is consistent with the legal analysis, which showed that the legislation does not expressly and directly provide for the necessity of achieving equality in the field of education so as to encompass all persons of school age, whether nationals or foreigners, and irrespective of their legal status; it is observed that both the Constitution and the Education Law confined the provision to the achievement of equality among Jordanians alone.

²⁰⁸This proportion and the proportions that follow it in these findings were calculated by deriving the weighted average as follows: Weighted average = (the arithmetic mean of the students on the dimension x the number of students / the total number of students and teachers) + (the arithmetic mean of the teachers on the dimension x the number of teachers / the total number of students and teachers). [The source document carries at this point the placeholder "write the equation here".]

As regards university education, the findings of the two samples of students and university professors agreed that the Jordanian education systems do not abide by the values upon which the international human rights standards are founded, with a low degree of agreement equivalent to a proportion of (68.7%). This proportion is consistent with what came from the professors and students in the focus groups, since reference was made to the failure of the university administration and the members of the teaching staff to deal with all students equally and impartially, in addition to the feeling of the members of the teaching staff that the university administration is not just in appointing to the leadership posts at the universities. By contrast, students do not enjoy a moral responsibility towards their university community and their wider community.

3. As regards the suitability of the content of school curricula and the accompanying activities for qualifying students for university study and practical life, the findings of the sample of students, teachers and school principals showed that school curricula qualify students for university study and practical life with a medium degree of agreement, equivalent to a proportion of (77.9%). The reason for the failure to advance to a high degree of agreement lies in the insufficient attention paid by the school curricula in Jordan to the method of critical thinking, relying instead upon the method of rote instruction and memorisation.

As regards university education, the findings of the two samples of students and university professors agreed that the university education system provides methods capable of graduating qualified students whose capacities and qualifications are consonant with the needs of the labour market, with a low degree of agreement equivalent to a proportion of (63.6%). This proportion is consistent with what came from the professors and students in the focus groups; for reference was made to the fact that the methods followed in university education are not characterised by critical thinking, or by providing the student with the skills of communication and cooperation with the rest of the members of the work team, or by focusing upon the skills of scientific and professional competence that enable them to carry out the work that will be required of them, in addition to the weak effect of extracurricular activities, which are liable to create a stable, attractive and positively interactive university environment.

4. As regards the extent to which the qualification of the teachers responsible for teaching students is sufficient for students to obtain their right to suitable education, the findings of the sample of students, teachers and school principals showed that the Jordanian teacher's qualification is suitable for this role, with a low degree of agreement equivalent to a proportion of (71.4%). Both students and teachers explained that the reason for this retreat is the reliance of teachers, in a large part of the teaching methods they follow, upon the rote instruction method without paying attention to critical thinking, the most widely used method being the lecture method. This is attributable to reasons connected with the educational environment inside the classroom, such as the high number of students inside a single classroom and the high teaching load of teachers. To this is added the mechanism for selecting teachers and training them before and during their performance of teaching, which does not enable them to follow the modern scientific methods that work to

raise students' capacities, quite apart from the deterioration of the economic and living conditions of most teachers and the neglect of the official bodies towards the teacher, which has led to a weakness of his educational standard and scientific performance. This is consistent with the legal analysis, which concluded that the salaries of teachers do not meet the minimum of their needs to provide a dignified life for themselves and their families.

5. As regards the extent to which the infrastructure of schools is suitable for enabling students to obtain their suitable right to education, the findings of the sample of students, teachers and school principals showed disagreement to a medium degree, equivalent to a proportion of (49.5%), which is a clear indicator of the retreat of the infrastructure of schools, and to a large extent from the viewpoint of students, teachers and school principals. This proportion points to the manifestations of this problem as set out by students, principals and teachers in the focus groups, as follows: the failure to maintain the buildings and facilities of these schools, the unsuitability of the area of the classrooms to the number of students in the divisions, the lack of lighting, or the failure to provide suitable environmental conditions in terms of ventilation, cooling and heating. Perhaps the most prominent problem lies in the unsuitability and uncleanness of the sanitary facilities - a matter that has become disturbing and to a large extent to those responsible for public education and to public opinion.

As regards university education, the findings of the two samples of students and university professors showed satisfaction as to the level of the infrastructure of the government universities, with a low degree of agreement equivalent to (69.9%). This does not, however, negate the existence of problems and deficiencies in the infrastructure of the universities. Students and university professors indicated in the focus groups that these problems revolve around the unsuitability of the classroom halls and the failure to provide drinking water - a matter to be expected in the light of the increase in the numbers of students admitted under the parallel education programme, the decline in government financial support for the universities and the decline in the students' feeling of responsibility towards their university, which results in their failure to preserve the facilities of the university.

6. As regards the extent to which students enjoy a safe educational environment (free from violence), the findings of the sample of students and school teachers and principals showed disagreement to a low degree, equivalent to a proportion of (61.6%). This finding shows the existence of violence to a low degree, for the findings of the focus groups confirmed the practice of violence in schools, whether by students or by teachers, and among the principal causes of violence in schools is the failure of schools to apply a clear mechanism in dealing with students who use verbal and physical violence against their classmates.

As regards university education, the findings of the two samples of students and university professors showed disagreement as to the existence of violence at the universities, to a low degree equivalent to a proportion of (62.9%). This proportion is consistent with what came from the professors and students in the focus groups; for reference was made to the unsuitability of the university environment for curbing the phenomenon of violence in terms of: the existence of long periods of empty time among university students without real productivity; the weakness of the extracurricular activities carried out at the universities

and the decline in the number of students enrolling in them on the one hand, and of students on the other; in addition to the weakness of the open communication between those working at the university and its administration on the one hand, and students on the other; quite apart from the absence of a university environment attractive to the student and more influential in developing the values of responsible citizenship in him.

7. As regards the extent to which university professors and their students enjoy academic freedoms, the findings of the two samples of students and university professors showed agreement, to a low degree equivalent to a proportion of (68%), as to the enjoyment by university professors and their students of academic freedoms. This finding is consistent with what the research team arrived at through the legal analysis and the findings of the focus groups, which set out the reasons for this finding through a number of manifestations: the failure to permit the establishment of student unions at some universities, and the failure to permit the establishment of a professional syndicate for university professors. There has also emerged the absence of administrative autonomy of the universities, consisting in the expansion of the role of both the Ministry of Higher Education and the Higher Education Council, which have gone beyond framing the policies of general higher education to a specific procedural role that devotes most of its time to issuing the decisions relating to the universities (that is, appointing presidents, monitoring compliance with the regulations and laws, and imposing restrictions on the numbers of those enrolling). This is the same approach applied in managing the affairs of the university, which is characterised by severe administrative centralisation resting upon a descending system (from the top downwards), granting the university president very broad powers as against the very limited participation of the teaching staff in the higher administration.

Second: The Recommendations

First: The general recommendation

Continuing to conduct field research on subjects more specific and detailed; the study team recommends conducting a detailed field study for each of the six dimensions covered by this study.

Second: The recommendations relating to giving effect to the principle of the availability of education

The availability of education constitutes one of the fundamental standards for saying that the human right to education has been realised, and the optimal fulfilment of this dimension calls for the implementation of a number of recommendations, the most important of which are:

1. In order to give effect to the principle of the universality of the right to education and its comprehensiveness, it is desirable that the relevant provisions of the Jordanian Constitution be amended in a manner that guarantees to all persons resident on the territory of the Kingdom the enjoyment of the right to education, without being confined to Jordanians alone.
2. Raising the financial amounts allocated in the General Budget of the State for education in the Hashemite Kingdom of Jordan gradually, so that they are raised each year by a

proportion of (1%) until they ultimately reach (15%) of the total budget of the Jordanian State.

3. Consistently with the principle of the free nature of basic education, it is desirable that the Jordanian legislator repeal paragraph (b) of article (42) of the Jordanian Education Law, which permitted the collection of school donations, and repeal the School Donations Regulation issued pursuant thereto, since both constitute a contravention of the international standards which require the free nature of basic education.

4. The inclusion in Jordanian legislation of financial penalties upon the guardian of a pupil who is financially able, or upon the person having custody of him, if he does not enrol the child in basic education without an acceptable excuse; and the tightening of the penalty by raising the value of the financial penalty or imposing a custodial penalty in the event of repetition.

5. Creating effective means of verifying the dropout of pupils from basic education, through a comprehensive and precise electronic link between the Ministry of Education and the Civil Status Department, such that the name of the child of basic-education age appears in the event of his failure to enrol in one of the schools of the Kingdom, so that this child may then be followed up and his failure to enrol verified, as a prelude to an attempt to re-enrol him in education.

6. The necessity of reconsidering the Instructions on Student Discipline in Government and Private Schools No. (1) of 2007, and amending them by mitigating the severity and harshness of the traditional measures and working to abolish both the penalties of temporary suspension and final expulsion from study, which entail depriving the person of his right to education, and introducing a set of restorative measures resting upon the concept of dialogue and mediation and strengthening the role of the educational supervisor in settling student disputes.

7. Increasing the capacity to serve students with disabilities by providing the environment necessary for their integration into all schools, through providing the necessary environmental means, provided that this recommendation is implemented immediately in all the schools that will be built in the Kingdom and an attempt is made to develop the existing schools.

8. Improving the opportunities and educational services provided to Syrian refugees.

9. The provision of higher education on the basis of equality and merit calls for reconsidering the bases of university admission, by providing bases of admission that are just and impartial for all students, resting upon merit and capacities, including the holding of an admission examination that rests upon standards of integrity and transparency by the universities, to verify the mental and scientific capacities of students, in addition to abolishing the gradual parallel programme, and at the same time regulating the exceptions, including by adopting a preparatory year as a fundamental stage before admission to the principal specialisations such as medicine, dentistry, engineering, pharmacy and so forth, and increasing the financial support for students financially unable to pay the costs of university education, and providing guidance and career counselling programmes for students.

Third: The recommendations relating to giving effect to the values upon which the education system in the Hashemite Kingdom of Jordan must rest

The fundamental values upon which the education system in the State must rest constitute a fundamental pillar of the human right to education and of contributing to promoting and developing these values in the Jordanian education system. The study team therefore recommends the following:

1. The inclusion in the Jordanian legislative system of an express provision affirming the principle of equality and the prohibition of discrimination, so as to encompass all persons of school age, whether nationals or foreigners, and irrespective of their legal status, in addition to expressly providing for equality and the prohibition of discrimination in education on the basis of sex or disability.
2. Giving effect to the text of Article (19) of the Constitution by including in the Education Law provisions specific to the establishment of schools for congregations, and setting out the rules to be observed by such schools in educating their members in a manner consistent with the general provisions stipulated in the law, and their being subject to the control of the Government in their programmes and activities.
3. Expanding in the field of human rights education so that three levels are adopted: education about human rights, education through human rights, and education for human rights.
4. Expanding the inclusion in school curricula and extracurricular activities of content that affirms respect for the identity and culture of the country in which the person lives, in addition to respect for other religions and civilisations that adhere to the values and rights of man, through teaching the various cultures, the reciprocal influences between them and the ways of life associated with them, with a view to working towards the mutual appreciation of the differences and distinctions between these cultures; just as it is necessary to work towards teaching foreign languages and the civilisations and cultural heritage of the various nations.
5. Focusing upon respect for the values of citizenship and the necessity of students' interaction with their school community and their wider community, through allocating classes to serve the local community and making them one of the criteria for assessing students.
6. Expanding the inclusion in school and university curricula of content that strengthens the importance of the participation of individuals and groups in developing a sense of responsibility towards environmental issues, by linking environmental concepts to sustainable development, and developing the skills of individuals and groups, improving their conduct and attitudes towards environmental issues, and assisting individuals and groups in evaluating the means adopted for protecting the environment and the methods of education on environmental issues.

Fourth: The recommendations relating to developing the content of school curricula and the accompanying activities

1. Working to fill the legislative vacuum relating to laying down the bases, standards and curricula, by issuing a special regulation for this purpose, thereby giving effect to the text of article (26) of the Education Law; this regulation must be consistent with the international standards governing the right to education, and the regulation must affirm the necessity of framing the curricula in a manner that strengthens the dissemination of a culture of peace, respect for the cultural identity of the child, his language and his particular values, alongside respect for the national values particular to the country in which the child lives, respect for civilisations different from his own, and respect for the natural environment in which the child lives.
2. Updating the study curricula at the basic and secondary education stages so that these curricula rest upon strengthening the use of technology to modernise teaching and learning.
3. Developing the tools and methods of education so that they rely upon participation and discussion instead of relying upon the skills of memorisation and recall alone, and encouraging thinking founded upon comprehension and analysis.
4. Paying attention to the practical and applied aspect in implementing lessons, and not confining education to the theoretical aspect, and in particular as regards laboratories and scientific experiments, together with the necessity of employing modern technology in teaching, and that the use of the computer not be confined to the computer subject alone.
5. Having regard to individual differences between students at all stages of the educational process, and enabling the teaching bodies to deal with these differences and to regard them as advantages of students.
6. Giving effect to the role of parents and families in supporting education at home, and at the same time giving effect to the role of parents and families in supporting learning at schools by integrating parents into the educational process and finding joint solutions to the problems faced by students, through giving effect to the councils of fathers and mothers.
7. Focusing upon what the pupil ought to master by way of cognitive, skills-based, human and professional competences at every study stage, without being restricted by the study curriculum, and not regarding the study curriculum as the school book but rather as the set of experiences the learner undergoes in his life that are connected with the subject.
8. Developing the methods of teaching and education followed at the universities so as to reach the level of world universities, through: (a) adherence to applying the standards of accreditation and quality assurance for all educational programmes; (b) raising the level of the programmes and specialisations offered by the universities by linking them to the needs of the local and regional market; (c) strengthening and raising the capacities of the members of the teaching staff regularly and permanently; (d) requesting the deans of faculties and the heads of departments to prepare regular reports to follow up and evaluate the level of the teaching process.

Fifth: The recommendations relating to the sufficient qualification of the teachers responsible for teaching students

1. Improving the process of selecting and appointing teachers, such that the appointment of the teacher is preceded by written tests and practical tests to verify the teacher's capacity to

carry out the educational process - a matter which calls for serious consideration of the following questions: (a) laying down clear rules and bases for the admission of students to university specialisations who will graduate to work as teachers, including special conditions as to the qualities and skills of students; (b) amending the system of classification, evaluation and promotion of teachers; (c) laying down a special system for certificates and licences to practise the teaching profession.

2. Developing the capacities of teachers continuously in the use of modern scientific means in teaching, through:

(a) Developing a programme for the preparation and qualification of teachers, including in particular a comprehensive training programme for current teachers that provides more effective mechanisms for raising the standard of teachers academically. It is hoped that the Teachers' Syndicate will contribute to this effort by adopting a gradual training programme for every teacher wishing to join the syndicate, provided that the programme is implemented over a specified period of not less than one year, during which the teacher is trained practically and theoretically, on the model of the Bar Association. At the end of this period the teacher must sit theoretical and practical examinations measuring the extent of his competence to practise the teaching profession, and upon passing these examinations successfully he obtains a licence from the Teachers' Syndicate to practise the teaching profession.

(b) Institutionalising and regulating the teaching profession by laying down a special system that regulates the practice of the teaching profession, the promotion of teachers and their assumption of school leadership posts.

3. Improving the economic conditions of male and female teachers in terms of salaries, incentives and other advantages, with a view to empowering them morally and economically, and in order to strengthen their role in society, and so that the post of male/female teacher becomes more attractive to the competent.

4. Paying attention to teachers who work in remote areas and areas far from the capital and the principal cities, and creating suitable working and living conditions for them, including the construction of housing close to schools.

Sixth: The recommendations relating to the infrastructure in schools for enabling students to obtain their suitable right to education

1. Amending article (6/b) of the Education Law, either by adding the standards and bases that are acceptable for providing buildings fit for education, or by issuing a special regulation for this purpose that encompasses the basic standards to be met in school buildings, whether government or private, instead of confining the matter to the regulation specific to the standards for the establishment of private schools - which leaves us with a legislative vacuum as regards the bases and standards for the establishment of government schools. This regulation must affirm several matters, the most prominent of which are: (a) the construction of buildings capable of withstanding all natural conditions; (b) specifying the area allocated to the pupil, whether inside the classroom or in the outdoor courtyards; (c) providing the facilities and basic structures such as heating and cooling means, the

requirements of health care, and the requirements of clinics and first aid; (d) giving effect to oversight and inspection by the Ministry of Education and by the other bodies concerned, such as the Ministry of Public Works and Civil Defence, over the conditions of the infrastructure of schools, and going down to the field in order to achieve this purpose.

2. Increasing government spending on education so that it reaches 15% of gross output, to ensure an increase in the numbers of schools, the opening of new classrooms, the improvement of the condition of science laboratories, and the elimination of rented schools and double-shift schools.

3. Opening new schools in accordance with studied strategic plans that have regard to a suitable distance between the location of schools and the residential communities, which facilitates the enrolment of students in basic education; and, as a swift and immediate step, it is hoped that the Ministry of Education will build new classrooms in schools where there is overcrowding in the classrooms, so that the number of pupils in a classroom does not exceed 25 pupils.

4. Reconsidering the design of students' seats, such that they are designed in a manner that achieves privacy for the pupil and provides him with a better material and moral environment and reduces friction between students, as by providing a special seat and desk for each pupil.

5. Improving the quality of school equipment, in particular laboratories, libraries and sporting equipment, so as to be consonant with the tastes, inclinations and skills of students; equipping all schools with science laboratories and computer laboratories, and working to renew the computer devices existing in schools.

6. Examining innovative funding mechanisms to accelerate the process of improving the services provided and raising the level of quality.

Seventh: The recommendations relating to giving effect to the right of students to a safe educational environment (free from school violence)

1. Replacing traditional measures, such as temporary suspension or expulsion, with restorative measures, by seeking to repair the harm and the relationships rather than to punish and take revenge, in a manner that ensures assistance to the aggressor in reintegrating into the school milieu.

2. Using the method of mediation between the victim and the aggressor, holding meetings and reconciliation circles, training students in the means of settling disputes among their peers by performing the role of mediation, and working to establish associations of parents and teachers to play a supportive role in the mediation process.

3. Affording children the opportunity to express their feelings and enabling them to relate their account, and working to assist them in overcoming their negative feelings and to restore their rights so as to relieve their suffering.

4. The participation of the aggressor in finding solutions, so as to enable him to recognise his fault and the harm he has caused, with a view to preventing him from returning to such conduct.

5. Supporting voluntary work and encouraging work in a spirit of a single team.
6. Integrating restorative measures and the method of mediation for settling student disputes.
7. Giving effect to the role of the supervisor in settling student disputes.

Eighth: The recommendations relating to strengthening academic freedoms and guaranteeing the autonomy of universities

1. The necessity of including in the Higher Education Law provisions specific to strengthening and protecting academic freedoms, by specifying their scope and types in accordance with what is established in the international standards.
2. The actual application of academic freedoms at the universities, through the administrations of the universities enabling professors and students to express their opinions freely and refraining from imposing administrative penalties upon those who exercise these rights and freedoms.
3. The necessity of the swift response of the Jordanian State, represented by the executive and legislative authorities, to the demands relating to the formation of a professional syndicate for university professors, and the provision of the means necessary for it to play an effective role in defending the rights of its members.
4. The necessity that the universities in which there are no student unions swiftly lay down the instructions necessary for the formation of these unions, and provide the conditions suitable for these unions to perform the roles and functions required of them.
5. Developing democratic methods for selecting the governing bodies at the universities, including the following:
 - (f) Developing the mechanism for selecting the members of the boards of trustees of the universities, which requires the amendment of article (9/b) of the Universities Law in a manner that permits academics and professors from the various departments in each university to hold consultations enabling them to contribute to nominating the members of the board of trustees, as by allocating a section of the members of the board to those nominated from among the members of the university.
 - (g) Developing the mechanism for selecting the presidents of the public and private universities, which requires the amendment of article (12/b, c) in a manner that permits the appointment of the university president by the board of trustees as a result of internal elections among the members of the teaching staff at the university.
 - (h) Developing the mechanism for selecting the deans of faculties, which requires the amendment of article (18/a) in a manner that permits the appointment of the deans by the university president, on the basis of internal elections among the members of the teaching staff of the faculties.
 - (i) Developing the mechanism for selecting the members of the university council, which requires the amendment of article (15/b) so as to develop the mechanism of selection in a manner that permits the inclusion in the university council of students still

in study, in addition to the graduates of the university, in order to strengthen the participation of the student and his involvement in taking the decision.

(j) Developing the mechanism for selecting the members of the faculty council in a manner whereby the council includes representatives of students who take part in discussing the matters concerning students, which requires the amendment of article (20) by adding point No. 5 to paragraph (a), providing for the appointment of two representatives from among the students of the faculty elected from among the students enrolled in the various programmes of the faculty.

8. Involving the faculty councils in the process of taking student decisions by holding dialogues with them and establishing a cooperative relationship with them, by the university administration allocating one day a month to meet the members of the student union in order to listen to their demands and problems.

9. Qualifying those working in the deanship of student affairs and the other departments that have direct contact with students to deal directly with their issues and concerns, in a spirit of fraternal cooperation and mutual respect, and refraining from feeding disputes among them, and where the need arises calling upon parents to participate in resolving their problems.

10. Holding qualification courses for university security that increase their capacity to deal with and behave suitably towards students.

11. Creating a suitable university environment that stimulates creativity and excellence, through the following:

- Intensifying extracurricular student activities: cultural, sporting, social, artistic and behavioural, such that they constitute an integral and fundamental part of academic activities, thereby strengthening the relations of students and their fraternal bonds.
- Directing special programmes to students that strengthen their role in effective participation in the various events, and developing in them the spirit of initiative by adopting their initiatives and supporting them morally and materially.
- Introducing educational courses during the first academic year that strengthen the belonging of students to their homeland, their community, their institutions and their qualities, and refine their personalities and develop in them the values of knowledge, purposeful dialogue, respect for others, the acceptance of their opinions and effective communication with them.
- Intensifying awareness programmes and academic and psychological counselling for students, and expanding programmes for employing students within the university campus.

List of References

First: The Holy Qur'an.

Second: Books

- Al-Helw, Majed Raghib, Administrative Law, 1996, Dar Al-Matbou'at Al-Jami'iyya, Alexandria.
- Al-Khalayleh, Mohammad, Administrative Law - Book Two, 2nd edition, Dar Al-Thaqafa for Publishing and Distribution, Amman, 2015.

Third: University Theses

- Abu Al-Rub, Suheir Faisal (2010), "Student Dropout at the Basic Education Stage in the Schools of the Northern Jordan Valley in Jordan and the Role of School Administration in Addressing It", master's thesis, Jadara University.
- Jaradat, Mohammad Suleiman (2003), An Analytical Study of the Admission Policy in University Education in Jordan in Light of the Principle of Equality of Educational Opportunity and Students' Economic, Social and Educational Conditions, doctoral thesis, Amman Arab University.
- Daradkeh, Sabri Radi (2010), "Assessment of the Degree of Alignment of the Outputs of University Education with the Requirements of the Jordanian Labour Market", master's thesis, Jadara University.
- Olaimat, Khawla Abdul-Razzaq (2009), The Role of the Educational Counsellor in Dealing with the Phenomenon of School Dropout during the Basic Education Stage, master's thesis, University of Jordan.

Fourth: Research and Studies

- Al-Hasban, Eid Ahmad, The Right to Education in Contemporary Constitutional Systems, Dirasat: Sharia and Law Sciences, University of Jordan, Vol. (39), No. (1), University of Jordan, Amman, 2012.
- Al-Ajlouni, Mahmoud (2016), Academic Freedom among Faculty Members in the University Colleges Affiliated to Al-Balqa Applied University in the Governorate of the North, Jordan Journal of Educational Sciences, Vol. (12), No. (4), pp. 479-494.
- Farhan, Ahmad Abdullah (2016), working paper entitled "Human Dignity in the International Human Rights Instruments", presented in the booklet of the symposium entitled "Human Dignity for All" on the occasion of the Arab Day for Human Rights, Cairo.
- Carmel, A.G., Al-Batran, Ali, and Al-Husseini, Mohammad, Reforming Education in the Rural and Badia Areas of Jordan, Policy Paper No. 3, published by the Identity Center, available at the link: <http://identity-center.org/sites/default/files/a.%20Reforming%20Education%20in%20Rural%20Jordan.pdf> ; this site was accessed on 18/December/2017.
- Phenix Center for Economic and Informatics Studies (2014), Policy Paper on Improving the Quality of Basic Education in Jordan, published at the electronic link: <http://www.phenixcenter.net/ar/paper/112> ; this site was accessed on 18/December/2017.
- Al-Tarawneh, Mukhallad, et al. (2011), Academic Freedoms in Jordanian Universities, National Center for Human Rights, Amman.

Fifth: International Conventions

- Convention on the Rights of the Child, adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989; date of entry into force: 2 September 1990, in accordance with article 49; ratified by the Jordanian Government by Law No. (50) of 2006, the Law Ratifying the Convention on the Rights of the Child, published in the Official Gazette, issue (4787), dated 16/10/2006, p. 3991.
- Lima Declaration on Academic Freedom and Autonomy of Institutions of Higher Education, World University Service, 1988.
- United Nations Declaration on Human Rights Education and Training, issued by the United Nations General Assembly at its sixty-first session, dated 16/2/2012, document symbol A/RES/66/137.
- Convention against Discrimination in Education, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 14 December 1960, at its eleventh session; date of entry into force: 22 May 1962.
- Universal Declaration of Human Rights, adopted and proclaimed by United Nations General Assembly resolution 217 A (III) of 10 December 1948.
- International Covenant on Civil and Political Rights, adopted and opened for signature, ratification and accession by General Assembly resolution 2200 A (XXI) of 16 December 1966, which entered into force on 23 March 1976, and to which Jordan acceded on 28/5/1975 and which was published in the Official Gazette in issue No. 4764 dated 15/6/2006. The International Covenant on Economic, Social and Cultural Rights.

Sixth: Comments of the International Human Rights Treaty Bodies and Reports of the Special Rapporteurs

- Belonging, Being and Becoming - The Early Years Learning Framework for Australia, Department of Education, Employment and Workplace Relations, Australia, 2009, document reference ISBN 978-0-642-77872-7.
- The World Bank, Program Information Document for the Programme-for-Results (PID), education stage, available on the electronic site: documents.worldbank.org/.../PIDA131205-PGID-ARABIC-P162407-Appraisal-Box4.
- General Comment of the Committee on Economic, Social and Cultural Rights No. (13) (1999), twenty-first session, document symbol: GRI/GEN/1/Rev.9(Vol1).
- General Comment of the Committee on Economic, Social and Cultural Rights No. (11), Plans of action for primary education (article 14), issued at the twentieth session, dated 10/5/1999, document symbol E/C.12/1999/4.
- Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Rodolfo Stavenhagen, issued by the Commission on Human Rights at its sixty-first session, dated 15/12/2004, document symbol E/CN.4/2005/88/Add.4.
- Report of the Special Rapporteur on the right to education, Kishore Singh, Promotion of equality of opportunity in education, issued at the seventeenth session of the Human Rights Council and submitted to the United Nations General Assembly on 18/4/2011, document symbol A/HRC/17/29.
- Report of the Special Rapporteur on the right to education, Kishore Singh, Normative action for quality education, issued at the twentieth session of the Human Rights Council and submitted to the United Nations General Assembly on 2/5/2012, document symbol A/HRC/20/21.

- Report of the United Nations Secretary-General on the International Decade for a Culture of Peace and Non-Violence for the Children of the World, submitted to the United Nations General Assembly at its fifty-sixth session, dated 13/12/2001, document symbol A/56/349.
- Report of the independent expert for the United Nations study on violence against children, submitted to the United Nations General Assembly at its sixty-first session, dated 29/8/2006, document symbol A/61/299.
- Recommendation concerning the Status of Teachers (1966), adopted by the Special Intergovernmental Conference on the Status of Teachers, held in Paris, 5/October/1961, paragraph 8; Recommendation concerning the Status of Higher-Education Teaching Personnel (1979), adopted by the General Conference of UNESCO at its thirty-ninth session, Paris, 11 November 1979.
- General Assembly resolution on a culture of peace, adopted at its fifty-first session, dated 3/3/1997, document symbol A/REC/51/101.
- United Nations Educational, Scientific and Cultural Organization, World Conference on Higher Education, working document entitled "Higher Education in the Twenty-First Century (Vision and Action)", August/1998, document symbol ED-98/CONF-202/CLD23, paragraph 137.

Seventh: Reports of National Institutions

- The National Strategy for Human Resource Development 2015-2016, Education for Prosperity: Delivering Results, prepared by the National Committee for Human Resource Development, p. 31. The full text of the Strategy is published at the following link: https://docs.wixstatic.com/ugd/176e64_8b8f62475b64449db41k_fad2cec5a64e0.pdf ; this site was accessed on 8/25/2017.
- National Center for Human Rights, Twelfth Annual Report on the State of Human Rights in Jordan for the year 2015, Amman, 2016.
- National Center for Human Rights, Eleventh Annual Report on the State of Human Rights in Jordan for the year 2014, Amman, 2015.
- National Center for Human Rights, Eighth Annual Report on the State of Human Rights in Jordan 2011, Amman, 2012.
- Department of Statistics, Labour Force Survey, Second Round/May 2017 - Methodology and Detailed Results, report published at the link: http://dosweb.dos.gov.jo/DataBank/EMP_Unemp_2017/EmpUnemp_2017Q2.pdf ; this site was accessed on 18/December/2017.
- Independent Election Commission, Detailed Report on the Conduct of the Electoral Process for 2016, p. 134; for further detail see the report at the link: https://iec.jo/sites/default/files/Election%20Report_0.pdf ; the link was accessed on 18/12/2017.

Eighth: National Legislation

- The Jordanian Constitution, published in the Official Gazette in issue No. 1093 dated 18/1/1952.
- Jordanian Education Law No. (3) of 1994, published in the Official Gazette, issue No. (3958), p. (608), date of publication 2/4/1994.
- Higher Education and Scientific Research Law No. (23) of 2009 and the amendments thereto, published in the Official Gazette, issue No. (4987), at page 5139, dated 28/9/2009.
- Higher Education and Scientific Research Law No. (23) of 2009, published in the Official Gazette, issue (4987), page 5739, dated 28/9/2009.

- Jordanian Universities Law No. (20) of 2009, published in the Official Gazette, issue (4890), dated 6/9/2009, p. 4707.
- Law No. (4) of 2016, the Law of the Budgets of Government Units for the fiscal year 2016, published in the Official Gazette, issue 5378, dated 1/2/2016, p. 415, chapter 8119, Ministry of Education / Ma'arif (Education) Tax.
- National Aid Fund Law No. (63) of 1986, published in the Official Gazette, issue 3425, dated 1/10/1986, p. 1838.
- Regulation on Scientific Research for the Development of the Educational Process No. (41) of 1997; the Regulation was published in the Official Gazette, issue No. 951, dated 16/2/1994, p. 3738.
- Regulation on Scholarships for Obtaining the Bachelor's Degree for Work at the Ministry of Education No. (127) of 2009, published in the Official Gazette, issue (4686), dated 1/12/2004, p. 5431.
- Regulation on Student Discipline at the University of Jordan No. 94 of 1999 and the amendments thereto, published in the Official Gazette, issue No. 4401 at page 5326, dated 6/11/1999.
- Regulation on Student Discipline at the Hashemite University No. 53 of 1999, published in the Official Gazette, issue No. 4383 at page 3718, dated 2/10/1999.
- Jordanian Regulation on the Establishment and Licensing of Private and Foreign Educational Institutions No. (130) of 2015 and the amendments thereto, published in the Official Gazette, issue (375), p. 5630, dated 31/12/2015.
- Civil Service Regulation No. 82 of 2013 and the amendments thereto, published in the Official Gazette, issue No. 5262 at page 5630, dated 29/12/2013.
- Regulation on the Social Security Fund for Employees of the Ministry of Education. This Fund was established pursuant to the Regulation on the Social Solidarity and Education Fund of 2014, published on the website of the Teachers' Syndicate at the following link: <http://www.jts.org.jo/node/3849> ; this site was accessed on 24/8/2017.
- Regulation on the Educational Training Centre No. 35 of 2009, published in the Official Gazette, issue No. 4964 at page 2268, dated 17/5/2009.
- Instructions on Granting Additional Allowances to Employees, issued pursuant to article (26/a) of the Jordanian Civil Service Regulation No. (82) of 2013. The full text of the Instructions is published on the website of the Civil Service Bureau at the following link: <http://www.csb.gov.jo/csb/Legislations/Instructions> ; this site was accessed on 3/July/2017.
- Instructions on Student Discipline in Government and Private Schools No. (5) of 2017, published in the Official Gazette, issue 5455, dated 16/4/2017, p. 2769.
- Instructions on Financial Aid for the Care and Protection of Families in Need No. (5) of 2015, published in the Official Gazette, issue 5375, dated 31/12/2015, p. 9807.
- Bases for the Admission of Students to the Jordanian Official Universities for the academic year 2016/2017, issued pursuant to article (6/a/5) of Law No. 23 of 2009, the Higher Education Law and the amendments thereto, and pursuant to Higher Education Council decision No. (300) dated 2/8/2016.