

# EXECUTIVE SUMMARY

## Hashemite Kingdom of Jordan\*



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### INTRODUCTION

A constitutional monarch with a population of 7.6 million, approximately 36% of the population of the Hashemite Kingdom of Jordan is under the age of 15.<sup>1</sup> Primary education is obligatory for Jordanians and without charge in government schools.<sup>2</sup> The literacy rate is the highest in the region and the net enrolment in primary education is 96.3% of girls and 97.9% of boys.<sup>3</sup>

The Syrian civil war has affected the Kingdom greatly, as of April 2016, 701,092 refugees reside in Jordan.<sup>4</sup> Despite preventative efforts, **child marriage** rates have increased from 13% in 2011 to 25% in 2014's first quarter.<sup>5</sup> This has been attributed to the refugee crisis.<sup>6</sup> Jordanian law prohibits marriage before the age of 18 years, but a Shari'a court judge may cite specific circumstances and authorise a marriage from the age of 15 and up.<sup>7</sup> Studies have confirmed a link between child, early and forced marriage and commercial sexual exploitation of children (CSEC)<sup>8</sup> with the former constructed as a relief from economic burden for parents and a way to protect a girl from sexual abuse, but ultimately amounting to the sale of children. Following the Syrian civil war, child marriage among Syrians has tripled, with families selling their daughters for very low bride-prices to secure income for the family's subsistence. Reports show that some of these girls have been forced into trafficking rings by their "husbands".<sup>9</sup>

Jordanian law does not specifically mention **exploitation of children for prostitution**, except to penalise the presence of a child between the ages 6-16 years in a brothel (Article 314), but has prohibited prostitution, brothel ownership and pimping.<sup>10</sup>

**Sexual exploitation of children in travel and tourism** (SECTT) in Jordan is underreported, despite a moderate growth of 1% in international tourist arrivals in 2014.<sup>11</sup> Despite the Committee on the Rights of the Child regarding Jordan as the country in the region with the most extensive and best kept data collection system, there is no mention of a central data base for children.<sup>12</sup>

**Trafficking of children** in Jordan occurs between the ages 5-16 years for purposes of labour in agricultural, manufacturing, construction, transportation and sanitation sectors. The US Department of State Trafficking in Persons (TIP) Report 2016 classified Jordan as a Tier 2 country, which indicates the Kingdom has yet to comply fully with the standards of the Trafficking Victims Protection Act but are in the midst of making efforts to reach those standards.<sup>13</sup> Reports state that Syrian women and girl refugees have been trafficked for sexual purposes as well as sold into forced marriages.<sup>14</sup>

## NATIONAL PLANS OF ACTION

While not specifically pertaining to CSEC, the Jordanian National Action Plan for Children includes objectives such as decreasing child abuse in all its forms and eliminating child sexual abuse material as well as the commercial sexual exploitation of children.<sup>15</sup> Additional objectives included the protection of children from exploitation and led to the establishment of a Family Protection Department that is estimated to have helped 8600 cases of victims of child abuse and neglect in 2010.<sup>16</sup> The Department has implemented strategies to avoid re-traumatising the victim such as recording children's testimonies as to spare them repetition.<sup>17</sup>

The National Strategy to Combat Trafficking in Persons (2010-2012) adopted preventative policies to combat exploitation and trafficking of children,<sup>18</sup> however the Committee on the Rights of the Child criticised the programme for its lack of coherence and coordination between various strategies and recommended the development of a new national plan.<sup>19</sup> The UN Special Rapporteur on Trafficking in Persons, Especially Women and Children has concurred with this recommendation but it has not been addressed by the Kingdom.<sup>20</sup>

The National Framework to Combat Child Labour (NFCL), established in 2011, is aimed at strengthening coordination between relevant ministries to tackle the issue of child labour that has increasingly affected both nationals and refugees due to the Syrian crisis. Its run ended in March 2016, with 11 out of 12 governorates in Jordan implementing NFCL.<sup>21</sup>

## COORDINATION AND COOPERATION

### Local and National Level

The National Council for Family Affairs coordinates policy issues surrounding abused or exploited children.<sup>22</sup> Its chair, HM Queen Rania Al-Abdullah, and council have organised multiple conferences with children at the heart of its discussions.<sup>23</sup>

Bringing together governmental, nongovernmental and international organisations to enhance initiatives to improve the rights of children in Jordan, the National Task Force for Children aims to improve the current levels of accomplishments.<sup>24</sup> Together with its Research and Database Unit,<sup>25</sup> the Task Force has a mandate to monitor the implementation of children's rights.

To fill in the gaps in recovery services for abused children, the Child Safety Programme was established by the Jordan River Foundation in 1997.<sup>26</sup> Under the umbrella of the programme, the Foundation in partnership with the Ministry of Social Development and the Family Protection Department established Dar al-Aman Centre (DAA). The DAA caters to the need of child victims of domestic violence and sexual abuse with tailored therapy and accommodation.<sup>27</sup>

The Jordanian National Centre for Human Rights<sup>28</sup> together with the Princess Basma Youth Resource Centre<sup>29</sup> promotes public awareness on human trafficking. A specialised government unit, the National Anti-Human Trafficking Committee, provides assistance and protection for victims of trafficking.<sup>30</sup>

Governmental and nongovernmental sectors together established a "Child Friendly Budgeting" initiative, which pushes policy makers to invest more in projects relating to the protection of children.<sup>31</sup>

## Regional and International Levels

Consistent contribution to regional and global efforts for the prevention of child abuse has led to several workshops being held in the country, in partnership with various NGOs, UN agencies and other State governments. However, the specific addressing of CSEC manifestations was not featured in these workshops.

In April 2016, the Kuwait National Child Protection Program, the Arab Society for the Prevention of Child Abuse and Neglect and the International Society for the Prevention of Child Abuse and Neglect held the 4<sup>th</sup> Arab Regional Conference on Child Protection Against Violence (ARABCAN).<sup>32</sup>

## PREVENTION

Awareness raising activities targeted towards children include theatre workshops, such as “Man Ana” (who am I), designed to teach children that their bodies are private and should not be subjected to sexual abuse.<sup>33</sup> The Jordan River Foundation runs a national campaign to raise awareness among the public on the prevalence of child abuse and its consequences.<sup>34</sup> In eight governorates, a four year targeted plan was launched in 2008 aimed at improving the situation of child labourers including awareness raising activities to prevent further exploitation.<sup>35</sup>

The Amani campaign is an inter-agency campaign aimed at changing societal attitudes towards the understanding of sexual abuse. The goal is to prevent acts and ensure the protection of survivors from further harm as well as their access to support; Amani’s mechanisms include lecture style approaches engaging the community to share their experiences, such as the interactive community event on early marriage in the Azraq camp.<sup>36</sup>

Prevention strategies in the private sector are important, as it is estimated that a third of the country’s needs are covered by private education.<sup>37</sup> HM Queen Rania Al-Abdullah established the “My School” (Madrasati) programme which supports the rehabilitation of school infrastructure and modernisation of educational equipment through private companies.<sup>38</sup> Additionally, the private sector finances and delivers health services and has implemented various initiatives for child victims to overcome post-traumatic stress or survivors of sexual exploitation, through therapy for those who can afford it.<sup>39</sup> Article 8 of the Family Protection Law requires medical, social, educational, public and private sector service providers to report suspected cases of violence against children.<sup>40</sup> Though this includes the tourism industry, only 10 travel and tour operators have signed the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism.<sup>41</sup>

As for deterrence measures, the Committee of Children has criticised Jordan’s efforts; while it is reported the Ministry of Social Development established a database of families at risk, the Committee noted that no definition of what families at risk constitutes has been determined.<sup>42</sup> Additional critique included insufficient measures to combat gender-based discrimination and violence.<sup>43</sup> Despite efforts from the National Anti-Human Trafficking Committee, including distribution of anti-trafficking brochures,<sup>44</sup> there was a lack of specific measures aimed at reducing demand for commercial sex acts or forced labour, nor did diplomatic personnel or peacekeepers receive anti-trafficking training.<sup>45</sup>

## PROTECTION

### International Legislation

Jordan ratified the Convention on the Rights of the Child (CRC) in 1991<sup>46</sup> and the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography (OPSC) in 2006.<sup>47</sup> Additional commitments include the ratification of the Convention 182 on the Worst Forms of Child Labour in 2000<sup>48</sup> and the accession to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (UN TIP Protocol)<sup>49</sup>, a supplementation to the UN Convention against Transnational Organized Crime, in 2009.<sup>50</sup>

### National Legislation

Jordanian law combines foreign (e.g. Anglo-Saxon) and Islamic laws, developed in accordance with the country's prevailing culture and social norms; the Penal Code categorises offences such as rape, unwanted sexual contact and indecent acts as offences against honour.<sup>51</sup> The law criminalises **sexual intercourse with girls under 15 years age**, regardless of consent, with an aggravated penalty if the girl is under 12 years old but the article only criminalises rape if the victim is female and not married to the perpetrator.<sup>52</sup> Under Article 305, anyone who touches in an unwanted sexual manner a child under 15 of either gender is penalised. Additionally, the controversial Article 308, which spared rapists from prosecution if they marry their victims and stay with them for five years, appears to have been amended.<sup>53</sup>

Prostitution is criminalised by the Penal Code through a variety of offences including attempted procurement (Article 310), forcing a woman to engage in prostitution (Article 316) and involvement in the establishment, management or assistance in the running of a brothel. (Article 317) While no explicit provisions on **the exploitation of children in prostitution** exist, relevant articles include Article 314 penalising caretakers who permit a child between ages 6 and 16 years to frequent brothels as well as the abovementioned articles on sexual intercourse with a girl under 15 years of age (Article 294). The Committee on the Right of the Child have criticised the law as lacking a clear definition of exploitation of children in prostitution and vague as to if sexual activities require remuneration to fall under the offence.<sup>54</sup> Further, the law on prostitution is gendered and does not protect boys exploited for prostitution: limited protection for boys under 15 is found in the offences 'attacking the honour' of a boy (Article 298); exposing him to indecent acts or words (Article 306); engaging him in unwanted sexual contact, (Article 305(1)); and inciting him to take part in sodomy (Article 310(5)). Summarily, Jordan's current laws do not comply with the mandate set out by the OPSC.

**Trafficking of children for sexual purposes** is prohibited in Jordan under the Anti-Human Trafficking Law which contains aggravated penalties for child trafficking.<sup>55</sup> Article 3's definition of trafficking complies with international standard and Article 3A.2 is to be commended as it prohibits trafficking of those under 18 years old regardless of use of threat or force. Following an amendment in 2011, the Article 291 of the Penal Law prohibiting the abduction of minors raised the age of the minor from under 15 years to under 18 years.<sup>56</sup> Yet, there are many gaps in the legislation: Article 310(4) which prohibits procuring a woman intending to engage her in prostitution in the country or abroad does not apply to men or to women 'known for their immoral character'. The Committee on the Rights of the Child have raised flags as to the possibility of child victims being placed in detention centres because of the unavailability of shelters with comprehensive protection and rehabilitation services.<sup>57</sup>

Article 319 of the Penal Code prohibits a variety of offences including selling, possession with intent to sell, distribution, display, advertising or taking part in the business of sale, publication or exhibition of any obscene printed or written matter, any obscene picture, photograph, drawing or model of any other object tending to corrupt morals. While the provision can be understood to cover offences

related to **child sexual abuse material**, its vagueness diminishes its effectiveness in prosecuting this kind of crimes. Additionally, Section 319 has been criticised for carrying too light a sentence as to dissuade perpetrators involved in child sexual abuse material offences.<sup>58</sup> The Temporary Information Systems Crimes Act<sup>59</sup> prohibits various offences including the possession and dissemination of material directed at or damaging to a person under 18 years of age.<sup>60</sup> Jordan also ratified the 2010 Arab Convention to Combat Information Technology Crimes which prohibits the production, display, distribution, provision, publication, purchase or sale of pornographic material or material that constitutes outrage of modesty through information technology.<sup>61</sup> However, the Convention fails to define pornography nor is it clear as to the prohibition on possession of child sexual abuse material.

Jordan does not have any laws specifically regarding **the Sexual Exploitation of Children in Travel and Tourism (SECTT)**.<sup>62</sup> Article 12 of the Tourism Act prohibits any person who is licensed to own a business linked to tourism to act in a way that damages the interest or reputation of tourism such as exercising business in a manner incompatible with public decency (Article 12). Despite the provision's potential to cover offences relevant to the SECTT, its vague and subjective nature fails to guarantee full legal protection to victims.<sup>63</sup>

### Extraterritorial Law

Article 10 of the Penal Code states that it applies to every Jordanian national, persons who have lost Jordanian nationality, Jordanian public officials in their course of duty and foreign national residing in Jordan who have committed a felony or misdemeanour outside the territory of the Kingdom but punishable under Jordanian legislation.<sup>64</sup>

Extradition in Jordan is governed by bilateral agreements and has the requirement of double criminality.<sup>65</sup> The Extradition Act 1927 has been criticised as outdated and unsuitable for an effective extradition process.<sup>66</sup> Additionally, it has been noted by the Implementation Review Group of the United Nations Convention Against Corruption (UNAC) that Jordan has a policy of not extraditing its nationals, preferring to start its own criminal proceedings with assistance from the requesting State.<sup>67</sup>

### Access to Justice

The Jordanian Rules of Penal Trials Code requires a guardian lodge a complaint if the complainant is under 15 years old,<sup>68</sup> the Government is considering revision of the Family Code to ensure children can make complaints.<sup>69</sup> Under the Rules of the Penal Trials Code and the Juvenile Law,<sup>70</sup> witnesses under 18 years of age are protected and allowed to testify with the aid of technology, such as video link. Yet there is no free legal assistance for children in Jordan unless the child is charged with an offence punishable by the death penalty or life imprisonment.<sup>71</sup> Currently, child victims in Jordan have no option but to find an NGO to aid and support them in bringing a case to court.<sup>72</sup>

For a victim in Jordan, there are two possible routes for compensation: claiming civil damages, regardless if the perpetrator is brought to criminal court; or if the perpetrator is brought to criminal court, a claim for damages can be made before the criminal court. The civil court's focus lies in dealing with claims for compensation, whereas the criminal court is focused on sentencing.<sup>73</sup>

Following conferences organised by the Jordanian Women's Union (JWU), the Child Parliament was established in 1997.<sup>74</sup> Its aim was to spread knowledge and information about national child right's law. Reports state that the Parliament was still operating in 2014 with 25 children representing all regions of Jordan.<sup>75</sup>

Moreover, Youth Centres, supervised by the Higher Council for Youth, allow for the involvement of youth in electoral mechanisms.<sup>76</sup>

The Jordan River Foundation has, among other national civil society actors, led child protection programmes including the Youth Programme, implemented by the Queen Rania Family and Child Centre, which aims to empower youth to participate in their communities through workshops, training activities and volunteer programmes.<sup>77</sup>

The Committee on the Rights of the Child have expressed concern regarding the failure of legal and administrative proceedings to systematically provide for the right of children to be heard, additionally the Committee raises questions that the respect for the views of children is limited due to traditional societal attitudes.<sup>78</sup>

## PRIORITY ACTIONS REQUIRED

- The development of a national action plan that addresses all forms of CSEC.
- Develop an effective mechanism to coordinate the agencies and ministries working on the development, implementation and monitoring of fulfilment of the OPSC; strengthen international cooperation to improve punishment of perpetrators of OPSC offences.<sup>79</sup>
- Raise awareness on the OPSC among the population in all governorates.
- Develop gender-sensitive education programmes aimed at preventing OPSC offences by adequate curricula in primary and secondary schools and spreading OPSC provisions among police, judges, media, social workers and relevant ministries.<sup>80</sup>
- Invest in the collection of official data on the incidence of sexual exploitation of children within the country.
- Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure which sets out an international complaints procedure for child rights violations.<sup>81</sup>
- Conduct advocacy campaigns that motivate enterprises to become signatories to the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism and develop a specific law pertaining to the illegality of SECTT and sex tourism operators.<sup>82</sup>
- Include the OPSC Article 2(b) definition of exploitation of children in prostitution in the Jordan Penal Code.
- Perpetrators of sexual exploitation of children should not be offered excuses but brought to justice, with Jordan taking more adequate measures to rescue those girls who have been forced into prostitution.<sup>83</sup>
- Amend Article 319 of the Penal Code to define child sexual abuse material and criminalise its possession.<sup>84</sup>
- The removal of derogatory expression which has the effect of justifying or mitigating the punishment of offences related to sexual exploitation and abuse.
- Draft legislation in a gender neutral language and ensure the full protection of both boys and girls exploited for prostitution.

- Full legislative protection should be provided to child victims and witnesses of OPSC offences, with the State endeavouring to cover legal assistance to children.<sup>85</sup>
- Additionally, appropriate shelter and assistance should be provided for child victims to facilitate social reintegration and recovery.<sup>86</sup>
- All child victims of OPSC offences should be removed from detention facilities immediately.<sup>87</sup>
- Improve legal and administrative proceedings to guarantee the right of children to be heard and their views considered.
- Establish programmes to empower children and promote their meaningful participation within family, community and schools.<sup>88</sup>

## ENDNOTES

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