



Global Monitoring

status of action against commercial sexual exploitation of children

The Hashemite Kingdom of Jordan



2nd EDITION

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(End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes)

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TABLE OF CONTENTS

Glossary	4
Foreword	6
Methodology	8
The Hashemite Kingdom of Jordan: Introduction	10
National Plan of Action and Policies on the Protection of Children from CSEC	17
Coordination and Cooperation	20
Prevention: Education, Intervention and Research	25
Protection: Legislation and Access to Justice for Children	28
Child and Youth Participation	49
Recommendations for Action	51
Annex	55
Bibliography	66

GLOSSARY OF ACRONYMS

AIDS:	Acquired Immune Deficiency Syndrome
ARABCAN:	Arab Regional Conference on Child Protection Against Violence
Arab SPCAN:	Arab Society for the Prevention of Child Abuse and Neglect
CEFM:	Child, Early and Forced Marriage
CRC:	Convention on the Rights of the Child/Committee on the Rights of the Child
CSEC:	Commercial Sexual Exploitation of Children
DAA:	Dar al-Aman Centre
DHS:	Demographic and Health Survey
FPD:	Family Protection Department
GDP:	Gross Domestic Product
GSHS:	Global School-based Student Health Survey
HBSC:	Health Behaviour in School-aged Children Study
HIV:	Human Immunodeficiency Virus
IBCR:	International Bureau for Children’s Rights
ILO:	International Labour Organization
IRCKHF:	Information and Research Centre – King Hussein Foundation
ISPCAN:	International Society for the Prevention of Child Abuse and Neglect
JRF:	Jordan River Foundation
JWU:	Jordanian Women’s Union
KNCPP:	Kuwait National Child Protection Program
MDG:	Millennium Development Goal
MENA:	Middle East and North Africa
MICS:	Multiple Indicator Cluster Survey
MOL:	Ministry of Labour
MOSD:	Ministry of Social Development
NAP:	National Action Plan
NCHR:	National Centre for Human Rights
NFCL:	National Framework to Combat Child Labour
NTFC:	National Task Force for Children
OHCHR:	Office of the United Nations High Commissioner for Human Rights

OIC:	Organisation of the Islamic Cooperation (formerly Organisation of the Islamic Conference)
OPSC:	Optional Protocol on the sale of children, child prostitution and child pornography
PSD:	Public Security Directorate
SECTT:	Sexual Exploitation of Children in Travel and Tourism
TIP:	Trafficking in Persons
UNCAC:	United Nations Convention Against Corruption
UNDP:	United Nations Development Programme
UNFPA:	United Nations Population Fund
UNHCR:	United Nations High Commissioner for Refugees
UNICEF:	United Nations Children's Emergency Fund
UniHRD:	The Arab World Center for Democratic Development & Human Rights
UNODC:	United Nations Office on Drugs and Crime
UNRWA:	United Nations Relief and Works Agency
UPR:	Universal Periodic Review
WHO:	World Health Organization

FOREWORD

At the First World Congress against Commercial Sexual Exploitation of Children (CSEC) held in Stockholm in 1996, governments from around the world first gave recognition that commercial sexual exploitation of children is a global crime of epidemic proportions. The Stockholm Declaration and Agenda for Action - a strategic framework for actions against CSEC - was adopted by the 122 governments participating in the Congress in order to guide a systematic global response against the sexual exploitation of children.

The outcome document of the First World Congress was soon followed by the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC). Adopted in 2000 as a legally binding treaty of the United Nations, the Optional Protocol (and other relevant international treaties) reaffirms the urgent need for political will and concrete actions from governments to ensure that children in their countries can live free from all forms of commercial sexual exploitation.

In 2001, high-level delegates from 136 governments, local and international non-governmental organisations and children and young people, convened in Yokohama for the Second World Congress to review the achievements and challenges in combating CSEC as well as to identify new priorities needed to bolster and enhance action. Seven years later, the World Congress III in Rio de Janeiro provided the largest global platform to date for delegates from 137 governments to renew their state's commitment to protect children from commercial sexual exploitation. The Rio Declaration and Call for Action strongly urges all stakeholders, including the private sector, to continue their due diligence in taking the necessary follow-up actions to eliminate CSEC. The Rio Call for Action emphasises the obligation to uphold the rights of the child as identified in existing international human rights and child rights instruments. It also offers a framework for the accountability of all duty-bearers of children's rights, particularly governments, in the fight against sexual exploitation of children and re-affirms the continuing relevance of the Agenda for Action, first agreed to in Stockholm twelve years earlier.

This report, as part of the Second Edition series of country monitoring reports produced by ECPAT International, provides a comprehensive baseline of information on all manifestations of CSEC in the country and an assessment of achievements and challenges in implementing counteractions (including the participation of children and young people themselves) to eliminate CSEC. The report, which follows the framework of the Stockholm Agenda for Action, serves as an instrument for the sharing of information and experiences among various stakeholders and duty-bearers

within the country as well as internationally. It also suggests concrete priority actions urgently needed to proactively advance the national fight against CSEC. Furthermore, this report enables the monitoring of the implementation of international instruments on child rights, related to commercial sexual exploitation that have been ratified by the concerned state.

The production of this report is achieved through extensive collaboration within the ECPAT global network. ECPAT International would like to thank ECPAT member groups in the countries assessed, local and global experts and other organisations for their invaluable inputs to this report. ECPAT International would also like to express its profound appreciation of all the hard work of its dedicated team from within the Secretariat and for the generous support of its donors that helped make the finalisation of this report possible. The contributions of all involved have greatly strengthened the monitoring of the Agenda for Action and the heightened collaboration needed to fight the new and evolving complex manifestations of commercial sexual exploitation of children.

METHODOLOGY

The Agenda for Action against Commercial Sexual Exploitation of Children provides a detailed framework and categories of actions to be taken by governments in partnership with civil society organizations and other relevant actors for combating commercial sexual crimes against children. Broadly, these actions are focused on: 1) Coordination and Cooperation; 2) Prevention; 3) Protection; 4) Recovery, Rehabilitation and Reintegration; and 5) Child Participation. The Agenda for Action is thus the formal and guiding structure used by governments that have adopted it and committed to work against CSEC. As such, the Agenda for Action is also the main organising framework for reporting on the status of implementation of the Agenda as seen in the World Congress II of 2001, the Mid-Term Review meetings held between 2004 and 2005 and the World Congress III in 2008. It has been used in the same way to structure and guide the research, analysis and preparation of information presented in these reports on the status of implementation of the Agenda in the individual countries.

Preparatory work for this 2nd Edition report involved a review of the literature available on sexual exploitation for each of the countries where ECPAT works. A number of tools were prepared, such as a detailed glossary of CSEC terms, explanatory literature on more difficult themes and concepts and a guide to relevant CSEC-related research tools, to assist researchers in their work and to ensure consistency in the gathering, interpreting and analysing of information from different sources and parts of the world.

Desktop research has shown a continuing lack of information in the areas of Recovery, Rehabilitation and Reintegration. After extensive efforts to collect information relevant to these areas for each of the countries covered, it was decided that as this information was not consistently available, the reports thus focus only on those areas of the Agenda for Action where verifiable information can be obtained. Thus, the report covers: Coordination and Cooperation; Prevention; Protection and Child and Youth Participation, and where information on recovery, rehabilitation and reintegration, was available, it has been included under the country overview. These 2nd Edition Reports also reflect a greater focus on integrated and inter-sector collaboration for the realisation of the right of the child to protection from sexual exploitation, including the need nationally for comprehensive child protection systems.

Research of secondary sources, including CRC country and alternative reports, OPSC country and alternative reports, the reports of the Special Rapporteurs, as well as research and field studies of ECPAT, governmental and non-governmental organizations, regional bodies and UN agencies,

provided the initial information for each report. This information was compiled, reviewed and used to produce first draft reports. In-house and consultant specialists undertook a similar process of review to generate information on specialised areas of the reports, such as the legal sections. Nevertheless, researchers often encountered a lack of information. While sources also included unpublished reports and field and case reports of ECPAT and other partners, many countries lacked up-to-date data and information on areas relevant to this report.

Despite these limitations, sufficient information was gathered to provide a broad overview of the situation in each country. Subsequently, first drafts were prepared and shared with ECPAT groups, which then supplemented the information with other local sources and analysis (taking care to identify them and source appropriately). Upon receipt of these inputs, a series of questions were generated by the ECPAT International team for deeper discussion, which involved ECPAT groups and specialists invited by them. The information from these discussions was used to finalise inputs to each of the reports. These consultations proved to be invaluable for analysis of the country situation. They also served as a measure for triangulating and validating information as different actors offered their perspective and analysis based on their direct work.

As previously noted, the information of each country report is organised to correspond to the structure of the Agenda for Action. Thus all the 2nd Edition reports feature updated information in relation to: (i) an overview of the main CSEC manifestations affecting the country; (ii) analysis of the country's National Plan of Action (NPA) against CSEC and its implementation (or the absence of an NPA); (iii) overview and analysis of coordination and cooperation efforts during the period under review; (iv) overview and analysis of prevention efforts; (v) overview and analysis of protection efforts, which includes detailed information on national legislation related to CSEC (see www.ecpat.net for further details); (vi) overview and analysis of country's efforts incorporate participation of children in youth in the development and implementation of efforts to combat CSEC and (vii) priority actions required.

THE HASHEMITE KINGDOM OF JORDAN



INTRODUCTION

Jordan Country Context in Statistical Summary

Region	Middle-east
Government	Constitutional monarchy
Population (2015)	7.6 million ¹
Population aged 10-24 (2015)	30% ²
Population aged 0-14 (2015)	36% ³
GDP at current prices (2016)	\$39.795 billion ⁴
Real GDP growth (2016 - forecasted)	3% ⁵
Population living in poverty (2010)	14.4% ⁶
Unemployment rate (first quarter 2016)	14.6% ⁷
Primary school net enrolment ratio (2009 - 2013)	97% ⁸
International tourist arrivals (2014)	3,990,000 ⁹
Internet users (November 2015)	5,700,000 ¹⁰
Refugees residing in Jordan (April 2016)	701,092 ¹¹
Main languages	Arabic (official), English, Circassian, Armenian
Main religions	Sunni Islam (92%), Christianity (6%), Shia and Sufi Islam (together around 1%), other religions (1%) ¹²
Main minority and indigenous groups	Palestinians (50%), Bedouins of Jordanian origin (est. 33%), Iraqi refugees (7.5-17%), Christians (6%), Chechens and Circassians (1%), Armenians (1%), Druze (0.2%), Baha'i (0.2%), Kurds, Shia Muslims, Assyrians ¹³

The Hashemite Kingdom of Jordan is a constitutional monarchy in the Middle-east region, bordered by Saudi Arabia to the south and east, Iraq to the north-east, Syria to the north, and Israel and Palestine to the west. Its population reached 7.6 million in 2015,¹⁴ of which approximately 36% were children under the age of 15.¹⁵ Amman, Jordan's capital is considered one of the region's leading child-friendly cities, with students participating in children's municipal councils to discuss their needs, rights and interests.¹⁶

Jordan has an "upper-middle-income" economy;¹⁷ however, unemployment rates have remained between 12-13% (13.2% in 2006 and 12.3% in 2011), and quality jobs were deemed insufficient, leaving over 180,284 unemployed in 2009. Youth unemployment rates reached 27%, "which [fell] disproportionately on the young, with more than double the over-all unemployment rate for 2009".¹⁸

Primary education is obligatory for Jordanians and is provided without charge at government schools,¹⁹ and students are required to attend the basic education cycle of 10 year duration.²⁰ Hence, the literacy rate in Jordan is the highest in the region, and the country ranks 110 out of 194 in the world, representing a percentage of 99 for males between 15 and 24 years old, and 99.2 for

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- 1 UNFPA (2015), "State of world population 2015, Shelter from the storm, A transformative agenda for women and girls in a crisis-prone world", 124, accessed 11 May 2016, http://www.unfpa.org/sites/default/files/sowp/downloads/State_of_World_Population_2015_EN.pdf.
 - 2 *Ibid.*
 - 3 *Ibid.*
 - 4 International Monetary Fund (2016), World Economic Outlook Database, April 2016, accessed 11 May 2016, https://www.imf.org/external/pubs/ft/weo/2016/01/weodata/weorept.aspx?sy=2015&ey=2016&scsm=1&ssd=1&sort=country&ds=.&br=1&pr1.x=49&pr1.y=13&c=439&s=NGDP_R%2CNGDP_RPCH%2CNGDP%2CNGDPD%2CNGDP_D%2CNGDPRPC%2CNGDPPC%2CNGDPDPC%2CPPPGDP%2CPPPPC%2CPPPSH%2CLUR%2CLP&
 - 5 The World Bank (2016), "Jordan, Overview", *The World Bank* website, last updated 1 April 2016, accessed 11 May 2016, <http://www.worldbank.org/en/country/jordan/overview#1>.
 - 6 The World Bank (2014), "Jordan Data, World Development Indicators", 2014, accessed 11 May 2016, <http://data.worldbank.org/country/jordan>.
 - 7 Department of Statistics of the Hashemite Kingdom of Jordan, "Key Indicators", 11 May 2016, <http://web.dos.gov.jo/>.
 - 8 UNICEF (2014), "The State of the World's Children 2015: Reimagine the future", 38, accessed 11 May 2016, http://www.unicef.org/publications/files/SOWC_2015_Summary_and_Tables.pdf.
 - 9 The World Bank, "International tourism, number of arrivals 2014", accessed 11 May 2016, <http://data.worldbank.org/indicator/ST.INT.ARVL>.
 - 10 Internet World Stats, Usage and Population Statistics. "Middle East", last updated November 2015, accessed 11 May 2016, <http://www.internetworldstats.com/middle.htm#jo>.
 - 11 UNHCR (2016), "Jordan operational update", April 2016, accessed 11 May 2016, <http://reliefweb.int/sites/reliefweb.int/files/resources/UNHCR%20Jordan%20Operational%20Update%20APRIL%202016%20-%20FINAL.pdf>.
 - 12 The Embassy of the Hashemite Kingdom of Jordan in the U.S., "Culture and Religion", accessed 19 April 2016, <http://www.jordanembassyus.org/page/culture-and-religion>.
 - 13 Minority Rights Group International, "World Directory of Minorities and Indigenous People- Jordan", accessed 19 April 2016
 - 14 UNFPA, "State of world population 2015, Shelter from the storm, A transformative agenda for women and girls in a crisis-prone world".
 - 15 *Ibid.*
 - 16 UNICEF (2012), "The state of the world's children 2012, children in an urban world", February 2012, accessed 11 May 2016, http://www.unicef.org/sowc2012/pdfs/SOWC%202012-Main%20Report_EN_13Mar2012.pdf.
 - 17 The World Bank, "Country and Lending Groups", accessed 19 April 2016 2015. <http://data.worldbank.org/about/country-and-lending-groups>
 - 18 ILO Regional Office for the Arab States (2012), "Decent Work Country Programme 2012 – 2015 Jordan".
 - 19 "The Government shall ensure work and education within the limits of its possibilities, and it shall ensure a state of tranquillity and equal opportunities to all Jordanians." Government of the Hashemite Kingdom of Jordan, 1 January 1952, article 6 (ii).
 - 20 Government of the Hashemite Kingdom of Jordan (1994), "Education Act", Act No. 3/1994, Amman.

females.²¹ Jordan has also successfully achieved universal primary education, with a net enrolment ratio of 96.3% of girls and 97.9% of boys.²²

Jordan's GDP ranked 94th among the world's largest economies²³ averaging \$39.795 billion in 2015, according to the International Monetary Fund.²⁴ Internet users stood at 5,700,000 as of November 2015,²⁵ and the country had 4,100,000 Facebook users on the same date.²⁶

Although Jordan has been one of the model countries in the region in promoting and protecting children rights, child marriage rates have sharply increased in recent years (from 13% in 2011 to 25% in the first quarter of 2014),²⁷ due to a large number of refugees fleeing conflicts in Syria, Iraq and Palestine since 2012²⁸ (701,092 refugees are registered as living in Jordan²⁹). The escalation of the crisis in the region has had a significant impact on Jordanian society, which has been witnessing challenges such as domestic violence, violence against children, and "an immense strain on the economy and public services, including health, water, education, energy and service delivery, and youth employment".³⁰

Commercial Sexual Exploitation of Children (CSEC)

According to the Stockholm Declaration and Agenda for Action against Commercial Sexual Exploitation of Children, commercial sexual exploitation of children is defined as "sexual abuse by the adult and remuneration in cash or kind to the child or a third person or persons." The primary forms of CSEC are prostitution of children, child pornography/child sexual abuse materials, trafficking of children for sexual purposes, and sexual exploitation of children in travel and tourism.

The commercial sexual exploitation of children takes different forms in the Middle East and North Africa (MENA) region but its existence is often denied. Hence, CSEC is widely underreported and the scarce data makes it difficult to effectively address the problem.

Child, early and forced marriage is one of the major issues Jordan is currently facing. It can be considered as a form of commercial sexual exploitation when a child is received and used for sexual purposes in order to gain benefit, in exchange for goods or payment in cash.³¹ Many girls

21 UNICEF (2015), "State of The World's Children 2015 Country Statistical Tables, Jordan", accessed 11 May 2016, http://www.unicef.org/infobycountry/jordan_statistics.html#117

22 *Ibid.*

23 The World Bank, "GDP Ranking", accessed 19 April 2016, <http://databank.worldbank.org/data/download/GDP.pdf>

24 International Monetary Fund (2016), World Economic Outlook Database, April 2016, accessed 11 May 2016, https://www.imf.org/external/pubs/ft/weo/2016/01/weodata/weorept.aspx?sy=2015&ey=2016&scsm=1&ssd=1&sort=countr y&ds=.&br=1&pr1.x=49&pr1.y=13&c=439&s=NGDP_R%2CNGDP_RPCH%2CNGDPD%2CNGDPD%2CNGDP_D%2CNGDPR PC%2CNGDPPC%2CNGDPDPC%2CPPPGDP%2CPPPPC%2CPPPSH%2CLUR%2CLP&

25 Internet World Stats, Usage and Population Statistics, accessed 19 April 2016. <http://www.internetworldstats.com/middle.htm>.

26 *Ibid.*

27 UNICEF (2014). "Annual Report 2014 -Jordan", http://www.unicef.org/about/annualreport/files/Jordan_Annual_Report_2014.pdf.

28 UNICEF, Jordan Country Office (2014), "A study on early marriage in Jordan2014", Amman.

29 UNHCR (2016), "Jordan operational update", April 2016, accessed 11 May 2016, <http://reliefweb.int/sites/reliefweb.int/files/resources/UNHCR%20Jordan%20Operational%20Update%20APRIL%202016%20-%20FINAL.pdf>.

30 UNICEF Jordan, Overview, Situation of Children in Jordan, accessed 19 April 2016, http://www.unicef.org/jordan/overview_10086.html.

31 Riggio Chaudhuri, Eliana (2015), "Unrecognised sexual abuse and exploitation of children in child, early and forced marriage", Bangkok: ECPAT International, with the support of Plan International.

are forced to marry early, many times to escape acute poverty and for economic survival, and thus suffer from prolonged domestic violence. The minimum legal age for marriage in Jordan is 18 for both girls and boys, and is in line with the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women. Marriages involving children of 15-17 years are authorized only under specific circumstances which require special approval from a Shari'a court judge.³² However, the legal age of 18 is undermined by simple receipt of a judge's permission, which is reported to be easy to obtain, and may be given to children as young as 15. According to UNICEF, "there has been no significant decline in rates of child marriages registered in the Shari'a courts in Jordan from 2005 to 2013...the vast majority of girls who married below the age of 18 in 2011-2012 were Jordanian nationals",³³ 4% were Palestinian girls in 2013, and 31, 7% were Syrian girls in 2014.³⁴ "For all nationalities, the average age of early marriage was 16 years and 3 months".³⁵ Although data is scarce, there is evidence that, in Jordan, more than one in five underage girls who were previously married or had a formal union had experienced one or more incidents of partner violence.³⁶

Child prostitution is a manifestation of CSEC and occurs when a child is made available for sexual purposes, and may be performed in exchange for money but also for other goods or favours.³⁷ Prostitution, brothel ownership and pimping are illegal in Jordan, but there is no mention of child prostitution in the Penal Code, except for the general provision of Article 314 which penalises "anyone who has been entrusted with looking after a child aged between 6 and 16 years and allows him/her to stay in a brothel or frequent it."³⁸ According to Najat Maalla M'jid, the former UN Special Rapporteur on the sale of children, child prostitution and child pornography, generally child prostitution includes "early sexualisation and the dissemination of sexualised images of children, the effects of the economic crisis as well as violence, gangs and peer pressure. Some studies point to consumerism and the attractiveness of some goods for children as an incentive for transactional sex".³⁹

Sexual exploitation of children in travel and tourism (SECTT) is considered a critical aspect of child prostitution. It is defined as the "exploitation of children for sexual purposes by people who travel locally or internationally to engage in sexual activities with children".⁴⁰ According to the 2016 Global Study on Sexual Exploitation of Children in Travel and Tourism, SECTT is defined as: "Acts of sexual exploitation of children embedded in the context of travel, tourism or both."⁴¹ International tourist arrivals grew by three million in 2014 in the Middle East region, with Jordan recording a moderate growth of 1%.⁴² This being said, the phenomenon remains underreported, thus there is a lack of reliable data on the prevalence of these incidents due to very little country-specific research on

32 UNICEF, Jordan Country Office (2014), "A study on early marriage in Jordan2014", Amman.

33 *Ibid.*,8

34 *Ibid.*,8

35 *Ibid.*,8

36 UNICEF (2014), "Hidden in plain sight: A statistical analysis of violence against children", 132, New York.

37 ECPAT International (2006), "Questions & answers about the commercial sexual exploitation of children", Bangkok: ECPAT International.

38 Government of the Hashemite Kingdom of Jordan (1960), "Penal Code", Law No, 16/1960, article 314.

39 UN Special Procedures (2013), "Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat Maalla M'jid", UN Doc. A/HRC/25/48, 23 December 2013, para. 16.

40 UN Special Procedures (2012), "Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Najat Maalla M'jid", UN Doc. A/HRC/22/54, 24 December 2012, para. 12.

41 ECPAT International jointly with Defence for Children – ECPAT Netherlands (2016), "Offenders on the move, Global Study on Sexual Exploitation of Children in Travel and Tourism 2016", May 2016, 20, Bangkok: ECPAT International.

42 World Tourism Organization (2014), "Tourism Highlights, 2015 Edition", Madrid:WTO.

SECTT. Although Jordan is the country in the region with the most extensive and best-kept data collection system according to the Committee on the Rights of the Child,⁴³ there is no mention of a central data base for children.

In Jordan approximately 50,000 children aged between 5 and 16 years old are engaged in **child labour** today.⁴⁴ This increase was due in part to the high numbers of refugees fleeing Syria and Iraq in search of a safe shelter in Jordan. Syrian children are reported to be gradually more exploited for labour, mostly from the Za'atari camp which is the second largest refugee camp in the world, home to more than 120,000 people and where households are said to rely partly or entirely on children's income.⁴⁵ Syrian and Jordanian children are said to be engaged in the worst forms of child labour, and school is seldom an option for those who are forced to work long hours in deplorable conditions. The government and the international community are jointly failing to put an end to child labour as they lack a proper mechanism to monitor and control child labour in informal work such as work done by children within family businesses, as well as non-formal work in the agricultural sector.⁴⁶ Article 32 of the Convention on the Rights of the Child, ratified by Jordan, states that: "*States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.*"⁴⁷ Jordanian law is in conformity with international conventions and treaties; however, implementation is still very weak and these laws are not enforced.

Although Jordan has made efforts to combat child labour through the "Combating exploitive child labour through education" project launched in 2008, as well as the appointment of 20 child-labour liaison officers in 2010, in 2014 the Committee on the Rights of the Child regretted that a large number of children, mainly boys, still endured the harsh treatment working in the whole sale and retail trade and agriculture sectors, and a number of girls working as domestics workers were highly exposed to physical and sexual abuse.⁴⁸

The issue was specifically raised in the Jordanian National Plan of Action for Children,⁴⁹ with the aim of eliminating the worst forms of child labour in Jordan by the end of 2013, and decreasing the number of child labourers under 16 years of age, as well as raising awareness of the issue and its negative consequences on the physical and psychological development of the child.

Human trafficking is considered by some, as one of the worst forms of modern slavery. It can occur across borders or within a country, involving force, coercion or deception. Smuggling, on the other hand, involves people, usually migrants, who have expressed their consent to be carried in another country. When it comes to **trafficking of children**, this distinction doesn't apply because

43 Committee on the Rights of the Child, "Committee on Rights of Child examines reports of Jordan on the Convention, Children in armed conflict and the Sale of children", OHCHR News and Events, 27 May 2014, accessed 20 April 2016, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=14649&LangID=E>.

44 Atyyat, F. "From child's play to child labour in Jordan", *Equal Times*, 24 January 2013, accessed 20 April 2016, <http://www.equaltimes.org/from-childs-play-to-child-labour-in-jordan?lang=en#.VmFW47h97IV>.

45 UNICEF, Save the Children (2015), "Small hands, heavy burden. How the Syria conflict is driving more children into the workforce", Amman, accessed 20 April 2016, <http://childrenofsyria.info/wp-content/uploads/2015/07/CHILD-LABOUR.pdf>.

46 U.S. Department of Labour, Jordan: 2014 Findings on the Worst Forms of Child Labour, accessed 20 April 2015, <http://www.dol.gov/ilab/reports/child-labor/jordan.htm>.

47 UN General Assembly (1989), "Convention on the Rights of the Child", article 32.

48 CRC (2014), "Concluding observations on the combined fourth and fifth periodic reports of Jordan", 8 July 2014, CRC/C/JOR/4-5, para. 57 (a & b).

49 Government of the Hashemite Kingdom of Jordan (2004), "Jordanian National Plan of Action (NPA) for Children", Amman, http://www.un.org/en/development/desa/policy/mdg_workshops/mdgreports/jordan/unicef_jordan_resources.pdf.

children are unable to give informed consent to their own exploitation and consequently they are always victims of trafficking.⁵⁰ Jordan is considered a source, transit and destination country for trafficking in persons.⁵¹ Within Jordan, it has been shown that most of the men and women who are trafficked into forced labour are originally from Bangladesh, China and Sri Lanka.⁵² Children between the ages of 5 and 16 years old suffer from trafficking for the purpose of child labour in the 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, among “countries whose governments do not fully comply with the Trafficking Victims Protection Act's minimum standards, but are making significant efforts to meet those standards.”⁵³ The report emphasized the appalling situation faced by Syrian children refugees who are subjected to the worst forms of child labour, as well as the peddling of goods and begging.⁵⁴ According to one media report, some Syrian refugee women and girls are victims of trafficking for sexual purposes or are sold into forced marriages to Jordanians and wealthy men from the Arab states of the Persian Gulf for the purpose of prostitution.⁵⁵

The TIP report mentioned the thorough work conducted by the Public Security Directorate (PSD) and Ministry of Labour (MOL) joint anti-trafficking unit in increasing investigations of potential trafficking cases. In 2014, 311 potential trafficking cases were referred for prosecution. This was a considerable increase from the 24 investigations and 17 prosecutions in 2013. In December 2014, it was reported that a 17-year-old Syrian refugee girl was forced into 21 “temporary” marriages in two years to various men for the purpose of prostitution, and then forced to endure seven hymen reconstruction surgeries. In 2014, there was a total of 28 convictions of offenders under the anti-trafficking law, according to the Ministry of Justice. The convicted trafficking offenders received penalties ranging from one to 10 years’ temporary hard labour, three to six months’ imprisonment, and financial fees.⁵⁶

The protection of the family, and especially children, is fundamental in Jordan and deeply-rooted in the decree that founded the Jordanian Government. However, statistics indicate that a high number of children aged between 2 and 14 years have experienced **violent discipline** (psychological aggression and/or physical punishment (90.2%), “including being hit with an object such as a rod, rope or cane, or being bitten or burned”).⁵⁷ According to UNICEF, physical violence is the leading cause of injury and death among children around the world. “Physical violence takes both fatal and non-fatal forms and encompasses physical torture, cruel and inhuman physical punishment, physical bullying and hazing, and corporal punishment”, according to General Comment No. 13 on the Convention on the Rights of the Child.⁵⁸ Statistics have shown that violence against children

50 ECPAT International (2006), Questions & answers about the commercial sexual exploitation of children, Bangkok.

51 U.S. Department of State (2016), “Trafficking in Persons Report 2016”, June 2016, Washington D.C, 220.

52 ILO (2010), “Eliminating Forced Labour and Trafficking in Jordan”, accessed 20 April 2016, http://www.ilo.org/global/topics/forced-labour/WCMS_104064/lang--en/index.htm.

53 U.S. Department of State, “Trafficking in Persons Report 2016”, 56.

54 *Ibid.*, 220.

55 Harper, L., “Syrian women in Jordan at risk of sexual exploitation at refugee camps”, The Guardian, 24 January 2014, accessed 21 April 2016, <http://www.theguardian.com/global-development/2014/jan/24/syrian-women-refugees-risk-sexual-exploitation>.

56 U.S. Department of State, “Trafficking in Persons Report 2016”, 220.

57 Elayyan, Khalil, (2007), “Violence against children study in Jordan: Summary 2007”, Amman: UNICEF Jordan, accessed 11 May 2016, www.unicef.org/jordan/VAC_Study_English_FOR_SCREEN.pdf.

58 CRC (2011), “The right of the child to freedom from all forms of violence”, General Comment No. 13/2011, CRC/C/GC/13, para. 21(g).

is commonplace in Jordan, including verbal violence (being shouted at, yelled at, screamed at or insulted) at home and at school which is affecting 70% of girls and boys.⁵⁹ This has had the government to launch a national campaign calling for an end to violence against children in all public schools. Alongside with the anti-violence campaign, a national health strategy has been established by the Ministry of Health to combat violence against children, which included a new child abuse diagnosis and referral process in the health system.⁶⁰

Although there are no significant reported studies regarding **sexual violence**⁶¹ among children in Jordan, a recent and first of its kind study published in 2015⁶² highlighted the issue of sexual related assaults⁶³ among children in the Northern region of Jordan occurring between 2003 and 2007. Reports were based on the *Forensic Medicine Teaching Centre of North of Jordan Clinic cases*, and were reviewed for age, gender, toxicological analysis, and relevant information provided by victims and their families. The results showed that Jordanian children, aged between 3 to 17 years, are as vulnerable to sexual assaults as their counterparts worldwide; 53% of the cases were male victims; most cases were considered assaults, while 37.1% were cases of rape. Generally, offenders were strangers.⁶⁴

59 UNICEF (2012), "Jordan, Country programme document 2013-2017", para. 10, accessed 11 May 2016, http://www.unicef.org/about/execboard/files/Jordan-2013-2017-final_approved-English-14Sep2012.pdf.

60 *Ibid.*

61 According to the World Health Organization [WHO] (2013b), sexual violence refers to any sexual act; attempt to obtain a sexual act, or other act directed against a person's sexuality through coercion by any person regardless of his or her relationship to the victim in any setting. It includes rape, defined as the physically forced or otherwise coerced penetration of the vulva or anus with a penis, other body parts, or objects. Sexual harassment is defined as sexual violence, which relates to sexual behaviours, either verbal or physical or in the form of suggestions intended to infringe or affect another party (Palestinian Central Bureau of Statistics [PCBS], 2011).

62 Ali M. Shotar, Sukaina Alzyoud, Arwa Oweis, et al. (2015), "Sexual Offenses Among Children in the North of Jordan: An Exploratory Study", *Journal of Child Sexual Abuse*, no 24(5): 538-554.

63 "The term sexual assault refers to sexual contact or behaviour that occurs without explicit consent of the victim. Some forms of sexual assault include: Penetration of the victim's body, also known as rape; Attempted rape; Forcing a victim to perform sexual acts, such as oral sex or penetrating the perpetrator's body; Fondling or unwanted sexual touching." Rape, Abuse & Incest National Network, accessed 21 April 2016, <https://rainn.org/get-information/types-of-sexual-assault/sexual-assault>.

64 Ali M. Shotar, Sukaina Alzyoud, Arwa Oweis, et al. (2015), "Sexual Offenses Among Children in the North of Jordan: An Exploratory Study".

NATIONAL PLANS OF ACTION AND POLICIES ON THE PROTECTION OF CHILDREN FROM CSEC

According to the Stockholm Declaration, each government should develop and implement specific policies and National Plans of Action to protect children from all forms of CSEC in order to establish a comprehensive framework for intervention in the following five key areas: coordination and cooperation, prevention, protection, recovery and reintegration, and child participation.

The Hashemite Kingdom of Jordan has consistently put child protection at the core of its different strategies. Several initiatives have been launched regarding child protection, aligned with international conventions, including the Convention on the Rights of the Child ratified in 1991.⁶⁵ Although Jordan has not developed any national plan specific to the commercial sexual exploitation of children, **the Jordanian National Action Plan (NAP) for Children (2004-2013)** mentioned among its objectives “to decrease cases of child abuse in all their forms, physical, psychological or sexual, and neglect, through expanding preventive measures...eliminate child pornography, commercial sexual exploitation of children and trafficking, protect children with special needs from discrimination, abuse, exploitation, negligence and violence”, by extending preventive measures.⁶⁶ This third component of the Plan related to the protection of children in difficult circumstances aimed to protect children from all forms of exploitation, abuse and forced labour, and assured them their right to education and normal development. The establishment of a Family Protection Department helped in the reception of approximately 8600 cases of child victims of abuse and neglect during 2010.⁶⁷ However, only a small percent of child sexual abuse cases are thought to be reported, due to the stigma that can be experienced by the family, lack of knowledge of what constitutes abuse, or the family involvement in the abusive situation. Moreover, under the same section on child abuse and neglect, special attention was given to the protection of children with special needs from discrimination, exploitation, abuse, negligence and violence; and overall, the development and improvement of quality services offered to children was also discussed, including shelters, counselling, legal, health and police services.⁶⁸

The burden of filing reports has also been an obstacle, thus one of the reasons many cases are ignored, unrecorded or unreported.⁶⁹ To tackle this challenge, a new strategy has been introduced by the Family Protection Department for taking children’s testimonies, consisting of the recording of statements made by children on video cameras, in order to spare them the pain of recounting numerous times details of their experiences.⁷⁰ Furthermore, police can be easily convinced to refrain

65 UN General Assembly (1989), “Convention on the Rights of the Child”.

66 Government of the Hashemite Kingdom of Jordan (2004), “Jordanian National Plan of Action (NPA) for Children”, http://www.un.org/en/development/desa/policy/mdg_workshops/mdgreports/jordan/unicef_jordan_resources.pdf.

67 Doucette, Ann M, (2013), “Impact Evaluation, Jordan River Foundation, Community Empowerment Program (CEP), Jordan River Child Safety Program (JRCSP)”, Amman: Jordan River Foundation, 43.

68 Government of the Hashemite Kingdom of Jordan (2004), “Jordanian National Plan of Action (NPA) for Children”, Amman, accessed 21 April 2016, http://www.un.org/en/development/desa/policy/mdg_workshops/mdgreports/jordan/unicef_jordan_resources.pdf.

69 *Ibid.*

70 Vergara, M., “Jordan police are child-friendly”, *UNICEF Newslines*, 6 August 2004, accessed 21 April 2016, http://www.unicef.org/protection/57929_22857.html.

from intervening on the child victim's behalf, due to a lack of understanding of the seriousness and harm related to the abuse, along with a lack of enthusiasm to get involved in "family business".⁷¹

The Jordanian NAP for Children was developed while taking into consideration a number of commitments. First, by following the international and regional instruments established for children, such as the Convention on the Rights of the Child,⁷² the Arab Plan of Action for Children (2004-2015),⁷³ the new agenda and priorities for children implemented by the UN General Assembly in 2002 in "A World Fit for Children",⁷⁴ and the Millennium Development Goals (MDGs). A number of national strategies, plans and commitments made to children were also taken into account, including the National Strategy for the Elimination of the Worst Forms of Child Labour (2003). The plan's vision was to form a frame of reference to guide decision makers in the sectors concerned with childhood through the basic principles of child rights.

The National Strategy to Combat Trafficking in Persons (2010 – 2012) adopted preventive policies to combat trafficking and exploitation of children and charged several entities to implement these programmes, including the Ministry of Social Development, Ministry of Interior, Ministry of Labour, Public Security Directorate, National Council for Family Affairs, and local and international organizations and commissions.⁷⁵ Their primary strategic plan regarding this policy was to design programmes to monitor child entry into the kingdom and their residence in it, and also organise programmes aiming to prevent child labour and exploitation.

The National Strategy endeavoured to adopt a human rights-based approach in harmony with international standards in the protection and assistance of victims and those affected by trafficking in persons, especially women and children. This programme took into consideration the child's best interest, following the international conventions and practices related to combating child trafficking. However, in 2014 the Committee on the Rights of the Child, noting the presence of relevant national plans and strategies, was concerned by "the lack of coherence and appropriate coordination between those strategies, which affects the capacity of the State party to tackle all offences under the Optional Protocol."⁷⁶ Therefore, the Committee asked Jordan to develop a new national plan addressing all issues related to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.⁷⁷ To date, this recommendation has not been addressed. The UN Special Rapporteur on Trafficking in Persons, Especially Women and Children reported recently that the National Anti-Trafficking Strategy (2010-2012) has remained in force since its adoption without revision or evaluation of its outcomes and recommended that Jordan adopts a new national plan of action.⁷⁸

71 Doucette, Ann M, (2013), "Impact Evaluation, Jordan River Foundation, Community Empowerment Program (CEP), Jordan River Child Safety Program (JRCSP)", 43.

72 UN General Assembly (1989), "Convention on the Rights of the Child".

73 The Arab Plan of Action for Children (2004-2015), issued by the League of Arab States during the Arab Summit in Tunis (March 2004), identifies strategies for achieving the Millennium Development Goals while improving children's conditions in the region, <https://www.crin.org/en/library/publications/draft-arab-action-plan-childhood>

74 UN General Assembly (2002), "A world fit of children", UN Doc. A/RES/S-27/2, 11 October 2002.

75 Government of the Hashemite Kingdom of Jordan (2010), "National Strategy to Combat Trafficking in Persons", http://www.ahtnc.org.jo/sites/default/files/trafficking_in_persons.pdf.

76 CRC (2014), "Concluding observations on the report submitted by Jordan under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography", CRC/C/OPSC/JOR/CO/1, para 8.

77 UN General Assembly (2000), "Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography", A/RES/54/263 of 25 May 2000.

78 UN Human Rights Council (2016), "Report of the Special Rapporteur trafficking in persons, especially women and children, on her mission to Jordan", A/HRC/32/41/Add.1, 8 June 2016, para. 34 and 89(e).

Child labour in Jordan has been one of the consequences of the Syrian crisis, affecting both nationals and refugees. In order to combat this scourge a **National Framework to Combat Child Labour** (NFCL) was established in 2011 as a national reference document that clearly identified different methods in dealing with child labour cases. It aimed at strengthening coordination between relevant ministries in tackling the issue, specified roles and responsibilities that various parties should adopt to provide the best services to working children and their families, and aimed to bring back these children to their natural place in school. The project ran until 31 March 2016; during its extended phase (2015-2016), the NFCL has been implemented in 11 out of 12 governorates in Jordan and the Child Labour Unit at the Ministry of Social Affairs has been strengthened in order to build its capacity of dealing with child labour prevention and monitoring.⁷⁹

Moreover, the Ministry of Labour, in collaboration with the ministries of Education and Social Development and the International Labour Organization (ILO), developed in 2014 a new first-of-its-kind government website,⁸⁰ aimed at addressing and tackling the issue of child labour throughout the country. This platform, if updated, would be a resourceful reference to keep track of the achievements made, outlining the work stakeholders are undertaking to tackle the issue, and to search reports, studies and any relevant materials.

79 ILO, "Moving towards a Child Labour Free Jordan", accessed 21 April 2016, http://www.ilo.org/beirut/projects/WCMS_220170/lang--en/index.htm.

80 Jordanian Ministry of Labour (2014), "No to child labour" accessed 21 April 2016, <http://www.childlabour.gov.jo/index.php?lang=ar>.

COORDINATION AND COOPERATION

At the Local and National Levels

Protecting children's rights in Jordan has always been a definite priority and has been embedded in its legal framework and institutions, and also through its adherence to international conventions. **The Jordanian National Action Plan for Children** represented the core reference for different actions taken towards the protection of children; however, there has never been any specific entity charged with assessing, supervising or coordinating actions on child protection and commercial sexual exploitation of children, although this was briefly mentioned in the NAP.

The National Council for Family Affairs,⁸¹ chaired by HM Queen Rania Al-Abdullah, works in strengthening the Jordanian Family Unit, insuring a better quality of life to families through a national agenda engaged in the protection of the family ties, women and children, as well as coordinating policy issues involving abused or exploited children. The council has organised multiple conferences such as the "First Arab Regional Conference for Family Protection",⁸² the "Global Women's Action Network for Children Conference" (in partnership with Save the Children),⁸³ the "World Family Summit +2",⁸⁴ and the "Second Arab conference for Family Protection from family violence",⁸⁵ putting children at the heart of the discussions.

Serving as an agency coordinating Jordan's national efforts, **the National Task Force for Children** aims at improving the current levels of accomplishments on child-related issues, and contributing to the achievement of "child survival, development, protection and participation rights of Jordan's children".⁸⁶ The Task Force has brought together governmental, nongovernmental, and international organisations to develop and enhance initiatives improving the rights and well being of children in Jordan. The Task Force, working together with its Research and Database Unit, known today as the Information and Research Centre – King Hussein Foundation (IRCKHF),⁸⁷ has a mandate to monitor the implementation of children's rights in general; their primary work areas are child health, welfare and development.

The **Child Safety Programme**,⁸⁸ established by the Jordan River Foundation, was started in 1997 to fill the gap in recovery services for abused children. The lack of similar initiatives throughout the country has been an incentive for the Foundation to develop its programme through intervention, prevention, and raising awareness of child abuse in Jordan. Under the umbrella of the same programme, the Foundation, in partnership with the Ministry of Social Development (MOSD) and

81 The National Council for Family Affairs, "About us", accessed 22 April 2016, <http://www.ncfa.org.jo/>.

82 The "First Arab Regional Conference for Family Protection" was held on 13-15 December 2005 in Amman, Jordan.

83 The "Global Women's Action Network for Children Conference" was held on 11-13 June 2006 at the Dead Sea, Jordan.

84 The World Family Summit +2 was organised by the World Family Organization in partnership with the National Council for Family Affairs of Jordan, under the High Patronage of Her Majesty Queen Rania Al Abdullah, and the support of the United Nations Department of Economic and Social Affairs/NGO-Section/UN-NGO-Informal Regional Network. It took place from 5-7 December 2006 at the Dead Sea, Jordan, http://www.worldfamilyorganization.org/wfs/summit/wfs2008/wfs4_wfs2.htm.

85 The "Second Arab Regional Conference for Family Protection" took place on 16-17 February 2009 in Amman, Jordan.

86 Child Rights International Network, National task force for children – Jordan, accessed 22 April 2016, <https://www.crin.org/en/library/organisations/national-task-force-children-jordan>.

87 Information and Research Center - King Hussein Foundation, "About us", accessed 22 April 2016, <http://irckhf.org/en/information-and-research-center-king-hussein-foundation>.

88 Jordan River Foundation, "Overview", accessed 22 April 2016, <http://www.jordanriver.jo/?q=content/jrcsp/overview>.

the Family Protection Department, established **Dar al-Aman Centre (DAA)**⁸⁹ (House of Safety in Arabic) in 2000. DAA is considered the first child safety centre in the Arab world and offers a variety of services, including shelter, psychological, health, and educational services for emotionally, physically, and sexually abused children. DAA, created to cater to the needs of child victims of domestic violence and sexual abuse in general, has a capacity to accommodate 40 children from infancy to early adolescence. Depending on the type of abuse (within or external to the family), therapy sessions are tailored to the requirements of each case, and contact among family members is scheduled and planned according to the child's progress (therapeutically) and the family's therapy progress. DAA provides a home atmosphere to children, where they're accommodated in apartments and attend public system schools. The child is intended to be reunited with his family after a complete recovery deemed sufficient from DAA. Funds for DAA programmes are based on donations and sponsorship, as well as contributions from the MOSD. For its considerable efforts, Dar al-Aman is reportedly considered a model child welfare and safety programme.⁹⁰ In 2007, in the framework of the same programme, the Jordan River Foundation established **110 for Families and Children**, a toll-free helpline that offers counselling to children and families. Its main aim is to empower children and families in order to promote and protect the well-being of children in Jordan through a free telephone service based on confidentiality, empowerment, tolerance and competence. Besides providing consultations on child-related issues and psychological support, the Helpline's staff work to link callers to appropriate and accessible service providers in different fields – e.g. protection, legal affairs, special needs, education, health, counselling, economic support, services for refugees – , and then follow up with both the callers and the service providers.⁹¹

In addition to what is described above, the Jordan River Foundation is also very active in the organization of self-empowerment courses aimed to build women's interpersonal skills while raising their awareness on topics related to responsible and communicative parenting. These activities may contribute to prevent child marriage and exploitation of children in prostitution.⁹²

Concerned about the human trafficking issue in Jordan, **the Jordanian National Centre for Human Rights (NCHR)**⁹³ launched a specific hotline to report human trafficking cases, and also implementing an awareness media project to educate the general public about the issue of human trafficking. Fully supporting the initiative, the **Princess Basma Youth Resource Centre**⁹⁴ works side by side with the NCHR and the Jordanian government in promoting public awareness on human trafficking, and organises “national and regional anti-trafficking workshops and trainings of law enforcement officials and representatives of human rights organizations on combating human trafficking and protecting victims of trafficking”.⁹⁵ The **Queen Zein Al Sharaf Institute for Development**⁹⁶ seeks to raise awareness on human trafficking, and cooperates effectively with the Goodwill Campaign,

89 Jordan River Foundation, “Dar Al Aman (DAA)”, accessed 22 April 2016, <http://www.jordanriver.jo/?q=content/jrcsp/dar-al-aman-daa>.

90 Gavlak, Dale (2009), “*Child Maltreatment Comes Out of the Shadows*” *WHO Bulletin*, Vol. 87, 333-334.

91 Jordan River Foundation, “110 for Families and Children”, accessed 1 August 2016, <http://www.jordanriver.jo/?q=content/jrcsp/110-families-and-children>.

92 Information provided by Jordan River Foundation; See e.g. Jordan River Foundation, “Jordan River Community Empowerment Program (JRCEP)”, <http://www.jordanriver.jo/?q=content/jrcep/overview>.

93 “The National Centre for Human Rights (NCHR) is an independent national institution which, according to its law No. 51 for the year 2006, has a juridical personality with full financial and administrative independence in practicing its intellectual, political and humanitarian activities related to human rights.”, <http://www.nchr.org.jo/english/Aboutus.aspx>.

94 The Princess Basma Youth Resource Centre was established in 2002; it is a leading national resource centre for youth issues, http://www.princessbasma.jo/index.php?page_type=pages&page_id=490.

95 The Protection Project (2010), “A Human Rights Report on Trafficking in Persons, Especially Women and Children, Jordan”, accessed 22 April 2016, <http://www.protectionproject.org/wp-content/uploads/2010/09/Jordan-FINAL.pdf>.

96 The Queen Zein Al Sharaf Institute for Development was established in 1994 by Her Royal Highness Princess Basma aiming to provide development oriented training, capacity building and research in the Arab region, http://www.princessbasma.jo/index.php?page_type=pages&page_id=461.

a national campaign launched for the first time in 1991 by Princess Basma and still active, which has the purpose to offer assistance to the most vulnerable families while encouraging their self-sustainability.⁹⁷

Moreover, assistance and protection for victims of trafficking is available thanks to a specialised government unit, the **National Anti-Human Trafficking Committee**, established pursuant to article 4 of the Anti-Human Trafficking Act.⁹⁸ It is composed of representatives of various ministries and government departments and it is chaired by the Minister of Justice.⁹⁹ The Committee “is responsible, inter alia, for drawing up anti-trafficking policy and guidelines and reviewing legislation related to trafficking. It provides assistance to victims, including by facilitating their stay in shelters and arranging their repatriation. It is also engaged in awareness-raising and cooperation with national, regional and international counterparts.”¹⁰⁰ A targeted training has been provided to the personnel serving the unit, and a bilingual hotline is also made available to collect information on trafficking in persons.¹⁰¹

A variety of other activities programmes and facilities that support children, run by government and private sectors, have been established. **The Family Protection Department (FPD)**¹⁰² operates on the frontlines as an official intervening body responsible for the protection of children who are victims of domestic abuse, including the provision of psychological services.

The Ministry of Social Development¹⁰³ is a governmental body based upon four main laws¹⁰⁴ and several directives including “The Childhood Welfare Directive” (1972), the “Protection from Domestic Violence Law” (2008), the “Licensing Children Shelters Directives” (2009), and the “Victims of Human Trafficking Protection and Support Directive” (2012). The Ministry is responsible for fulfilling three objectives: welfare and protection, human development and legislation. Therefore, it offers protective and shelter services for children victims of abuse and domestic violence until they have re-established positive relations and reconciled with their respective families. HM Queen Rania Al-Abdullah has supported the House of Family Protection project, which received the United Nations Sensitive Public Service Award (UNPSA) in 2013, granted each year to the best public service institutions worldwide.¹⁰⁵ More focused on the issue of child labour, different mechanisms have been appointed to coordinate government efforts, such as the National Committee on Child Labour, led by the Ministry of Labour, the National Centre for Family Affairs, the Technical Committee on Syrian Refugees under the Ministry of Labour’s Child Labour Unit, and the National Framework to Combat Child Labour.¹⁰⁶

97 Princess Basma, “National Goodwill Campaign”, accessed 22 April 2016, http://www.princessbasma.jo/index.php?page_type=pages&page_id=464.

98 Government of the Hashemite Kingdom of Jordan (2009), “Anti-Human Trafficking Act”, Law 9/2009.

99 Anti-Human Trafficking National Committee, “National Committee Members”; accessed 22 April 2016, <http://www.ahtnc.org.jo/en/national-committee-members>.

100 UN Human Rights Council (2016), “Report of the Special Rapporteur trafficking in persons, especially women and children, on her mission to Jordan”, A/HRC/32/41/Add.1, 8 June 2016, para.37.

101 Ibid.

102 Jordan Public Security Department, “Family Protection Department”, accessed 22 April 2016, <http://www.familyprotection.psd.gov.jo/>.

103 Jordan Ministry of Social Development, “The Ministry”, accessed 22 April 2016, http://www.mosd.gov.jo/index.php?option=com_content&view=article&id=1336&Itemid=32.

104 “The Ministry of Social Affairs and Labor Law 1956 and its various amendments until 1966, the Law of Events 1968 and its multiple amendments until 2008, the Organizations Law 2008 and its amendments until 2009, and the Protection from Domestic Violence Law 2008.”, <http://www.mosd.gov.jo/images/documents/fawaz/mosd%20info/mosd-info.pdf>.

105 Public Administration and Development Management Department of Economic and Social Affairs, “UNPSA’s 2013 winners”, accessed 22 April 2016, <http://workspace.unpan.org/sites/Internet/Documents/2013%20UNPSA%20Winners%20FINAL.pdf>.

106 U.S. Department of Labor, “2014 Findings on the Worst Forms of Child Labour, Moderate Advancement”, accessed 22 April 2016, <http://www.dol.gov/ilab/reports/child-labor/jordan.htm>.

Governmental and nongovernmental sectors partnered and established a "Child Friendly Budgeting" initiative, a new concept that pushes policy makers and legislators to invest more in projects related to the protection of children and a child-focused public expenditure, and insure their integration into governmental planning.¹⁰⁷

Furthermore, significant and relevant campaigns and programmes have been led by several organisations, such as the "National campaign to end violence in all public schools" and "The Amani campaign" an inter-agency child protection initiative supported by UNICEF which raises awareness and promotes positive actions among families and communities nationwide in protecting children and women from violence, abuse and exploitation.¹⁰⁸

At the Regional and International Levels

In the past few years Jordan has consistently contributed to regional and global efforts for the prevention of child abuse and the respect of children rights and fundamental freedoms. A number of workshops were held in the country in partnership with several NGOs, UN agencies and governments of other States. Jordan also participated in regional and global conferences showing its willingness to cooperate with other States and learn from their good practices and implemented activities.

Unfortunately, although child abuse and violence were two of the main topics, not one of the above-mentioned actions was specifically addressed to the four CSEC manifestations. A number of all-encompassing regional workshops were organised in order to avoid and prevent protection risks for children affected by the Syrian crisis.

In May 2015 a two-day regional interagency workshop took place in Amman in order to identify challenges, and ways to address them, in the child protection sector taking into account the specific features of the on-going and six-year long Syrian conflict.¹⁰⁹ The workshop, co-organized by UNICEF and UNHCR Regional Offices, saw the participation of representatives from NGOs and UN agencies located in Jordan, Lebanon, Iraq, Turkey, Egypt and Syria.¹¹⁰ The addressed issues included, *inter alia*, child marriage, child labour and sexual violence.¹¹¹ Participants shared information about their national children protection systems as well as promising field practices which could be used as models by the other countries in the region. In particular, Jordan representatives reported that "a round table on child marriage involving Shari'a court judges, training and advocacy has resulted in increased awareness among Shari'a court judges on how to operationalise the Best Interests principle into the decisions on whether children under 18 should be authorized to marry."¹¹²

In January 2015, a bilateral workshop on "Child Rights and Child Marriage" was held in Madaba in cooperation with "The Arab World Center for Democratic Development & Human Rights (UniHRD)". It aimed to provide knowledge about the CRC as well as information on the current situation of

107 Jordan National Council for Family Affairs (2011), "Child-friendly Budgeting Initiative: Issue no.2 – January 2011", accessed 22 April 2016, <https://www.google.co.th/webhp?sourceid=chrome-instant&ion=1&espv=2&ie=UTF-8#q=Governmental+and+nongovernmental+sectors+partnered+and+established+a+%22Child+Friendly+Budgeting%22+initiative>.

108 UNICEF(n.d.), "Actions for children, Child protection", accessed 22 April 2016, . <http://www.unicef.org/jordan/protection.html>.

109 UNICEF and UNHCR (2015), " Child Protection, Syria Crisis Regional Interagency Workshop Report", accessed 18 May 2016, <http://reliefweb.int/report/syrian-arab-republic/child-protection-syria-crisis-regional-interagency-workshop-report>.

110 *Ibid.*, 25.

111 *Ibid.*, 3.

112 *Ibid.*, 5.

child marriage in Jordan and Syria, with a particular focus on the implications resulting from the Syrian conflict.¹¹³

Besides all the activities related to the current Syria crisis, in 2012 Jordan participated in a global workshop, held in Lomé, Togo, the purpose of which was to develop child-focused training for Jordanian law enforcement's officers following the path of the action plans developed during the previous regional workshops by francophone African delegations in collaboration with the International Bureau for Children's Rights.¹¹⁴ The primary objective of this training programme, organised and developed with the aid of Save the Children Jordan, was to "integrate, in a permanent and compulsory manner, quality training tools on children's rights and protection in the law enforcement training institutions, be it through the initial or the specialized training programme."¹¹⁵

More recently, the 4th Arab Regional Conference on Child Protection Against Violence (ARABCAN) was held from 18-20 April 2016 in Kuwait City by the Kuwait National Child Protection Program (KNCPP), the Arab Society for the Prevention of Child Abuse and Neglect (Arab SPCAN) and the International Society for the Prevention of Child Abuse and Neglect (IPSCAN).¹¹⁶ The conference, the purpose of which was to develop Arab cooperation mechanisms in the field of countering and preventing violence against children, saw the participation of several Jordanian experts who presented high-level scientific papers and presentations describing the incidence and the manifestations of different child protection concerns in Jordan – e.g. violence against children with disabilities and sexual abuse and harassments.¹¹⁷

Although efforts have been made in regard to the process of monitoring and coordination, it is essential to establish a national mechanism focused on coordinating the implementation of the UN Convention on the Rights of the Child (CRC) and the monitoring thereof, as well as to strengthen the coordination between the various government agencies and non-governmental organisations involved in the implementation and monitoring of the CRC.

113 Hanns Seidel Foundation (2015), "Workshop on Child Rights and Child Marriage, January 06-08, 2015 in Madaba/Jordan", News and Events, accessed 18 May 2016, <http://www.hss.de/jordan/en/news-and-events/news-2015/workshop-on-child-rights-and-child-marriage-january-06-08-2015-in-madaba-jordan.html>.

114 IBCR and Save the Children (2012), "Police officers and Gendarmes' training on children's rights in Jordan", accessed 18 May 2016, http://www.ibcr.org/editor/assets/Projet_JORDAN_epr3%20anglais.pdf.

115 *Ibid.*, 4.

116 ARABCAN (2016), "4th Regional Conference on child protection against violence", accessed 18 May 2016, <http://arabcan2016.com/>.

117 ARABCAN (2016), "Conference Programme", accessed 18 May 2016, <http://arabcan2016.com/doc/CHILD2016-Program-EN.pdf>.

PREVENTION: EDUCATION, INTERVENTION AND RESEARCH

Awareness raising and education

Effective prevention of sexual exploitation of children requires awareness-raising campaigns and government-led programmes, among other things. Strong efforts have been made to promote awareness among Jordanian families, children and all segments of society as a means of preventing sexual exploitation of children. Although there is a lack of systematic and comprehensive dissemination and awareness-raising activities on the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC)¹¹⁸ itself, which specifically addresses sexual offences against children, targeted trainings have been provided through children theatre workshops, such as “*Man Ana*” (who am I), which are designed to teach children that their bodies are private, and should not be subjected to sexual abuse.¹¹⁹ Moreover, several training activities on human trafficking were conducted in collaboration with intergovernmental and non-governmental organisations for judges and public prosecutors, as well as border security forces on how to identify victims of trafficking.¹²⁰

Schools are an ideal location in which to initiate efforts geared toward raising awareness of child sexual assault, and to provide children with the adequate materials to identify child abuse and how to report it. However, due to the socio-cultural sensitivity surrounding these crimes within Jordan, the issues related to the sale of children, child prostitution and child pornography remain, for the most part, invisible. Policies should also be aligned with the requirements of awareness-raising on child abuse, and should be developed to include parents in sexual assault education programmes to explain to them the importance of open communication and close relationships with their children.

In 2005, Jordan River Foundation (JRF) established the Child Safety Programme prevention services and allocated them into two categories: primary and secondary levels. Building community awareness goes to the primary level, through a national campaign to raise awareness among the public on the prevalence of child abuse and its consequences.¹²¹ At a secondary level, the Queen Rania Family and Child Centre (QRFCC) was established by JRF with the aim to “support and promote the healthy development of children and families, and to strengthen the capacities of professionals and institutions responsible for child wellbeing and safety.”¹²² In addition, JRF has established the Community Mobilization Unit in order to enhance the efforts accomplished by the Foundation in setting up a safe environment for children and protecting them from sexual abuse, as well as fostering a child friendly culture through community empowerment, awareness, participation and consensus.¹²³

118 UN General Assembly (2000), “Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography”.

119 CRC (2013), “Consideration of reports submitted by States parties under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography”, para. 46.

120 *Ibid.*, 105.

121 Doucette, Ann M, (2013), “Impact Evaluation, Jordan River Foundation, Community Empowerment Program (CEP), Jordan River Child Safety Program (JRCSP)”, 51.

122 *Ibid.*

123 *Ibid.*

In 2008, a four-year targeted programme was launched in eight governorates: Jarash, Al-Balqa, Irbid, Amman, Madaba, Arqa, Aqaba and Karak, aiming to improve the situation of child labour and remove 4000 children from exploitative work by offering quality education services, as well as awareness raising activities and trainings to prevent further exploitation and protect those at risk of being exploited.¹²⁴ Furthermore, in 2010, the National Strategy and Action Plan to Combat Trafficking in Persons was launched, which included four main thematic components: protection, prevention, and building cooperation and coordination in local and international levels. The primary goal was to highlight the need to protect and assist victims and those affected by trafficking offences, in particular children, through adopting a human rights approach that was in harmony with international standards.¹²⁵

The Amani Campaign, as mentioned above, is an inter-agency campaign aiming to change attitudes of the society toward the understanding of sexual abuse, through influencing the knowledge and behaviours of women, girls, men, and boys related to violence, abuse and exploitation in Jordan. The goal of the Campaign is to “contribute to prevent such acts, and to ensure that survivors are protected from further harm and seek needed support.”¹²⁶ Amani has developed different tools in awareness-raising about child protection, including a lecture style approach where the community is engaged to share their perspectives/experiences, such as the interactive community event on early marriage in Azraq camp.¹²⁷

Private sector involvement

The private sector has been actively involved in high-profile fundraising events or campaigns and in different initiatives related to education. One example is the “My School” (Madrasati) programme, established under the patronage of HM Queen Rania Al-Abdullah, aimed at supporting the rehabilitation of school infrastructure and the modernisation of educational equipment through private companies.¹²⁸ Some companies have also sponsored education grants for children of poor families, a basketball team and a Young Arab Leaders Forum meeting.¹²⁹

In Jordan, it is estimated that private education covers one third of the country’s needs and comprises *kindergarten*, basic, secondary and higher education. Day care services are also provided mostly by the private sector.¹³⁰

In regard to violence against children, Article 8 of the Family Protection Law in Jordan requires medical, social, educational, public and private sector service providers to report suspected cases of violence, including the tourism industry such as hotels and travel agencies.¹³¹ However, only 10 travel and tours operators, including hotels and associations, have signed the Code of Conduct for the Protection of *Children from Sexual Exploitation in Travel and Tourism*¹³² which aims to protect children from sexual abuse in travel and tourism.

124 CRC (2013), “Consideration of reports submitted by States parties under article 44 of the Convention, Combined fourth and fifth periodic reports of States parties due in 2011, Jordan”, para. 207.

125 *Ibid.*, para. 209.

126 UNICEF, UNHCR, UNFPA, Save the Children, et al. (2014), “Amani Campaign Implementation Guide, Jordan”, Amman, 6.

127 *Ibid.*, 25.

128 Madrasati, “About Us”, accessed 25 April 2016, <http://www.madrasati.jo/site.html>.

129 UNICEF, National Council for Family Affairs (2007), “Children in Jordan, Situation Analysis 2006/2007”, Amman, 132.

130 United Nations (2011). “*Country Assessment, Jordan*”. Amman

131 Government of the Hashemite Kingdom of Jordan (2008), “Family Protection Law”, Law No. 6/2008, article 8 (a).

The private sector has also played a key role in both the financing and the delivery of health services. Initiatives have been implemented for child victims to overcome post-traumatic stress or survivors of sexual exploitation, through therapy for those who can afford it. Several clinics are established and run by the private sector, including the Royal Medical Services, the Jordanian Association for Family Planning and Protection, and the UNRWA.¹³³

Deterrence measures

In order to prevent offences prohibited under the OPSC, including the sale of children, child prostitution and child pornography, several targeted preventive measures have been adopted but remain limited. According to the Committee on the Rights of the Child, “the Ministry of Social Development has established a database of ‘families at risk’ of domestic violence; however, no definition or list of criteria to identify the category is provided.”¹³⁴ Moreover, serious concerns exist in relation to the insufficient measures taken to combat gender-based discrimination and violence, which are deemed to be major causes of the sale of children, child prostitution and child pornography.¹³⁵

The government has put many efforts in preventing and eradicating trafficking in Jordan through the National Anti-Human Trafficking Committee¹³⁶ which has published a report documenting Jordan’s anti-trafficking efforts from 2010 to 2014. It has also distributed anti-trafficking brochures to foreign migrants at border crossings, police stations and airports. However, it is reported that the government didn’t provide any specific measures aimed at reducing the demand for commercial sex acts or forced labour, nor anti-trafficking training or guidance for its diplomatic personnel, or peacekeepers before their deployment abroad.¹³⁷

132 The Code, “Members of The Code”, accessed 25 April 2016, <http://www.thecode.org/who-have-signed/members/>.

133 CRC (2013), “Consideration of reports submitted by States parties under article 44 of the Convention, Combined fourth and fifth periodic reports of States parties due in 2011, Jordan CRC/C/JOR/4-5, 1 March 2013, para. 130(a).

134 CRC (2014), “Concluding observations on the report submitted by Jordan under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography”, para 18(a).

135 *Ibid.*, 18(b).

136 Government of the Hashemite Kingdom of Jordan (2009), “Anti-Human Trafficking Act”, article 4.

137 U.S. Department of State (2016), “Trafficking in Persons Report 2016”, June 2016, Washington D.C., 223.

PROTECTION: LEGISLATION AND ACCESS TO JUSTICE FOR CHILDREN

Children's rights instruments related to CSEC

Comprehensive and effective legislation is essential to protect children from CSEC. Specific laws must be developed, implemented and/or strengthened to combat the various manifestations of CSEC. These laws must be reviewed and updated regularly to incorporate evolving forms of CSEC, such as grooming or viewing and accessing child pornography online, and changes in the international legal framework. As well as enacting legislation that is compliant with international standards and obligations, national laws must be effectively enforced. Policies and procedures to protect child victims and/or witnesses are also essential.

Jordan ratified the CRC in 1991¹³⁸ and the OPSC in 2006. It also ratified Convention 182 on the Worst Forms of Child Labour¹³⁹ in 2000. In 2009, it acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (one of the three Palermo Protocols, also known as UN TIP Protocol),¹⁴⁰ supplementing the United Nations Convention against Transnational Organized Crime (CTOC or Palermo Convention).¹⁴¹

It should be noted that ratified international instruments do not automatically have the force of law in Jordan. According to the Jordanian Constitution, treaties affecting the public or private rights of Jordanians shall not be valid unless they are approved by the National Assembly.¹⁴² After approval, they must be promulgated by the King and then published in the Official Gazette before passing into law.¹⁴³ However, in accordance with the principle of the primacy of treaties, international treaties rank above national law,¹⁴⁴ with only the Constitution occupying a higher position in the hierarchy of laws in Jordan.¹⁴⁵ Consequently, in case of a conflict between a national law and a provision of the CRC, the CRC prevails.¹⁴⁶

138 Jordan made a reservation to its ratification of the CRC: "The Hashemite Kingdom of Jordan expresses its reservation and does not consider itself bound by articles 14, 20 and 21 of the Convention, which grant the child the right to freedom of choice of religion and concern the question of adoption, since they are at variance with the precepts of the tolerant Islamic Shari'a." See: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11&chapter=4&lang=en#EndDec.

139 ILO (1999), "Worst Forms of Child Labour Convention, Convention no. 182/1999, Geneva.

140 UN General Assembly (2000), "United Nations Convention against Transnational Organized Crime, Annex 2: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime", Res. 55/25 of 15 November 2000.

141 UN General Assembly (2000), "United Nations Convention against Transnational Organized Crime, Annex 1", Res. 55/25 of 15 November 2000.

142 Government of the Hashemite Kingdom of Jordan, "Constitution of The Hashemite Kingdom of Jordan", 1 January 1952, article 33(ii).

143 *Ibid.*, article 93(ii).

144 In its Decision No. 945/2009, the Jordanian Court of Cassation, in which the Court, sitting as a civil court, held that: "In case law and doctrine, there is a consensus that international treaties concluded by a State rank higher than the domestic laws of that State and that these treaties take precedence if their provisions conflict with the State's internal law. Furthermore, the application of international treaties and laws is the province of the judiciary and parties to proceedings have no discretion as to the treaty or law that they wish to invoke insofar as the matter is one of public order and hinges on completion of the constitutional procedures relating to agreements and treaties in the country where the dispute is being heard." CRC (2013), "Consideration of reports submitted by States parties under article 8, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, Initial reports of States parties due in 2009, Jordan", 27 February 2013, CRC/C/OPAC/JOR/1, para. 10.

International Instruments related to CSEC	
Human Rights Bodies Related to Child Rights	Comments
Charter-based Bodies	
Working Group on the Universal Periodic Review (UPR) – Human Rights Council	<p>Last review 25th session (2014) – Conclusions and/or Recommendations related to CSEC which have been examined by Jordan and “enjoy the support” of Jordan:</p> <ul style="list-style-type: none"> • “Strengthen legislation protecting women and girls from forced or underage marriage and strengthen its penal code regarding rape, in particular by removing article 308¹⁴⁷ and amending the Penal Code to remove the exemption of those accused of honour crimes from prosecution, and strengthen the enforcement of this legislation, particularly in refugee camps (Canada); • Continue efforts to strengthen the role of its national mechanisms and institutions for the promotion and protection of human rights in the country, particularly those of women and children (Bhutan); • Further promote the respect of human rights by executing public awareness campaigns on issues such as equal treatment between women and men, combating child labour, human trafficking and domestic violence (Cambodia); • Continue to devote special attention to the promotion and protection of the human rights of vulnerable groups, such as women, children and the elderly (Russian Federation); • Guarantee the protection of child rights and provide adequate juvenile justice facilities (United Arab Emirates);

145 CRC (2013), “Consideration of reports submitted by States parties under article 44 of the Convention, Combined fourth and fifth periodic reports of States parties due in 2011,, para. 5.

146 *Ibid.*, para.6.

147 “1. If a valid marriage is concluded between the perpetrator of one of the crimes provided in this Chapter and the victim, the prosecution shall be discontinued, and the execution of any sentence rendered against the perpetrator shall be stayed. 2. If the marriage ends with the divorce of the woman without a legitimate reason, the Prosecutor General may, before the lapse of three (3) years starting on the date of the commission of a misdemeanour, or five (5) years starting on the date of the commission of a crime, resume the prosecution”, Government of the Hashemite Kingdom of Jordan (1960), “Penal Code”, article 308 “Discontinuance and Resumption of the Prosecution”.

Charter-based Bodies

	<ul style="list-style-type: none"> • Ensure proper implementation of and execution of legal provisions relevant to the protection of women’s rights, and child rights specifically and the family in general (Algeria); • Continue with the efforts to fight against discrimination suffered by children, especially girls with disabilities (Argentina); • Continue to take measures to protect children against economic exploitation and violence (Nigeria); • Continue efforts to eradicate child labour within the framework of protection and promotion of the rights of the child (Ecuador); • Reduce all forms of violence against women and children (Estonia); • Pay attention to the trafficking in women and children for sexual and other exploitative purposes, preventing and combating such trafficking, also by means of including in the Human Trafficking Act a definition of trafficking, and ensure that trafficked women and girls have access to quality medical care, counselling and shelter (Kyrgyzstan); • Work towards the elimination of early, forced and child marriages, in particular taking steps to further limit the circumstances in which those under 18 years of age can marry (Sierra Leone); • Strengthen labour protections for all workers in Jordan, with special emphasis on migrants, children, and domestic workers (United States of America).¹⁴⁸ <p>Next review: 31st session, October-November 2018¹⁴⁹</p>
Special Rapporteur on the sale of children, child prostitution and child pornography	No visits to date
Special Rapporteur on trafficking in persons, especially in women and children	Ms. Maria Grazia Giammarinaro visited Jordan from 28 January 2016 to 4 February 2016. ¹⁵⁰

148 UN Human Rights Council, “Report of the Working Group on the Universal Periodic Review: Jordan”, A/HRC/25/9, 6 January 2014.

149 UN Human Rights Office of the High Commissioner, “UPR, Calendar of reviews for the 3rd cycle (2017-2021)”, accessed 25 April 2016, <http://www.ohchr.org/Documents/HRBodies/UPR/Calendar3rdCycle.doc>.

150 UN Human Rights Council (2016), “Report of the Special Rapporteur trafficking in persons, especially women and children, on her mission to Jordan”, A/HRC/32/41/Add.1, 8 June 2016.

Charter-based Bodies	
Special Representative of the Secretary-General on violence against children	No visits to date
Treaty-based Bodies	
Committee on the Rights of the Child	<p>2014 – Concluding observations and/or Recommendations related to CSEC</p> <ul style="list-style-type: none"> • Strengthen mechanisms for data collection by establishing a central database on children ensuring data is disaggregated by age and sex, among others things; • Repeal all legislation which discriminates against girls; • Repeal articles 308¹⁵¹ and 310¹⁵² of the Criminal Code and all legal provisions that can be used to excuse perpetrators of child sexual abuse; • Establish mechanisms, procedures and guidelines to ensure mandatory reporting of cases of child sexual abuse and exploitation; • Ensure accessible, confidential, child-friendly and effective reporting channels for all child victims of such violations, and abolish the requirement of the child victim being represented by a parent or a legal guardian; • Conduct awareness-raising activities to combat the stigmatization of victims of sexual exploitation and abuse; • Ensure the development of programmes and policies for the recovery and social reintegration of child victims;

151 Government of the Hashemite Kingdom of Jordan (1960), “Penal Code”, article 308 “Discontinuance and Resumption of the Prosecution”.

152 “A prison sentence of one (1) month to three (3) years, in addition to a fine of five (5) to fifty (50) Dinars, shall be imposed upon any person who leads, or attempts to lead: 1. A woman under twenty (20) years of age to have illegal sexual intercourse with another person in the country or abroad, provided that such a woman is not a prostitute, and is not known for her immoral character; 2. A woman to become a prostitute inside or outside the country; 3. A woman to leave the country to reside in, or regularly frequent a brothel; 4. A woman to leave her ordinary place of residence in the country, provided that such place of residence is not a brothel, to reside in, or regularly frequent, a brothel inside or outside the country with a view of engaging in prostitution; or, 5. A person under fifteen (15) years of age to be sodomized”, Government of the Hashemite Kingdom Jordan (1960), “Penal Code”, Law No,16/1960, article 310 “Incitement to Debauchery”.

Treaty-based Bodies		
	<ul style="list-style-type: none"> • Take active measures to put an end to the practice of early and forced marriage; • Take all necessary measures to ensure children's access to justice and effective remedy.¹⁵³ <p>Next State party's report: 22 July 2019</p>	
Children's Rights Instruments	Date of Ratification	Date of Submitted Reports
Convention on the Rights of the Child - 1989	24 May 1991	25 May 1993 ¹⁵⁴ 5 Aug 1998 ¹⁵⁵ 11 Jul 2005 ¹⁵⁶ 16 Aug 2012 ¹⁵⁷
	Reservations to articles 14, 20, and 21	
Children's Rights Instruments	Date of Ratification	Date of Submitted Reports
Optional Protocol on the sale of children, child prostitution and child pornography - 2000	4 Dec 2006	31 Jan 2011 ¹⁵⁸
ILO Convention on the Worst Forms of Child Labour - 1999 (No. 182)	20 Apr 2000	
UN Convention against Transnational Organized Crime - 2000	22 May 2009 Reservation to article 35, paragraph 2	
UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and children – 2000 (supplementing the UN Convention against Transnational Organized Crime)	11 Jun 2009 (accession) ¹⁵⁹	
Optional Protocol to the Convention on the Rights of the Child on a communications procedure – 2011	Not ratified	

153 CRC (2014), Concluding observations on the combined fourth and fifth periodic reports of Jordan".

154 CRC, "Consideration of reports submitted by States parties under article 44 of the Convention".

155 CRC, "Consideration of reports submitted by States parties under article 44 of the Convention", CRC/C/70/Add.4, 13 September 1999.

156 CRC, "Consideration of reports submitted by States parties under article 44 of the Convention", CRC/C/JOR/3, 2 March 2006.

157 CRC, "Consideration of reports submitted by States parties under article 44 of the Convention", CRC/C/JOR/4-5, 1 March 2013.

158 CRC, "Consideration of reports submitted by States parties under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, Initial reports of States parties due in 2009: Jordan".

159 "Accession" is the act whereby a state accepts the offer or the opportunity to become a party to a treaty already negotiated and signed by other states. It has the same legal effect as ratification." United Nations Treaty Collection, "Glossary of terms relating to treaty actions", accessed 25 December 2016, . https://treaties.un.org/pages/Overview.aspx?path=overview/glossary/page1_en.xml#accession.

Regional Instruments ¹⁶⁰		
Cairo Declaration on Human Rights in Islam ¹⁶¹ (Organisation of the Islamic Conference-OIC) ¹⁶²	1990 (agreement, the declaration does not require ratification)	
Arab Charter on Human Rights ¹⁶³ (League of Arab States ¹⁶⁴)	2004	
Covenant on the Rights of the Child in Islam (non-binding) ¹⁶⁵ (OIC)	2005	
Rabat Declaration on Children in the Islamic World (non-binding) ¹⁶⁶ (OIC)	2005	
Marrakech Declaration (non-binding) ¹⁶⁷ (League of Arab States)	2010	

Legislation

Jordanian law is based on a combination of foreign (e.g., Anglo-Saxon) and Islamic laws that were developed according to the Jordanian prevailing culture and social norms. The Jordanian Penal Code criminalises sexual intercourse with girls under 15 years of age regardless of consent, and

160 Abdul-Hamid, Yara (2011), "Situation Analysis: Middle East and North Africa", Beirut: Save the Children Sweden.

161 Organisation of the Islamic Conference (1990), "Cairo Declaration on Human Rights in Islam", 5 August 1990, accessed 26 April 2016, <http://www.refworld.org/docid/3ae6b3822c.html>.

162 Since 28th June 2011, it is called Organisation of the Islamic Cooperation. It's the second largest inter-governmental organisation after the United Nations which has membership of 57 states spread over four continents. The Organisation is the collective voice of the Muslim world and works to safeguard and protect the interests of the Muslim world in the spirit of promoting international peace and harmony among various people of the world. The Organisation was established upon a decision of the historical summit which took place in Rabat, Kingdom of Morocco on 12th Rajab 1389 Hijra (25 September 1969) as a result of criminal arson of Al-Aqsa Mosque in occupied Jerusalem.", OIC, "History", accessed 26 April 2016, http://www.oic-oci.org/oicv3/page/?p_id=52&p_ref=26&lan=en.

163 League of Arab States (2004), "Arab Charter on Human Rights", 22 May 2004, entered into force 15 March 2008, accessed 26 April 2016, <https://www1.umn.edu/humanrts/instree/loas2005.html>.

164 "Founded on March 19, 1945, the League of Arab States (LAS) is the oldest existing international organization in the world, predating even the creation of the United Nations by seven months. Beginning with seven countries (Egypt, Iraq, Lebanon, Saudi Arabia, Syria, Transjordan, and Yemen), the League has now grown to include twenty-two Arab nations (though Syria has been suspended since 2011)." The International Center for Not-for-Profit Law, "NGO Law Monitor: League of Arab States", accessed 26 April 2016, <http://www.icnl.org/research/monitor/las.html>.

165 Organization of the Islamic Conference (2005), "Covenant on the Rights of the Child in Islam", OIC/9-IGGE/HRI/2004/Rep.Final, adopted at the 32nd Islamic Conference of Foreign Ministers, 28- 30 June 2005, accessed 26 April 2016, <http://www.refworld.org/pdfid/44eaf0e4a.pdf>.

166 Organization of the Islamic Conference (2005), "Rabat Declaration on Child's Issues in the Islamic World", adopted First Islamic Ministerial Conference on the Child, 7-9 November 2005, accessed 26 April 2016, http://www.unicef.org/childrenandislam/downloads/declaration_english.pdf.

167 League of Arab States (2010), "Marrakech Declaration, Fourth Arab High Level Conference on the Rights of the Child, 19-21 December 2010", accessed 17 November 2015. http://srsg.violenceagainstchildren.org/sites/default/files/documents/marrakech_declaration_english.pdf.

adds an aggravated penalty if the girl is under 12 years of age.¹⁶⁸ Article 305 penalises anyone who touches a child under 15 of either gender in an unwanted sexual manner.¹⁶⁹ Rape is only penalised if the victim is female and marital rape is explicitly not criminalised; an aggravated penalty is provided if the victim is under 15.¹⁷⁰ However, article 308 states that rapists are spared from punishment or legal prosecution if they marry their victims and stay with them for five years.¹⁷¹ In 2015, a legal committee under the Ministry of Justice examining the Penal Code of 1960 decided to make amendments to the controversial article, along with more than 180 other articles. On 17 April 2016, the Jordanian Cabinet approved the new version of the Penal Code. Allegedly, the exemption provided by article 308 has been abrogated.¹⁷²

In order to contextualise the Jordanian Penal Code's approach to the offences relevant to CSEC, it should be noted that it categorises rape, unwanted sexual contact and indecent acts and words as offences against honour (Title VI, Chapter III), whereas incest is considered an offence against the family (Title VII, Chapter I).

Prostitution of Children

According to Article 2(b) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC) child prostitution is "the use of a child in sexual activities for remuneration or any other form of consideration."¹⁷³ This definition covers all acts of offering, obtaining, procuring or providing a child for child prostitution.¹⁷⁴

The Penal Code criminalises a variety of offences related to prostitution, including procurement, attempted procurement (art. 310), coercion or deception of a woman with the view of engaging her in prostitution (art. 311). Women who assist or oblige prostitutes to engage in prostitution can be imprisoned or fined (art. 316). Any person who forces a woman to engage in prostitution is subject to imprisonment (art. 317). Persons involved in the establishment, management, or assist in any way in the running of a brothel are also criminalised (art. 312). According to the above-mentioned provision, this includes renting or knowingly allowing a premise to be used as a brothel.

The only law in the Penal Code directly pertaining to children in prostitution is Article 314, which imposes imprisonment for up to six months or a fine of up to 20 Dinars for a "*caretaker of a child between 6 and 16 years of age, who permits the said child to reside in, or regularly frequent, a brothel.*"¹⁷⁵ More generally, a person is sentenced to temporary hard labour if they engage in sexual intercourse with a female under 15 years of age, with an aggravated penalty if the girl is under 12.¹⁷⁶ If a person has sexual intercourse with a girl under 18 and is related to her or in a position of authority and abuses the power given to him, he is also penalised with temporary hard

168 "1. Any person who has sexual intercourse with a female that is under fifteen (15) years of age shall be sentenced to temporary hard labour. 2. The sentence shall not be less than five (5) years if the victim is less than twelve (12) years of age.", Government of the Hashemite Kingdom of Jordan (1960), "Penal Code", Law No,16/1960, article 294 "Sexual intercourse with a female under fifteen (15) or twelve (12) years of age".

169 "A prison sentence for a period not exceeding one year shall be imposed upon any person who engages in unwanted sexual contact with: 1. Another person, male or female, under fifteen (15) years of age; or, 2. A woman or a girl, who has reached fifteen (15) years of age, but without their consent." Government of the Hashemite Kingdom of Jordan (1960), "Penal Code", Law No, 16/1960, article 305 "Unwanted sexual contact".

170 "1. Any person who has forced sexual intercourse with a female, other than his wife, shall be sentenced to at least five (5) years of temporary hard labour. 2. The sentence shall not be less than seven (7) years if the victim is less than fifteen (15) years of age", Government of the Hashemite Kingdom of Jordan (1960), "Penal Code", Law No,16/1960, article 292 "Rape". .

171 Government of the Hashemite Kingdom of Jordan (1960), "Penal Code", article 308.

172 JT (2016), "Amended Penal Code to enforce rule of law", *The Jordan Times*, 17 April 2016, accessed 26 April 2016, <http://www.jordantimes.com/news/local/amended-penal-code-enforce-rule-law%E2%80%9999>.

labour.¹⁷⁷ A more ambiguous provision of the Penal Code allows for the criminalisation of a person who “attacks without having recourse to violence and intimidation, the honour of a child, whether a boy or a girl, who is less than fifteen (15) years of age or forces the said child to commit such an act”.¹⁷⁸ This can be interpreted to include sexual offences against a child or forcing a child to engage in prostitution. Additionally, an increased penalty for “attacking the honour” of a person between 15 and 17 years of age applies to all those who are related to the child or abusing their position of authority.¹⁷⁹

According to the Committee on the Rights of the Child, “the Penal Code does not contain a clear definition of the offence of child prostitution and does not provide for sanctions commensurate with the gravity of the crime”.¹⁸⁰ This could contribute to loopholes, ambiguities, or ineffectiveness of the laws that govern prostitution. It is not clear what is considered “prostitution” and without a definition, it is impossible to discern if child prostitution includes all sexual activities that receive remuneration (as defined by the OPSC).

Furthermore, in article 310, child prostitution includes derogatory expressions which may be used to excuse the sexual exploitation of girls if they are considered to be of “immoral character”.¹⁸¹ The Committee on the Rights of the Child expressed its concern, stating that “despite the incorporation of some provisions of the Optional Protocol into national laws, such as Act No. 9 of 2009 on human trafficking and Act No. 23 of 1977 on human organ transplants, the domestic legislation of the State party is still not fully in compliance with the Optional Protocol.”¹⁸²

A stark difference between the international standard and Jordan’s national laws pertaining to child prostitution is the lack of protection for boys involved in child prostitution. The provisions dealing with acts of procuring a person for prostitution only apply when the victim is female. The provision on forced prostitution also only refers to females. Though having sexual intercourse with girls under the age of 15 is subject to a penalty, the applicable provision expressly does not include boys under 15.¹⁸³ Protection for boys only extends to those under 15, and perpetrators are only penalised if they “attack the honour” of a boy,¹⁸⁴ expose him to indecent acts or words,¹⁸⁵ engage in unwanted sexual contact with another person,¹⁸⁶ and incite someone to partake in sodomy.¹⁸⁷

173 UN General Assembly (2000), “Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography”, A/RES/54/263 of 25 May 2000, article 2(b).

174 *Ibid.*, article 3.1(ii) (b).

175 Government of the Hashemite Kingdom of Jordan (1960), “Penal Code”, article 314 “Children Residing in a Brothel”.

176 *Ibid.*, article 294 “Sexual Intercourse with a Female under fifteen (15) or twelve (12) years old”.

177 *Ibid.*, article 295 “Sexual intercourse with a female between fifteen (15) and eighteen (18) years old”.

178 *Ibid.*, article 298 “Attacking, without violence, the honour of a person”.

179 *Ibid.*, article 300 “Aggravating circumstances”.

180 CRC (2014), “Concluding observations on the report submitted by Jordan under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography”, para 24(a).

181 Government of the Hashemite Kingdom of Jordan (1960), “Penal Code”, Law No, 16/1960, article 310 “Incitement to Debauchery”.

182 CRC (2014), “Concluding observations on the report submitted by Jordan under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography”, para. 8.

183 Government of the Hashemite Kingdom of Jordan (1960), “Penal Code”, article 294.

184 *Ibid.*, article 298.

185 *Ibid.*, article 306 “Indecent Acts and Words”.

186 *Ibid.*, article 305 (1).

187 *Ibid.*, article 310 (5).

There is also a lack of protection for children between the ages of 15 and 17. Boys and girls between 15 and 17 are only protected from attacks on their honour if the perpetrator is related to them, or is abusing his/her position of authority.¹⁸⁸ Boys between 15 and 17 are not protected from unwanted sexual contact.¹⁸⁹ There is also a lack of accountability for caretakers of children to allow them to reside or frequent a brothel, as this provision only covers children between 6 and 16 years of age.¹⁹⁰

Though it is a crime to procure a woman for the purposes of prostitution, the Penal Code does not explicitly prohibit “offering” or “providing” a person or child for prostitution. Articles 316¹⁹¹ and 317¹⁹² deal with “helping” or “obliging” a person to engage in prostitution, terms that can be interpreted as synonymous with “offering” or “providing”. However, Article 316 only applies to female offenders, and Article 317 only affects offenders who force women into prostitution. There should be provisions that pertain specifically to offering children for prostitution, regardless of the coercive nature of the action or the gender of the victim. Thus, the prohibition of child prostitution in the Jordanian Penal Code is severely lacking in scope, only covering one segment of the definition of prostitution, and also applying only to females, as it is only a crime to procure a female for prostitution, not a male.¹⁹³ Hopefully, these legislative gaps were filled by the recent amendments to the Penal Code.

Trafficking in Children for Sexual Purposes

Under Article 3(a) of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (UN Trafficking Protocol), trafficking in persons is defined as the “recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payment or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”¹⁹⁴

Jordan passed its Anti-Human Trafficking Law in 2009,¹⁹⁵ and it prohibits all forms of human trafficking, with aggravated penalties for child trafficking. The definition of “trafficking” provided by Article 3 of the Law¹⁹⁶ is consistent with the international standard.¹⁹⁷ It is commendable that the trafficking of those under 18 years old does not have to be associated with the use of threats or force for perpetrators to be prosecuted (Article 3A.2). The penalty for child trafficking is temporary hard labour of no more than 10 years and a fine of no less than 5000 dinars but no

188 *Ibid.*, article 299.

189 *Ibid.*, article 305 (2).

190 *Ibid.*, article 314.

191 *Ibid.*, article 316 “Helping or obliging a person to engage in prostitution”.

192 *Ibid.*, article 317 “Obliging a woman to engage in prostitution”.

193 *Ibid.*, article 310.

194 UN General Assembly (2000), “United Nations Convention against Transnational Organized Crime, Annex 2: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime”, Res. 55/25 of 15 November 2000, article 3(a).

195 Government of the Hashemite Kingdom of Jordan (2009), “Anti-Human Trafficking Act”.

196 “For the purpose of this law, Human Trafficking Crimes shall mean; 1. transporting, moving, lodging, or receiving, of people for the purpose of abusing them, whether by use or threat of the use of force or through any form of coercion, abduction, fraud, deceit, accusative power, accusative vulnerability, or through giving or receiving financial gifts, or any other privilege to secure the consent of a person who has control over those people or; 2. Transporting, moving, lodging or receiving of people who are under the age of 18 for the purpose of exploiting them whether by using or threatening the use of force, or through any of the means states in item 1 of this paragraph.”, Government of the Hashemite Kingdom of Jordan (2009), “Anti-Human Trafficking Act”, article 3 (A).

more than 20,000 dinars (Article 9). Though Article 12 gives the authority for prosecutors not to pursue investigation or the prosecution of victims of trafficking for any of the crimes stipulated in the trafficking law, there are no guidelines outlining in what circumstances this power should be exercised, and the decision of the prosecutor has to be approved by a committee composed of the prosecutor, a chairman of the public prosecution, and a judge of the Court of Cassation to be selected by the chairman.¹⁹⁸

“The Criminal Code was amended by Act No. 8 of 2011, concerning the age up to which children are protected from abduction or removal. Whereas article 291 of the Criminal Code formerly classified the abduction or removal of a minor under the age of 15 years as an offence, article 291, as amended, now refers to the abduction or removal of a minor under the age of 18 years.”¹⁹⁹

To support the anti-trafficking law, the Penal Code also prohibits the abduction, through ruse or coercion, of another person.²⁰⁰ However, this provision does not protect all persons, and the penalties vary depending on the circumstances of the abduction, the gender, age, and marital status of the abducted person. Article 310(4) deals with procuring a woman with the intent of engaging her in prostitution in the country or abroad, which can be construed to be an attempt to outlaw sex trafficking of women. However, this law does not encompass men, or women who are already involved in prostitution or “known for their immoral character”. There should be reform of the Penal Code in order for compliance with the Anti-Human Trafficking Law to strengthen the legal framework against trafficking.

In 2012, Jordan’s anti-trafficking unit investigated two cases of sex trafficking, and in 2013, the unit investigated three cases of sexual exploitation. There were 17 cases in 2013 that were referred for prosecution under the anti-trafficking law, and two of the cases resulted in convictions. However, it is unclear if these cases involved sex trafficking or labour trafficking. The Jordanian government reportedly did not adequately ensure that victims were not penalised for unlawful acts committed as a direct result of being trafficked during the reporting period of 2014.²⁰¹

The Committee expressed its concern that “child victims might be placed in detention facilities owing to a lack of available shelter”, and that instead they should be provided with “comprehensive protective and rehabilitation services, including adequate shelter.”²⁰²

During the UPR session 2013, Kyrgyzstan made a recommendation to Jordan, advising it to “pay attention to the trafficking in women and children for sexual and other exploitative purposes, preventing and combating such trafficking...and ensure that trafficked women and girls have access to quality medical care, counselling and shelter.”²⁰³ Moreover, Jordan received, in the previous UPR session, a recommendation from Nigeria about “improving the legislative and judicial sectors

197 “For the purposes of this Protocol: (a) “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.” UN General Assembly (2000), “UN TIP Protocol, article 3 (a).

198 Mattar, Mohamed Y. (2011), “Human Rights Legislation in the Arab World: The Case of Human Trafficking”, 19, accessed 28 April 2016, http://www.protectionproject.org/wp-content/uploads/2012/02/Human-Rights-Legislation-in-Arab-World_Mattar.pdf.

199 CRC (2013), “Consideration of reports submitted by States parties under article 44 of the Convention, Combined fourth and fifth periodic reports of States parties due in 2011, Jordan”, para. 203.

200 Government of the Hashemite Kingdom of Jordan (1960), “Penal Code”, article 302 “Abduction”.

201 US Department of State, “Jordan, 2014 Trafficking in Persons Report”.

202 CRC (2014), “Concluding observations on the combined fourth and fifth periodic reports of Jordan, para 61-62.

203 UN Human Rights Council, “Report of the Working Group on the Universal Periodic Review: Jordan”, A/HRC/25/9, 6 January 2014, para. 118.54.

of Jordan particularly in the areas of gender mainstreaming, sexual harassment and economic exploitation of children”.²⁰⁴ Jordan examined all recommendations thoroughly and responded positively to these recommendations.

Moreover, on a *fatwa*²⁰⁵ about human trafficking given by the president of the World Islamic Sciences and Education University, Abdul Nasser Abu Basal, he stated that human trafficking,²⁰⁶ if organised and conducted on a large scale, entails the application of the same punishment²⁰⁷ as the one provided for highway robbery.

Child Pornography/Child Sexual Abuse Materials

The OPSC defines child pornography as “any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes”²⁰⁸ and Article 3(1)(c) prohibits producing, distributing, disseminating, importing, exporting, offering, selling or possessing child pornography.²⁰⁹

Article 319 of the Penal Code prohibits the selling, possession with intent to sell, distribution, display, advertising or taking part in the business of the sale, publication, or exhibition of any obscene printed or written matter, any obscene picture, photograph, drawing or mode of any other object tending to corrupt morals; or who, by whatever other means, prints or reprints such things and materials with intent to sell or distribute them; or who displays in a public place any obscene representation, photograph, drawing or model or any morally corrupting thing; or who distributes such things for display in a public place; or who runs or participates in running premises engaged in selling, disseminating or displaying obscene printed or written materials, photographs, drawings, models or other morally corrupting things; or who advertises or publicizes by whatever means that a person is engaged in selling, printing, reprinting, displaying or distributing such obscene materials and things. This provision can be understood to cover offences of child pornography and pornography in general, but it is too vague and may not be used effectively to prosecute child pornography offences. Under the same article, imprisonment for a term of up to three months or a fine of up to 50 dinars can be imposed on whoever committed the offences.²¹⁰

204 UN Human Rights Council, “Report of the Working Group on the Universal Periodic Review: Jordan”, A/HRC/11/9, 3 March 2009, para. 92.5.

205 “A *fatwā* is an Islamic legal pronouncement, issued by an expert in religious law (*mufti*), pertaining to a specific issue, usually at the request of an individual or judge to resolve an issue where Islamic jurisprudence (*fiqh*), is unclear. Typically, such uncertainty arises as Muslim society works to address new issues – issues that develop as technology and society advance.” The Islamic Supreme Council of America, “What is a *Fatwa*?”, accessed 3 May 2016, <http://www.islamicsupremecouncil.org/understanding-islam/legal-rulings/44-what-is-a-fatwa.html>.

206 Hazaimah, Hani (2011), “Religious Leaders Support Battle Against Human Trafficking”, Jordan Times, 5 July, 2011, accessed 3 May 2016, <http://www.coexistencejordan.org/en-us/mediacorner/religiousleaderssupportbattleagainsthumantra.aspx>.

207 “The punishment is amputation of the right hand and left foot for the first offense and amputation of the left hand and right foot for the second offense. If murder took place during an attempted robbery, the punishment is death by the sword. If there was murder accompanied by an actual theft, the penalty is crucifixion. The body is to be hung for three days. Unlike the normal case of murder, where the relatives of the victim have a choice of retaliation, blood money, or pardon of the offender, the death penalty here is mandatory.”, Law Library – American Law and Legal Information, “Comparative Criminal Law and Enforcement: Islam - Highway Robbery (*qat'al-tariq*)”, accessed 17 May 2016, <http://law.jrank.org/pages/665/Comparative-Criminal-Law-Enforcement-Islam-Highway-robbery-qat-al-tariq.html>.

208 UN General Assembly (2000), “Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography”, article 2(c).

209 *Ibid.*, article 3(1) (c).

210 Government of the Hashemite Kingdom of Jordan (1960), “Penal Code”, article 319.

Bernard Gastaud, the Committee Member acting as Country Rapporteur for the report of Jordan under the OPSC, expressed his concern that there was no explicit mention of child pornography, even though the law listed the sale and exchange of obscene and lewd objects, and that “those crimes carried only very light sentences which did not provide enough dissuasion to perpetrators.”²¹¹

Sexual exploitation of children online

The Rio Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents urges countries to “undertake specific and targeted actions to prevent and stop child pornography and the use of the Internet and new technologies for the grooming of children into online and off-line abuse and for the production and dissemination of child pornography and other materials.”²¹²

The Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (the Lanzarote Convention) states that Parties “shall... ensure that the following intentional conduct, when committed without right, is criminalized:...knowingly obtaining access, through information and communication technologies, to child pornography.”²¹³ Article 23 of the Convention also appeals to all parties to criminalise the solicitation of children for sexual purposes through information and communication technologies.²¹⁴ The Lanzarote Convention provides valuable and comprehensive guidance on the protection of children from all kinds of sexual offences, and though it is a legal instrument of the Council of Europe, non members may be invited to accede to it.²¹⁵

Jordan has enacted the temporary Information Systems Crimes Act No. 30 of 2010,²¹⁶ which deals with a variety of cybercrimes including child online exploitation. Article 8 of the Act states:

- (a) *“Anyone who intentionally transmits or disseminates through an information system or the Internet any indecent audible, visual or readable material directed at or damaging to a person under 18 years of age shall be liable to imprisonment for a term of not less than three months and a fine of not less than 300 dinars and not more than 5,000 dinars;*
- (b) *Anyone who intentionally uses an information system or the Internet to prepare, store, process, display, print, disseminate or promote pornographic performances or pornography involving the inducement, encouragement or exploitation of persons under 18 years of age for prostitution or pornography, or their defamation or sale, incitement to offending behaviour or engagement in offending, shall be liable to imprisonment for a term of up to six months and a fine of not less than 500 dinars and not more than 5,000 dinars.”²¹⁷*

211 Office of the United Nations High Commissioner for Human Rights, “Committee on Rights of Child examines reports of Jordan on the Convention, Children in armed conflict and the Sale of children”, *News and Events*, accessed 22 April 2016, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14649&LangID=E>.

212 World congress III against sexual exploitation of children and adolescents (2008), “The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents”, Rio de Janeiro 26-28 November 2008, §C.II.5., http://www.ecpat.org.uk/sites/default/files/rio_declaration_and_call_for_action.pdf.

213 Council of Europe, Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, October 2012, article 20(f) “Offences concerning child pornography”.

214 *Ibid.*, article 23 “Solicitation of children for sexual purposes”.

215 *Ibid.*, article 46 “Accession to the Convention”.

216 Government of the Hashemite Kingdom of Jordan (2010), “Information Systems Crimes Act (provisional)”, Act No.30 of 29 August 2010, http://www.wipo.int/wipolex/en/text.jsp?file_id=338375 (Arabic).

217 *Ibid.*, article 8.

Article 9 provides: “Anyone who intentionally uses the Internet or any information system to promote prostitution or fornication shall be liable to imprisonment for a period of not less than six months and a fine of not less than 300 dinars and not more than 5,000 dinars.”²¹⁸

The 2010 Arab Convention to Combat Information Technology Crimes, ratified by Jordan in 2012, prohibits the “production, display, distribution, provision, publication, purchase or sale of pornographic material or material that constitutes outrage of modesty through information technology”.²¹⁹ It also provides for an aggravated penalty if the pornography involves children or minors, and it includes the procurement of child pornography through information technologies or a storage medium for such technology.²²⁰ Additionally, the Convention prohibits “other offences related to pornography”, including sexual exploitation²²¹ as well as using information technology to facilitate the trafficking of persons.²²² Though the Convention outlines many prohibitions regarding child pornography, it is unclear if it prohibits the possession of child pornography, and it does not contain a definition for pornography.

Sexual Exploitation of Children in Travel and Tourism (SECTT)

The Rio Declaration calls on State parties to encourage those involved in the travel and tourism industry to sign and implement the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism.²²³ The Declaration also states that parties should take other measures to prevent the sexual exploitation of children in travel and tourism by paying attention to unregulated tourism, investigating and, when necessary, bringing charges against child sex offenders, prohibiting materials advertising child sex tourism, and working together with the private tourism sector on child-protection strategies.²²⁴

Jordan does not have any laws that specifically pertain to the illegality of SECTT and there is no law prohibiting sex tourism operators.²²⁵ As stated in 2014 by the Committee on the Rights of the Child when taking note of Jordan’s Tourism Act,²²⁶ it deeply regretted that “no specific legislation or actions have been adopted to fully prevent and combat the phenomenon of child sex tourism, which is on the rise in the state party.”²²⁷

Article 12 of the Tourism Act, as amended, does provide that: “For the purposes of the application of this Act, any person licensed to practise any profession or to own any business linked to tourism shall be considered to have breached his or her obligations under the Act and his or her professional duties in any of the following cases, whether the obligations, duties and services concerned were contractual or customary: [...]

218 *Ibid.*, article 9.

219 League of Arab States (2010), “Arab Convention on Combating Information Technology Offences”, article 12(1) “Offence of Pornography”.

220 *Ibid.*, Article 12(2).

221 *Ibid.*, Article 13 “Other offences related to pornography”.

222 *Ibid.*, Article 16 (3) “Offences related to organized crime committed by means of information technology”.

223 World congress III against sexual exploitation of children and adolescents (2008), “The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents”, Rio de Janeiro 26-28 November 2008, para. §C.II.16,.

224 *Ibid.*, §C.II. 17, §C.II.19, §C.II.20, §C.II.21.

225 Thomson Reuters Foundation (2012). “Overview of trafficking and prostitution laws in the Middle east and Africa”, November 2012, .6, London, accessed 6 May 2016, <http://www.trust.org/contentAsset/raw-data/1035fde5-b945-49ed-8cd4-166bc1ec156b/file>.

226 Government of the Hashemite Kingdom of Jordan, “Tourism Act”, Act No. 20 of 1988.

227 CRC (2014), “Concluding observations on the report submitted by Jordan under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography”, CRC/C/OPSC/JOR/CO/1, para. 22.

“(c) If that person does any act that damages the interests or reputation of tourism or tourism professions in Jordan, including by exercising a profession in a manner incompatible with public decorum, public decency, public order, customary practice in tourism and the associated code of conduct.”²²⁸

Despite the listing of possible breaches of the law including behaviours incompatible with public decorum and decency, these concepts appear too vague and subjective to guarantee full legal protection to victims of SECTT.

Child Marriage

There have been discussions recently towards building a framework to recognise Commercial Sexual Exploitation of Children (CSEC) in Child, Early and Forced Marriage (CEFM). Although proving this relationship between both phenomena seems challenging, recent studies have confirmed its existence.²²⁹ The overwhelming majority of CEFM every year and throughout the world affects girls, although boys can be involved as well. Child marriage can be seen as a relief from an economic burden for parents, and also a way to protect a girl from sexual abuse, especially during conflicts, but in reality it often amounts to the sale of children.

As a consequence of the uprising of the civil war in Syria, Jordan has become one of the top destinations for refugees in the Middle East. Child marriage among Syrians has tripled since the start of the conflict, leaving girls vulnerable to health problems, domestic abuse and poverty, and has prompted some families to sell their daughters for a very low bride-price, while securing some income for the family's subsistence by the new groom. Some of these girls are also reported to have been forced into trafficking rings by their “husbands.”²³⁰ There is evidence of the existence of child marriages and commercial sexual exploitation of Syrian refugee girls residing in the Za’atari refugee camp and in Jordan’s urban areas.²³¹

Relevant current laws permit sexual intercourse at eighteen, as it is the legal age for marriage.²³² However, with the consent of a judge and a guardian, a child as young as 15 years old can be married. Conditions were set by a 2010 law, which stipulates that marriage can be concluded only if the husband is able to fully provide a life for his wife, that a judge or a social worker or a psychologist is consulted before allowing the marriage, and that it could not constitute a reason to withhold education from a child.²³³

The Committee on the Rights of Child, while examining reports of Jordan on the Convention and its optional protocols, expressed its concern “regarding the apparent ease with which girls were married, it seemed that despite the legal minimum age of 18 years, the laws were not strong enough. The Committee wanted to address the exceptions where girls could get married at a younger age, for example in cases when marriage would ‘ward off a certain evil’ or ‘secure a certain benefit’. The Committee could not see what benefit marrying below 18 years could bring.

228 Government of the Hashemite Kingdom of Jordan, “Tourism Act”, Act No. 20 of 1988, article 12.

229 UNFPA and UNICEF (2010), “Women & Children’s Rights: Making the Connection”, New York: UNFPA; ECPAT International (2015), “Unrecognised Sexual Abuse and Exploitation of Children in Child, Early and Forced Marriage”, October 2015, Bangkok: ECPAT International.

230 CRC (2014), “Concluding observations on the report submitted by Jordan under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography”, para. 20.

231 UNICEF, Jordan Country Office (2014), “A study on early marriage in Jordan 2014”, Amman: UNICEF.

232 Government of the Hashemite Kingdom of Jordan (2010), “Provisional Personal Status Law”, Law No. 36 of 2010, chapter II, article 10.

233 *Ibid.*, articles 5-13, “Conditions of Marriage”.

The same question applied to Syrian girls. The Committee was informed that girls came from Syria already married, but Jordan's response was simply to register them as married and validate the marriage, even if the marriage in Syria was illegal in the first place because the girl was under-age, and had perhaps been customary or secret."²³⁴

Despite being one of the largest hosts of refugees in the world, Jordan has not signed the UN Convention relating to the Status of Refugees of 1951²³⁵ or its subsequent 1967 Protocol (also known as the New York Protocol).²³⁶ Several reasons are usually cited for Jordan's non-signatory status, including the politically and socially complex – and yet unresolved – Syrian and Palestinian refugee issue, “national opposition to the integration of refugees; concern about a lack of resources and capacity to provide for persons in addition to the national population; suspicions about refugees and misinformation about the economic and social burden they place on the country and national security concerns.”²³⁷

Jordan tends to avoid, in practice, the official recognition of refugees under its domestic laws and prefers to call and refer to them as “Arab brothers” or “visitors”, although this approach has no legal basis under domestic law.

Extraterritorial and Extradition Laws in Relation to CSEC-related Crimes

Extraterritorial law

Article 4 of the OPSC addresses “territorial jurisdiction” and states that each State Party should take measures to establish jurisdiction over offences committed in its territory.²³⁸ The provision also addresses the importance of establishing jurisdiction over offences committed against children outside one's own country.²³⁹

Article 7 of the Jordanian Penal Code sets forth that its provisions apply to every person who commits a crime on the territory of the Kingdom,²⁴⁰ and Article 10 states that the Penal Code 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 (if their extradition is not requested or granted) who have committed a felony or misdemeanour outside the territory of the Kingdom punishable under Jordanian legislation.²⁴¹ However, the establishment of extraterritorial jurisdiction over all the offences under the OPSC, thus the application of Jordanian laws to its own nationals in other jurisdictions, remains unclear.²⁴²

234 CRC, “Committee on Rights of Child examines reports of Jordan on the Convention, Children in armed conflict and the Sale of children”, *UN OHCHR News and Events*, 27 May 2014, accessed 6 May 2016, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=14649&LangID=E>.

235 UN General Assembly (1951), “Convention relating to the Status of Refugees”, Res. 429(V) of 14 December 1950.

236 UN General Assembly (1967) “Protocol relating to the Status of Refugees”, Res. 2198(XXI) of 16 December 1966.

237 Hilal, Leila and Dr. Sami, Shahira (2008), “Asylum and Migration Country Fact Sheet JORDAN”, 3, December 2008, Copenhagen: Euro-Mediterranean Human Rights Network, accessed 6 May 2016, http://idcoalition.org/wp-content/uploads/2009/09/factsheet_jordan_en1.pdf.

238 UN General Assembly (2000), “Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography”, A/RES/54/263 of 25 May 2000, article 4.

239 *Ibid.*

240 Government of the Hashemite Kingdom of Jordan (1960), “Penal Code”, article 7 “Territorial Jurisdiction”.

241 *Ibid.*, article 10 “Personal Jurisdiction”.

242 Thomson Reuters Foundation (2012), “Overview of trafficking and prostitution laws in the Middle east and Africa”, November 2012, 11, London, accessed 6 May 2016, <http://www.trust.org/contentAsset/raw-data/1035fde5-b945-49ed-8cd4-166bc1ec156b/file>.

Extradition Law

According to Article 5 of the OPSC, the offences referred to under the OPSC shall be included as extraditable offences in any extradition treaty existing between State Parties.²⁴³ Furthermore, “if a State Party that makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider the [OPSC] to be a legal basis for extradition in respect of such offences.”²⁴⁴

In Jordan, extradition of criminals is governed by bilateral agreements with other countries, and it has a requirement of double criminality, meaning that the offence must be punishable in both jurisdictions.²⁴⁵ In case of the absence of a bilateral agreement, the State party should use article 5 of the OPSC as a legal basis for extradition. The Extradition Act of 1927²⁴⁶ has been reported to be antiquated and not suitable for an effective extradition process in the modern day²⁴⁷. The League of Arab States, composed of 22 member states including Jordan, emphasises in the Pact of the League of Arab States that the purpose of the League is to promote a “close co-operation of the member states...on the following matters...(D) Nationality, passports, visas, execution of judgments and extradition of criminals”.²⁴⁸ Another Arab League treaty, the Riyadh Arab Agreement for Judicial Cooperation, also deals with obligatory extraditions and crimes that are not subjected to extradition.²⁴⁹ There are no references to child sexual exploitation crimes being specifically extraditable offenses in either of these laws. However, Article 39 of the Agreement stipulates that a country may refuse to extradite its own nationals if the penalty for the crime is more than one year, in either country’s legislation. The country that has refused extradition, however, must undertake to charge the offender in its own jurisdiction.²⁵⁰

It is noted by the Implementation Review Group of the United Nations Convention Against Corruption (UNCAC) that Jordan has a policy of not extraditing its nationals, and prefers to start its own domestic criminal proceedings with assistance from the State requesting extradition.²⁵¹

In regards to information technology offenses such as child pornography, the 2010 Arab Convention to Combat Information Technology Crimes ensures that the Convention can be considered as a legal basis for extradition if there is no extradition treaty between two States.²⁵²

243 UN General Assembly (2000), “Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography”, article 5.1.

244 *Ibid.*, article 5.2.

245 Implementation Review Group of the United Nations Convention Against Corruption – CAC (2011) “Executive summary: Jordan”, 12 October 2011, CAC/COSP/IRG/2011/CRP.12, 10, <https://www.unodc.org/documents/treaties/UNCAC/COSP/session4/V1186371e.pdf>.

246 Government of the Hashemite Kingdom of Jordan (1927), “Law on the Extradition of Fugitives of the year 1927”, accessed 9 May 2016, https://www.unodc.org/res/cld/document/jor/1927/law_on_the_extradition_of_fugitives_and_its_amendments_html/Jordan_Law_on_the_Extradition_of_fugitives_and_its_Amendments.pdf.

247 Implementation Review Group of the United Nations Convention Against Corruption – CAC (2011) “Executive summary: Jordan”, 12 October 2011, CAC/COSP/IRG/2011/CRP.12, 10, <https://www.unodc.org/documents/treaties/UNCAC/COSP/session4/V1186371e.pdf>.

248 League of Arab States (1945), “Pact of the League of Arab States”, article 2, 22 March 1945, accessed 9 May 2016, http://avalon.law.yale.edu/20th_century/arableag.asp.

249 League of Arab States (1983), “Riyadh Arab Agreement for Judicial Cooperation”, 6 April 1983, article 40 “Obligation to extradite” and 41 “Crimes not subjected to extradition”, accessed 9 May 2016, <http://www.refworld.org/docid/3ae6b38d8.html>.

250 League of Arab States (1983), “Riyadh Arab Agreement for Judicial Cooperation”, 6 April 1983, article 30 “Extradition of nationals”, accessed 9 May 2016, <http://www.refworld.org/docid/3ae6b38d8.html>.

251 Implementation Review Group of the United Nations Convention Against Corruption – CAC (2011), “Executive summary: Jordan”, 12 October 2011, CAC/COSP/IRG/2011/CRP.12, 10, <https://www.unodc.org/documents/treaties/UNCAC/COSP/session4/V1186371e.pdf>.

252 League of Arab States (2010), “Arab Convention on Combating Information Technology Offences”, article 31.3, accessed 9 May 2016, <https://cms.unov.org/DocumentRepository/Indexer/GetDocInOriginalFormat.drxx?DocID=3dbe778b-7b3a-4af0-95ce-a8bbd1ecd6dd>.

Children who are victims of commercial sexual exploitation have a legal right to an effective remedy which is enshrined in international law. This legal right can be separated into three components: the right to criminal justice, the right to recovery and reintegration, and the right to compensation. Access to justice for child victims is critical in combating CSEC and an essential component of the rights of a child in the CRC and other international legal instruments.

Judicial remedies and complaint mechanisms: child's right to an effective remedy

Article 12 of the 2004 Arab Charter on Human Rights ensures the right to a legal remedy for all persons within the territory of the State parties.²⁵³

The Jordanian legal system is considered a civil-law system; therefore the legal remedy that victims can claim from the offender is compensation for civil damages resulting from the criminal offence. The amount of compensation is established by calculating effective damages, actual loss and loss of profit.

The Jordanian Rules of Penal Trials Code appears to prevent the lodging of a complaint by a victim under 15 years old, and requires the complaint to be lodged by the child's guardian.²⁵⁴ In the event the child victim of ill treatment cannot convince his or her guardian to submit the complaint on his or her behalf, he or she can refer the case to the Public Prosecutor's Office. However, the government is endeavouring and considering the revision of the Family Code in order to change the system under which children can make complaints.²⁵⁵

Criminal Justice: child-sensitive procedures

Article 12 of the CRC ensures that child victims have the right to be heard during the criminal justice process.²⁵⁶ Article 8 of the OPSC further expands and outlines the specific rights of the child at every stage of the criminal justice process, including recognition of the precarious and vulnerable position of child victims and the need for legal procedures to be sensitive, timely, supportive, and adjustable, the protection of a child victim's privacy and safety, and for the child to be aware of the full scope of his/her legal rights.²⁵⁷

Child witnesses under 18 who may be summoned or wish to participate in the criminal justice process are protected by the Rules of Penal Trials Code²⁵⁸ and the Juvenile Law which allows them to testify with the aid of technology, including video link.²⁵⁹ This is commendable, as the OPSC stresses the importance of preserving a child's privacy, identity and safety. The Rules of Penal Trials

253 League of Arab States (2004), "Arab Charter on Human Rights", 22 May 2004, entered into force 15 March 2008, article 12, accessed 26 April 2016, <https://www1.umn.edu/humanrts/instreet/loas2005.html>.

254 Government of the Hashemite Kingdom of Jordan (1961), "Rules of Penal Trials Code", article 3.1.

255 Committee on Rights of Child (2014), "Committee on Rights of Child examines reports of Jordan on the Convention, Children in armed conflict and the Sale of children", OHCHR News and Events, 27 May 2014, accessed 9 May 2016, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14649&LangID=E>.

256 UN General Assembly (1989), "Convention on the Rights of the Child", article 12.

257 UN General Assembly (2000), "Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography", A/RES/54/263 of 25 May 2000, article 8.

258 Government of the Hashemite Kingdom of Jordan (1961), "Rules of Penal Trials Code".

259 Government of the Hashemite Kingdom of Jordan (2014), "Juvenile Law", Act No. 32/2014, article 22 (I), accessed 9 May 2016, http://www.mosd.gov.jo/index.php?option=com_content&view=article&id=1998:-32-2014&catid=13:13 (Arabic).

Code will not take into account the testimony of a child under 14 if the prosecutor deems that the child does not understand the oath.²⁶⁰ There is no guidance in the Code for how a prosecutor is to make this judgment. Article 158 of the Code allows for a child under the age of 15 to have their testimony considered “by means of inference” if it is ascertained that the child does not understand the oath. However, the testimony cannot be used alone to convict unless it is supported with other evidence.²⁶¹

There is no free legal assistance for children in conflict with the law in Jordan. Only those who are charged with offences that can be punishable by the death penalty, life penal servitude and life imprisonment can access free legal assistance, regardless of their age.²⁶² This is directly contrary to the principles of the OPSC, which advocates for the full awareness and recognition for the child of their legal rights. Currently Jordan doesn’t sponsor any legal aid system for child victims; their only chance to bring a case to court is finding a NGO that can offer them aid and support or pro-bono legal defence.²⁶³

The Juvenile Law increased the age of criminal responsibility from seven to 12.²⁶⁴ It also recognises that children who are connected to prostitution, debauchery, and exploitation are in need of protection and care, and provides alternative protection measures to children who do not qualify for legal aid.²⁶⁵ Though sexually exploited children are primarily victims, some are led into participating in criminal conduct, including procuring and facilitating the exploitation of other children. Thus, they can be criminalised for their infractions, and improvements in the juvenile justice system would be beneficial for them in working towards full recovery.

Access to Recovery and Reintegration: support services for children

Article 24 of the CRC is comprised of the child’s right to health,²⁶⁶ and Article 39 guarantees the right to recovery and reintegration services.²⁶⁷ Article 9 of the OPSC reinforces Article 39 of the CRC, calling on States to ensure that child victims have appropriate assistance in order to achieve their full physical and psychological recovery.²⁶⁸

Article 7 of the Jordan Anti-Human Trafficking Act provides the authority for the National Committee for the Prevention of Human Trafficking to establish shelters for trafficked victims.²⁶⁹ The State has the responsibility to facilitate access to remedies, and to give a reflection period and corresponding residence status to trafficking victims.²⁷⁰ Article 9(b)(2) of the same law states that a penalty for the crime of human trafficking shall be enhanced “if the victim is a female, a minor, or a person with special disability.”²⁷¹

260 Government of the Hashemite Kingdom of Jordan (1961), “Rules of Penal Trials Code”, article 74,

261 *Ibid.*, article 158.

262 *Ibid.*, article 208.

263 DLA Piper (2015), “Access to Justice for Children: Jordan”, February 2015, accessed 19 may 2016,

264 Government of the Hashemite Kingdom of Jordan (2014), “Juvenile Law”, Act No. 32/2014, article 4, accessed 9 may 2016, http://www.mosd.gov.jo/index.php?option=com_content&view=article&id=1998:-32-2014&catid=13:13 (Arabic).

265 *Ibid.*, article 33.

266 UN General Assembly (1989), “Convention on the Rights of the Child”, article 24.

267 *Ibid.*, article 39.

268 UN General Assembly (2000), “Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography”, article 9.

269 Government of the Hashemite Kingdom of Jordan (2009), “Anti-Human Trafficking Act”, article 7.

270 *Ibid.*, article 5.

271 *Ibid.*, article 9(b)(2).

Remedies from the State granted by court rulings can include access to recovery and reintegration services; however, these kinds of remedies are not well established in Jordan apart from what is provided for in the trafficking law.²⁷²

The Jordanian government (Ministry of Social Development) in February 2014 officially designated a shelter for trafficking victims; however, there is no government run facility specifically for children.²⁷³ There are several NGO-run services that cater towards child victims of any kind of abuse, including the Jordan River Foundation.²⁷⁴ Furthermore, Dar al-Wifaq al-Usri (Family Reconciliation Home) opened its doors in 2007 to child victims and offers shelter services.²⁷⁵ However, the Committee on the Rights of Child expressed its concern and regretted “the lack of information on the measures taken at the State level for social, physical and psychological reintegration assistance and recovery and on measures to facilitate access to relevant information about such services”²⁷⁶ and was concerned at “the inadequate provision of direct shelter services specifically for victims of offences under the Optional Protocol, which leads to child victims being placed in detention facilities.”²⁷⁷

Access to Compensation

Article 9 of the OPSC details the right to full physical and psychological recovery and the right to claim compensation for damages from those legally responsible.²⁷⁸

As already mentioned, Jordan is party to the 2004 Arab Charter on Human Rights, which provides the right for victims of torture, inhuman treatment (article 8) or unlawful detention (article 14), and those who are innocent and suffered damage (article 19), to claim compensation.²⁷⁹

The Jordanian legal system offers two routes to a legal remedy: through the criminal court or through the civil court. A victim can claim civil damages against the perpetrator when he/she is identified and charged, regardless if the perpetrator is brought to criminal court. If the perpetrator is prosecuted and brought to criminal court, the victim has the choice to submit a claim for damages before the criminal court, or to wait until there is a final ruling, and then to file a claim for civil damages before the civil court. The latter route is the slower of the two, but the civil court is more focused and experienced in dealing with claims for compensation, whereas the criminal court is focused on sentencing.²⁸⁰

272 Shabeeb, Lina (2012), “Some of the preconditions (procedural and/or other) in realizing remedies for human trafficking victims in the Jordanian legal system”, paper presented at the MENA Regional Consultation on the Right to an Effective Remedy for Trafficked Persons held on 9 January 2012, accessed 9 May 2016, <http://www.ohchr.org/Documents/Issues/Trafficking/Consultation/ConsultationEffectiveRemedy/Fifth/5thConsultationsLinaShabeeb.pdf>.

273 U.S. Department of State (2014), “2014 Trafficking in Persons Report, Tier 2”.

274 Jordan River Foundation, “About Us”, accessed 9 May 2016, <http://www.jordanriver.jo/?q=content/overview-2>.

275 CRC (2013), “Consideration of reports submitted by Jordan under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography”, para 115-116.

276 CRC (2014), “Concluding observations on the report submitted by Jordan under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography”, para 34.

277 Ibid.

278 UN General Assembly (2000), “Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography”, A/RES/54/263 of 25 May 2000, article 9.

279 League of Arab States (2004), “Arab Charter on Human Rights”, 22 May 2004, entered into force 15 March 2008, accessed 26 April 2016, <https://www1.umn.edu/humanrts/instree/loas2005.html>.

280 OHCHR, Mandate of the Special Rapporteur on trafficking in persons, especially women and children, “Preliminary report, Regional consultation on the right to an effective remedy for trafficked persons”, 9 January 2014, Amman, 8, http://www.ohchr.org/Documents/Issues/Trafficking/Consultation/ConsultationEffectiveRemedy/Fifth/MENA_ConsultationPreliminaryReport.pdf.

Although the Jordanian Civil Code establishes compensation to victims in general, Arab courts do not usually provide compensation to victims.²⁸¹ Furthermore, many victims are not aware of their right to claim civil damages, especially those victims who are disempowered, such as children.

Additionally, with the lack of legal aid and support for victims, it is difficult to compile a case for compensation. In Jordan, there is a lack of experience on how damages can be measured for crimes that breach human dignity. For most of the civil demands, the plaintiff must be represented by a licensed lawyer, and there is no legal aid available for these kinds of actions. Further adding financial stress on claimants are the court fees that must be paid. These fees are proportional to the amount claimed, which would deter victims from claiming what might appropriately be owed to them for the damages they have sustained.²⁸² Though there have been repeated calls to lower the cost of litigation, in 2010, the fee to use a lawyer's power of attorney was tripled.²⁸³ Thus, there are several economic barriers preventing potential plaintiffs from instigating a civil lawsuit, and this is a particularly heavy burden for child victims of sexual exploitation.

PRACTICAL CONSIDERATIONS ON ACCESS TO JUSTICE FOR VICTIMS OF CSEC IN JORDAN

Who? Children themselves and/or their representatives are allowed to bring cases to the domestic courts to challenge the violation of their rights. But according to the Rules of Penal Trials Code, the victim of the crime should reach 15 years of age to be able to do so; otherwise the complaint shall be lodged by the child's guardian.²⁸⁴

How? Under normal circumstances, cases are brought using the standard process with a number of important exceptions. First, by presenting the claim in court. In a case where the interests of the victim are incompatible with those of the person who represents them, for example in situations where the child has been assaulted by a close relative, then the Public Prosecutor will act as his or her representative.²⁸⁵ Furthermore, article 70 (1) of the Jordanian Civil Procedure Law states that it is possible for a number of claimants to be represented collectively by an attorney and to bring a group action where cases are connected.²⁸⁶ However, it is not possible to bring an action without naming the victims.²⁸⁷ According to article 74 of the Rules of Penal Trials Code, testimony from children under 14 years old is admissible and they may not need to take the oath established for adults.²⁸⁸

281 *Ibid.*, 10.

282 Shabeeb, Lina (2012), "Some of the preconditions (procedural and/or other) in realizing remedies for human trafficking victims in the Jordanian legal system".

283 National Centre for Human Rights (2010), "Seventh Annual Report, Human Rights Situation In The Hashemite Kingdom of Jordan for 2010", para. 27, accessed 9 May 2016, [http://www.nchr.org.jo/english/ModulesFiles/PublicationsFiles/Files/NCHR_The%20Seventh%20Annual%20Report%20on%20Human%20Rights%20Situation%20in%20Jordan%20For%202010_Annual%20Reports_NCHR%20Report%202010%20\(Final\).pdf](http://www.nchr.org.jo/english/ModulesFiles/PublicationsFiles/Files/NCHR_The%20Seventh%20Annual%20Report%20on%20Human%20Rights%20Situation%20in%20Jordan%20For%202010_Annual%20Reports_NCHR%20Report%202010%20(Final).pdf).

284 Government of the Hashemite Kingdom of Jordan (1961), "Rules of Penal Trials Code", article 3.1.

285 *Ibid.*, article 3.3.

286 Government of the Hashemite Kingdom of Jordan, "Jordanian Civil Procedure Act", Law No. 24 of 1988, as amended by Law No. 14 of 2001, by Law No. 26 of 2002 and by Law No. 16 of 2006, article 70 (1), accessed 9 May 2016, <https://jamallawfirm.wordpress.com/2011/06/09/%D9%82%D8%A7%D9%86%D9%88%D9%86-%D8%A3%D8%B5%D9%88%D9%84-%D8%A7%D9%84%D9%85%D8%AD%D8%A7%D9%83%D9%85%D8%A7%D8%AA-%D8%A7%D9%84%D9%85-%D8%AF%D9%86%D9%8A%D8%A9-%D8%A7%D9%84%D8%A3%D8%B1%D8%AF%D9%86%D9%8A1/> (Arabic).

287 *Ibid.*, article 5(2).

288 Government of the Hashemite Kingdom of Jordan (1961), "Rules of Penal Trials Code", article 74 and 71.

PRACTICAL CONSIDERATIONS ON ACCESS TO JUSTICE FOR VICTIMS OF CSEC IN JORDAN

How much? It is regrettable that there is not a working system of state sponsored legal aid in Jordan for children's complaints. However, *pro bono* services are one of the goals of the Jordan's Bar Association.²⁸⁹

Where? Three main categories of courts operate in Jordan: civil courts, religious courts and special courts. Civil courts deal with civil and criminal cases that are not under the jurisdiction of a special court and consist of five separate courts.²⁹⁰ Religious courts have jurisdiction over matters of personal status (family law, inheritance) and they are composed of the Shari'a courts and the tribunals of the other religious communities.²⁹¹ "Special courts shall exercise their jurisdiction in accordance with the provisions of the laws constituting them".²⁹² Examples of these are the military and state security courts.²⁹³

When? As a general rule, in Jordan the prescription period for civil claims is 15 years but if the civil claim is based on a tortious act, it is shortened to three years from the date on which the injured party acquires knowledge of this act.²⁹⁴ According to the Jordanian code of penal procedure, the applicable limitation period for criminal proceedings is ten years.²⁹⁵ Considering that usually child victims report abuses after several years,²⁹⁶ prescription periods can bar them from bringing legal proceedings against perpetrators and, therefore, accessing justice and remedies.

In conclusion, there is a noticeable lack of specialised juvenile courts, although the Ministry of Justice, partnering with Chief Security Officers, has been providing capacity building training and programmes to local lawyers and NGOs regarding juvenile justice.²⁹⁷ Social workers, also known as Conduct Monitors, are also involved in this process to facilitate the progress of a case. They are present at police stations and courts providing assistance to children and their families, and also prepare reports on the child's background and situation for the judge to better understand the child's circumstances.²⁹⁸

289 Jordan's Bar Association, "Bar Association Law", Law No. 11 of 1972, article 5.5, accessed 9 May 2016, http://www.lob.gov.jo/ui/laws/search_no.jsp?no=11&year=1972; Jordanian Bar Association, <http://www.jba.org.jo/> (Arabic).

290 Brown, Nathan J. (2001), "Arab Judicial structures, A study presented to the United Nations Development Programme on governance in the Arab region", August 2001, accessed 9 May 2016, <http://web.dubaichamber.ae/LibPublic/Arab%20judicial%20structures.pdf>.

291 Government of the Hashemite Kingdom of Jordan, "Constitution of The Hashemite Kingdom of Jordan", 1 January 1952, article 104. Save the Children Sweden (2011), "Country Profile of Jordan, A Review of the Implementation of the UN Convention on the Rights of the Child", August 2011, Beirut, 69, accessed 9 May 2016, <http://www.ibcr.org/editor/assets/Jordan%20Country%20Profile.pdf>.

292 *Ibid.*, article 110.

293 Brown, Nathan J. (2001), "Arab Judicial structures, A study presented to the United Nations Development Programme on governance in the Arab region", 22.

294 Chambers and Partners, "Jordan- Law & Practice", Global Practice Guide-Litigation 2014/2015, accessed 9 May 2016, <http://www.chambersandpartners.com/guide/practice-guides/location/241/7312/1545-200>.

295 Government of the Hashemite Kingdom of Jordan (1961), "Rules of Penal Trials Code", No. 9 for the year 1961 and the Amended Code No. 16 for the year 2001, article 338, accessed 9 May 2016, [http://www.icrc.org/ihl-nat/a24d1cf3344e99934125673e00508142/19111d4d64619686c12573d300543129/\\$FILE/Jordan%20-%20Code%20of%20Criminal%20Procedure.pdf](http://www.icrc.org/ihl-nat/a24d1cf3344e99934125673e00508142/19111d4d64619686c12573d300543129/$FILE/Jordan%20-%20Code%20of%20Criminal%20Procedure.pdf).

296 Connolly, Deborah A. and Read, J. Don, "Delayed Prosecutions of Historic CSA Analyses of 2064 Canadian Criminal Complaints", *Law and Human Behavior*, Vol. 30, No. 6, August 2006, p. 426-427.

297 Save the Children Sweden (2011), "Country Profile of Jordan, A Review of the Implementation of the UN Convention on the Rights of the Child", August 2011, Beirut, 69, accessed 9 May 2016, <http://www.ibcr.org/editor/assets/Jordan%20Country%20Profile.pdf>.

298 *Ibid.*, 68.

CHILD AND YOUTH PARTICIPATION

Jordan has undertaken several interesting initiatives in the field of child and youth participation, where children have been placed at the heart of programmes and plans. For example, in 1997, a Child Parliament was established following a number of Jordanian children's conferences organised by the Jordanian Women's Union (JWU)²⁹⁹ which aimed to spread knowledge and information about national child right's law and its conformity with the CRC. After having established the internal regulations of the Parliament, the children elected members of the Parliament on the basis of the population of each governorate.³⁰⁰

Reportedly, as of 2014, the Parliament was still operating and involved 25 children who represent the entire Kingdom.³⁰¹ The main objectives of the Children's Parliament relate to:

- "Providing Jordan's children with the opportunity to participate in open discussions in issues concerning them;
- Providing Jordan's children with the basis for free expression of their ideas and discussing them with other children;
- Providing Jordan's children all over the Kingdom, and from all different social backgrounds with the chance to meet and to exchange views and ideas;
- Providing a good environment for children in general, and to female children in particular, to participate equally and without any discrimination: the framework of the parliament consists of 50% for boys, 50% for girls and 3% for children with special needs;
- Training children on democratic behaviour and organised group work as well as on respecting others view points, and democratic decisions;
- Spreading human rights principles in general, children's rights in particular;
- Emphasising the principle of justice, freedom, equality and respect of human rights without any discrimination based on gender;
- Strengthening the dialogue with the democratic concept among children in the Parliament;
- Improving the dialogue between the two sexes;
- Limiting the gap between the government children's law and the children's parliament law by strengthening children's participation and reflecting their recommendations into the government proposal for the children's law."³⁰²

299 "The Jordanian Women's Union (JWU), headquartered in Amman, is a non-governmental, democratically elected organisation that is committed to improving the status of women. It is one of the most prominent and influential women's organisations in the Arab world and has established strong networks with women's movements, both nationally and internationally.", Jordanian Women's Union, "The Jordanian Women's Union", About Us, accessed 10 May 2016, <http://jwu.org.jo/Pages/Detiles.aspx?lng=1&pageid=9>.

300 Jordanian Women's Union, "The Children Parliament", JWU website, accessed 10 May 2016, <http://www.jwu.itgo.com/cpt.htm>.

301 CRC, "Committee on Rights of Child examines reports of Jordan on the Convention, Children in armed conflict and the Sale of children", OHCHR News and Events, 27 May 2014, accessed 20 April 2016, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=14649&LangID=E>.

302 *Ibid.*, Objectives of the Parliament.

Along similar lines, youth are involved in the electoral mechanisms through the Youth Centres supervised by the Higher Council for Youth. The latter aims to facilitate youth participation in the Centres' administrative committees through periodic elections.³⁰³

Since Jordan is considered one of the largest hosts of the Palestinian refugee community, youth have been receiving capacity building trainings to strengthen their participation in the refugee camps and to mainstream their perspectives during programming.³⁰⁴

The Jordan River Foundation has been a pioneer in leading child protection programmes in Jordan among other national civil society actors. The Youth Programme, implemented by the Queen Rania Family and Child Centre, aims to empower youth to participate in their communities through workshops, as well as training activities and volunteer programmes.³⁰⁵

The Committee on the Rights of the Child has welcomed the proactive engagement of Jordan and its initiatives for the promotion of the right of participation, but it is still concerned that "legal and administrative proceedings do not systematically provide for the right of children to be heard and that respect for the views of children remains limited owing to traditional societal attitudes towards children, and especially girls, within the family and the community at large."³⁰⁶

303 Save the Children Sweden (2011), "Country Profile of Jordan, A Review of the Implementation of the UN Convention on the Rights of the Child", August 2011, Beirut, 71, accessed 9 May 2016, <http://www.ibcr.org/editor/assets/Jordan%20Country%20Profile.pdf>.

304 UNICEF (2014), "Palestinian Children and Women in Jordan, Lebanon, the Syrian Arab Republic and the State of Palestine – Area Programme Document 2015-2016", 11 September 2014, accessed 10 May 2016, http://www.unicef.org/about/execboard/files/2014-PL7_Palestinian_children_and_women_APD-Final_approved-EN.pdf.

305 Jordan River Foundation, "Queen Rania Family and Child Centre", *JRF website*, accessed 10 May 2016, <http://www.jordanriver.jo/?q=content/jrcsp/queen-rania-family-and-child-center>.

306 CRC (2014), "Concluding observations on the combined fourth and fifth periodic reports of Jordan, CRC/C/ JOR/CO/4-5, para. 23.

RECOMMENDATIONS FOR ACTION



National Plan of Action

- Develop an all-encompassing national plan of action to address all forms of CSEC in order to avoid conflicts and lack of consistency among all the relevant strategies already in place within the country.
- Establish a central database on children and an effective system of data collection of all governorates in Jordan. These data should be disaggregated by age, by sex, by urban and rural areas and by special protection needs. Outcomes should help to write and develop policies and programmes for the effective implementation of the Convention.³⁰⁷
- Integrate programmes, activities and policies related to children rights in the budget of different ministries, with respect to article 4 of the Convention on the Rights of Children.³⁰⁸
- Organise educational programmes and workshops for families to increase their knowledge on sexual abuses and related issues.
- Update the government website, developed in 2014 in order to address and tackle the issue of child labour.

Coordination and Cooperation

- Organise and participate in national, regional and international workshops specifically dedicated to CSEC manifestations.
- Develop an effective mechanism to coordinate the agencies and ministries working on the development, implementation and monitoring of the list of rights included in the Optional Protocol.³⁰⁹
- Strengthen multilateral and bilateral relations with neighbouring countries by developing and implementing a functioning system to prevent the sale of girls for the purpose of early or forced marriage.³¹⁰
- Strengthen international cooperation to improve prevention, detection, investigation, prosecution and punishment of perpetrators for any of the offences covered by the Optional Protocol.³¹¹

307 CRC (2014), "Concluding observations on the combined fourth and fifth periodic reports of Jordan, CRC/C/JOR/CO/4-5, para. 8(b).

308 "States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation." UN General Assembly (1989), "Convention on the Rights of the Child", article 4.

309 CRC (2014), "Concluding observations on the report submitted by Jordan under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography", para 11.

310 *Ibid.*, para.21.

311 *Ibid.*, para. 36.

- Maintain the cooperation with United Nations agencies and non-governmental organisations, in order to develop measures aimed at the effective implementation of the Optional Protocol.³¹²
- Strengthen cooperation and coordination between different bodies and institutions working on the rights of the child at all levels in order to guarantee consistent implementation of the Convention in all governorates of Jordan.³¹³

Prevention

- Strengthen efforts to raise awareness about the provisions of the Optional Protocol among the population in all governorates.³¹⁴
- Develop gender-sensitive education programmes aimed at preventing the offences in the Optional Protocol. This could be done through adequate curricula of primary and secondary schools; as well as spreading provisions of the Optional Protocol among members of the police, judges, prosecutors, representatives of the media, social workers and members of the National Council for Family Affairs and the relevant ministries.³¹⁵
- Use a participatory process involving communities in order to develop multidisciplinary training programmes on all areas covered by the Optional Protocol, where all relevant professional groups, institutions and individuals working with and for children are included. For better efficiency, develop a monitoring process and ensure the systematic evaluation of all training programmes on the Optional Protocol.³¹⁶
- Adopt a comprehensive approach to address the root causes of the offences included in the OPSC focusing on children belonging to the most vulnerable and at risk categories such as children living in poverty, migrant and refugee children, and children of unknown parentage.³¹⁷
- Use creative and child-friendly methods to raise awareness of the provisions of the Convention.³¹⁸
- Invest in the collection of official data on the incidence of sexual exploitation of children within the country.

Protection

- Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure³¹⁹ that sets out an international complaints procedure for child rights violations.

312 *Ibid.*, para. 37.

313 CRC (2014), “Concluding observations on the combined fourth and fifth periodic reports of Jordan, para. 8(a).”

314 CRC (2014), “Concluding observations on the report submitted by Jordan under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography”, para 13.

315 *Ibid.*, para. 13 (a,b and c).

316 *Ibid.*, para. 15.

317 *Ibid.*, para 19 (c).

318 CRC (2014), “Concluding observations on the combined fourth and fifth periodic reports of Jordan, para. 8(c).”

319 UN General Assembly (2011), “Optional Protocol to the Convention on the Rights of the Child on a communication procedure”, A/RES/66/138 of 19 December 2011, entered into force 14 April 2014.

- Hold accountable all those involved in the sale of girls for the purpose of forced marriage, sexual abuse and exploitation, and ensure their punishment with penalties commensurate with the gravity of the crime, through adopting firm and immediate measures to ensure the effective enforcement of the legal prohibition of child marriage.³²⁰
- Conduct advocacy campaigns with the tourism industry on the harmful effects of SECTT, disseminate the Global Code of Ethics for Tourism among travel agents and tourism agencies, motivate enterprises to become signatories to the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism,³²¹ and develop a specific law pertaining the illegality of SECTT and sex tourism operators.
- Overhaul the Jordanian Penal Code and bring it into full compliance with articles 2 and 3 of the Optional Protocol. The definition of child prostitution contained in article 2(b) of the Optional Protocol should be included and adequate penalties for the offence must be provided for and imposed, as well as define and criminalise all forms of the sale of children.³²²
- No excuse should be offered to perpetrators of sexual exploitation of children, and sanctions should be commensurate with the gravity of the offence.³²³ Perpetrators should be brought to justice and Jordan must take more adequate measures to rescue girls forced into prostitution.³²⁴
- Article 319 of the Jordanian Penal Code should be amended to define child pornography and criminalise the mere possession of child pornography.³²⁵
- Reservations to articles 14, 20 and 21 of the Convention are deemed to be unnecessary and must be withdrawn in accordance with the Vienna Declaration and Plan of Action adopted by the World Conference on Human Rights of 1993.³²⁶
- Abrogate derogatory expressions which justify offences related to sexual exploitation and abuse or mitigate their related punishments.
- Meet international standards avoiding gender based discrimination and ensuring full protection for both boys and girls involved in child prostitution.

Access to Justice

- Domestic legislation should allow the establishment and exercise of extraterritorial jurisdiction over all crimes covered by the Optional Protocol. Furthermore, the Committee recommends the use of article 5 of the Optional Protocol as a legal basis for extradition in case of the absence of a bilateral agreement.³²⁷

320 CRC (2014), "Concluding observations on the report submitted by Jordan under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography", para 21.

321 *Ibid.*, para. 23.

322 *Ibid.*, para 25.

323 *Ibid.*

324 *Ibid.*, para 27.

325 *Ibid.*, para. 25.

326 CRC (2014), "Concluding observations on the combined fourth and fifth periodic reports of Jordan, para 9.

327 CRC Child (2014), "Concluding observations on the combined fourth and fifth periodic reports of Jordan, para. 31.

- Ensure that full legislative protection is provided to child victims and witnesses of offences prohibited under the Optional Protocol, including the protection of privacy of child victims during the investigation and trial process, and child witnesses from retaliation. Acknowledging the lack of a free legal aid system to child victims in Jordan, the State should endeavour and cover legal assistance to children in contact with the justice system, with the support of child psychologists and social workers during the criminal justice process³²⁸. Afterwards, appropriate shelter and assistance should be provided for child victims for their full social reintegration and physical and psychological recovery.³²⁹
- All child victims of offences under the Optional Protocol should be removed from detention facilities without delay.³³⁰
- Develop a system of state-sponsored legal aid for child victims.

Child and Youth Participation

- Improve legal and administrative proceedings in order to guarantee the right of children to be heard and for their views to be taken into consideration.
- Programmes and awareness-raising activities aimed at empowering children and promoting their meaningful participation within the family, the community and schools should be established.³³¹

328 *Ibid.*, para. 33.

329 *Ibid.*, para. 35 (b).

330 *Ibid.*, para. 35 (a).

331 *Ibid.*, para. 24 (c).

ANNEX

The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents*

Note: This is a condensed version. The full Rio Declaration and Call to Action also contains: Preamble; A. Review of progress and outstanding challenges; and B. Declaration.

C. Call for Action

We call on all States, with the support of international organizations and civil society, including NGOs, the private sector, adolescents and young people to establish and implement robust frameworks for the protection of children and adolescents from all forms of sexual exploitation, and we call upon them to:

I - International and Regional Instruments

- (1) Continue working towards ratification of relevant international instruments, including as appropriate the United Nations Convention on the Rights of the Child and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Convention on the Elimination of All Forms of Discrimination against Women.
- (2) Continue working towards ratification of relevant regional instruments, including as appropriate the African Charter on the Rights and Welfare of the Child, the ASEAN Charter, the Inter-American Conventions on International Traffic in Minors and on the Prevention, Punishment and Eradication of Violence against Women, the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, and the Council of Europe Conventions on Action against Trafficking in Human Beings, on Cybercrime and on the Protection of Children against Sexual Exploitation and Sexual Abuse, conventions which can be ratified by States that are non-members of the Council of Europe.

* The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents (2008), full text available at: http://www.ecpat.net/WorldCongressIII/PDF/Outcome/WCIII_Outcome_Document_Final.pdf

- (3) State Parties should take all necessary measures to implement the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, taking into due accounts the conclusions and the recommendations of the Committee on the Rights of the Child in the context of its review of State Parties' reports. All countries are encouraged to use this as an important reference.

II – Forms of Sexual Exploitation and its New Scenarios

Child pornography/child abuse images

- (4) Criminalize the intentional production, distribution, receipt and possession of child pornography, including virtual images and the sexually exploitative representation of children, as well as the intentional consumption, access and viewing of such materials where there has been no physical contact with a child; legal liability should be extended to entities such as corporations and companies in case the responsibility for or involvement in the production and/or dissemination of materials.
- (5) Undertake specific and targeted actions to prevent and stop child pornography and the use of the Internet and new technologies for the grooming of children into online and off-line abuse and for the production and dissemination of child pornography and other materials. Victim identification, support and care by specialized staff should be made a high priority.
- (6) Conduct educational and awareness-raising campaigns focusing on children, parents, teachers, youth organizations and others working with and for children with a view to improve their understanding of the risks of sexually exploitative use of the Internet, mobile telephones and other new technologies, including information for children on how to protect themselves, how to get help and to report incidences of child pornography and online sexual exploitation.
- (7) Take the necessary legislative measures to require Internet service providers, mobile phone companies, search engines and other relevant actors to report and remove child pornography websites and child sexual abuse images, and develop indicators to monitor results and enhance efforts.
- (8) Call upon Internet service providers, mobile phone companies, Internet cafes and other relevant actors to develop and implement voluntary Codes of Conduct and other corporate social responsibility mechanisms together with the development of legal tools for enabling the adoption of child protection measures in these businesses.
- (9) Call upon financial institutions to undertake actions to trace and stop the flow of financial transactions undertaken through their services which facilitate access to child pornography.
- (10) Set up a common list of websites, under the auspices of Interpol, containing sexual abuse images, based on uniform standards, whose access will be blocked; the list has to be continuously updated, exchanged on international level, and be used by the provider to perform the access blocking.

- (11) Undertake research and development, in the realm of the private sector, of robust technologies to identify images taken with electronic digital devices and trace and retract them to help identify the perpetrators.
- (12) Promote public/private partnerships to enhance the research and development of robust technologies to investigate and to trace the victims with a view to immediately stop their exploitation and provide them with all the necessary support for full recovery.
- (13) Make technologies easily available, affordable and usable for parents and other caregivers, including to assist with the use of filters to block inappropriate and harmful images of children.

Sexual exploitation of children and adolescents in prostitution

- (14) Address the demand that leads to children being prostituted by making the purchase of sex or any form of transaction to obtain sexual services from a child a criminal transaction under criminal law, even when the adult is unaware of the child's age.
- (15) Provide specialized and appropriate health care for children who have been exploited in prostitution, and support child centered local models of recovery, social work systems, realistic economic alternatives and cooperation among programmes for holistic response.

Sexual exploitation of children and adolescents in travel and tourism.

- (16) Encourage and support the tourism, travel and hotel sectors in adopting professional Codes of Conduct, for example by joining and implementing the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism; encourage the use of businesses that put in place appropriate child protection-focused corporate social responsibility strategies; and/or provide other incentives for those participating.
- (17) Ensure that all stakeholders pay specific attention to unregulated tourism to prevent domestic and international travellers from sexually exploiting children and adolescents.
- (18) Cooperate in the establishment of an international travel notification system, such as the Interpol 'green notice' system, in accordance with applicable law and human rights standards.
- (19) Ensure investigation and, where sufficient evidence exists, that appropriate charges are brought and vigorously pursued against the State's nationals who are reported or alleged to have sexually exploited a child in a foreign country.
- (20) Prohibit the production and dissemination of material advertising the sexual exploitation of children in tourism; and alert travellers to criminal sanctions that will apply in cases of sexual exploitation of children.

- (21) Monitor new and emerging tourist destinations and establish proactive measures to work with private sector partners involved in the development of tourism services on measures to prevent the sexual exploitation of children and adolescents, including the use of socially and environmentally responsible strategies that promote equitable development.

Trafficking and the sexual exploitation of children and adolescents

- (22) Mobilize communities, including children and adolescents with a view to engaging them in dialogue on and a critical review of social norms and practices and economic and social conditions that make children vulnerable to trafficking, and establish procedures that involve them in developing strategies and programmes where they participate, where appropriate, in the planning, implementation and monitoring of such programmes.
- (23) Pilot and adapt or replicate successful models of community-based prevention and rehabilitation and reintegration programmes for child victims of trafficking.
- (24) Establish policies and programmes that address not only cross-border but also internal trafficking of children and that include, among other elements, a standard operating procedure for the safe repatriation and return of children based on the child's view and on a careful assessment of the needs and risks to the child of returning to her/his place of origin to ensure that the best interests of the child are taken into account.
- (25) Continue strengthening cross-border and internal cooperation of law enforcement officials, for example by establishing coordinating units with a mandate to issue clear guidelines for child centered investigation of cases of trafficking of children and for treating trafficked children not as criminals but as victims in need of protection.
- (26) Take legislative and other measures to ensure that a guardian is appointed without delay for every unaccompanied trafficked child, that an effective system of registration and documentation of all trafficked children is established, and that every trafficked child is provided with not only short-term protection but also with the necessary economic and psycho-social support for full and long-lasting recovery and social reintegration (in line with the *UNICEF Guidelines on the Protection of Child Victims of Trafficking and UNHCR Guidelines on Formal Determination of the Best Interests of the Child*).
- (27) Undertake and/or support, with the involvement of civil society and children, the regular evaluation of programmes and policies to prevent and stop the trafficking of children and of legislation that may have a conducive impact on trafficking, for example laws on marriage, free education, adoption and migration, birth registration, accordance of citizenship, refugee or other status.

III – Legal Frameworks and Enforcement of the Law

- (28) Define, prohibit and criminalize, in accordance with existing international human rights standards, all acts of sexual exploitation of children and adolescents in their jurisdiction, irrespective of any set age of consent or marriage or cultural practice, even when the adult is unaware of the child's age.

- (29) Establish effective extraterritorial jurisdiction, abolishing the requirement of double criminality for offences of sexual exploitation of children and adolescents, and facilitate mutual legal assistance, in order to achieve effective prosecution of perpetrators and appropriate sanctions. Make all acts of sexual exploitation of children and adolescents an extraditable offence in existing or newly established extradition treaties.
- (30) Designate a lead law enforcement agency, where appropriate to national circumstances, to proactively enforce extraterritorial laws related to sexual exploitation of children and adolescents.
- (31) Ensure that child victims of sexual exploitation are not criminalized or punished for their acts directly related to their exploitation, but are given the status of victim in law and are treated accordingly.
- (32) Establish special gender sensitive units/children's desks within police forces, involving when appropriate other professionals like health care and social workers and teachers, to address sexual crimes against children, and provide specialized training to judicial and law enforcement personnel.
- (33) Address corruption in law enforcement and the judiciary, as well as other authorities with a duty of care to children, recognizing corruption as a major obstacle to effective law enforcement and protection for children.
- (34) Establish and implement international, regional and national legal mechanisms and programmes for addressing sex offender behaviour and preventing recidivism, including through risk assessment and offender management programmes, the provision of voluntary extended and comprehensive rehabilitation services (in addition to but not in lieu of criminal sanctions as appropriate), safe reintegration of convicted offenders and the collection and sharing of good practices and establish where appropriate sex offenders registers.

IV – Integrated Cross-Sectoral Policies and National Plans of Action General

General

- (35) Develop and implement comprehensive National Plans of Action on the sexual exploitation of children and adolescents, or include these in existing relevant planning frameworks, such as National Development Plans and ensure that these Plans are based in a cross-sectoral approach which brings all stakeholders together in a coherent and comprehensive framework for action. These Plans should incorporate gender-sensitive strategies, social protection measures and operational plans, with adequate monitoring and evaluation targeted resources and designated responsible actors, including civil society organizations for implementation of initiatives to prevent and stop the sexual exploitation of children and adolescents and provide support for child victims of sexual exploitation.

- (36) Promote and support multi-sectoral policies and programmes, including community-based programmes, within the framework of a comprehensive national child protection system to address phenomena that contribute to the sexual exploitation of children and adolescents including, for example, discrimination (including on the basis of sex), harmful traditional practices, child marriage and social norms that condone sexual exploitation.
- (37) Promote and fund meaningful child and youth participation at all levels in the design, monitoring and evaluation of policies and programmes, in campaigns and through peer-to-peer youth programmes, aimed at raising awareness and preventing the sexual exploitation and trafficking of children and adolescents.
- (38) Initiate and support the collection and sharing of reliable information and cross-border cooperation, and contribute to databases on victims and perpetrators, to enhance assistance to children and address the demand for sex with children, in accordance with applicable laws.

Prevention

- (39) Ensure that all children born on their territory are registered immediately and for free after their birth and pay special attention to not yet registered children and children at risk and in marginalized situations.
- (40) Strengthen the role of educational institutions and staff to detect, denounce and help address sexual abuse and exploitation of children in all forms and sources.
- (41) Emphasize prevention of sexual exploitation of children and adolescents, through e.g. awareness raising and educational campaigns, support for parents and eradication of poverty while reinforcing or establishing multi-sectoral referral mechanisms to provide comprehensive support and services to children who have been victimized in sexual exploitation.
- (42) Support children to gain deeper knowledge of their own rights to be free from sexual exploitation, and the options available to help them to address abuse, so that they are empowered, with the partnership of adults, to end sexual exploitation.
- (43) Engage children in meaningful and critical examination of changing contemporary values and norms and their potential to increase vulnerability to sexual exploitation; and promote education to enhance children's understanding of these issues in relation to sexual exploitation.
- (44) Undertake research on contemporary patterns of socialization of boys and men across different contexts to identify factors that promote and strengthen boys' and men's respect for the rights of girls and women and engage them in action initiatives that inhibit and discourage them from engaging in sexual exploitation of children and adolescents.

Protection of the child

- (45) Increase efforts to address the sexual exploitation of children and adolescents through the development of comprehensive and integrated national child protection systems, including the necessary budget allocations and based on identifications of settings where children are most at risk that aim to protect children from all forms of violence and abuse.
- (46) Establish by 2013 an effective and accessible system for reporting, follow up and support for child victims of suspected or actual incidents of sexual exploitation, for example by instituting mandatory reporting for people in positions of responsibility for the welfare of children.
- (47) Develop or enhance accessibility of existing telephone or web-based help lines, in particular for children in care and justice institutions, to encourage children and require care givers to confidentially report sexual exploitation and seek referral to appropriate services, and ensure that the operators of such reporting mechanisms are adequately trained and supervised.
- (48) Strengthen existing national child protection services or establish new ones in order to provide all child victims of sexual exploitation, girls and boys, without discrimination, with the necessary economic and psycho-social support for their full physical and psychological recovery and social reintegration, and when appropriate, family reunification and interventions that support and strengthen families to mitigate the risk of further exploitation; such services to be provided by well trained multi-disciplinary teams of professionals.
- (49) Ensure that these services are accessible, appropriately resourced, comprehensive, child- and gender-sensitive, and reach all children without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex (or orientation), and social origin and including children with disabilities, from ethnic minorities, indigenous or Aboriginal children, refugee or asylum-seeking and children in domestic service or living on the streets and children displaced by conflict or emergency situations.
- (50) Develop programs that provide children of sex workers and children living in brothels with support and protection.
- (51) Promote and defend the privacy of the child victims and child perpetrators of sexual exploitation, taking into account relevant national laws and procedures, to protect their identity in investigatory or court proceedings or from disclosure by the media and ensure that these proceedings are child friendly and allow the child to participate in a meaningful way in the process of bringing the perpetrator to justice.
- (52) Ensure that children and adolescents exhibiting acts of sexual violence harmful to others receive appropriate care and attention as a first option through gender-sensitive and child-focused measures and programmes that balance their best interest with due regard for the safety of others, and ensure compliance with the principle that depriving children of liberty should be pursued only as a measure of last resort, and ensure that those responsible for the care of such children are equipped with relevant and culturally appropriate training and skills.

V – International Cooperation

- (53) Take all necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts of sexual exploitation of children and adolescents; and for the assistance of child victims in their physical and psychological recovery, social reintegration and, as appropriate, repatriation.
- (54) Establish and/or improve by 2013 concrete mechanisms and/or processes to facilitate coordination at national, regional and international levels for enhanced cooperation among government ministries, funding bodies, UN agencies, NGOs, the private sector, workers' and employers' organizations, the media, children's organizations and other representatives of civil society with a view to enabling and supporting concrete action to prevent and stop the sexual exploitation of children and adolescents.
- (55) Strengthen and improve the effectiveness of existing regional mechanisms for exchange, coordination and monitoring of progress on child protection including against sexual exploitation in order to review progress and strengthen follow-up on the implementation of the recommendations made.
- (56) Provide, when in a position to do so, financial, technical and other assistance through existing multilateral, regional, bilateral and other programmes for addressing the sexual exploitation of children and adolescents; and explore the potential of a fund for child and youth initiatives in this area.
- (57) Develop, where appropriate with the support of UN agencies, NGOs, civil society organizations and the private sector, workers' and employers' organizations, policies and programmes to promote and support corporate social responsibility of enterprises operating *inter alia* in tourism, travel, transport and financial services, and of communication, media, Internet services, advertising and entertainment sectors; so that child-rights focused policies, standards and codes of conduct are implemented throughout the supply chain and include an independent monitoring mechanism.
- (58) Support and contribute to the Interpol international child abuse images database and nominate a responsible national focal point person or unit to collect and update promptly national data on sexual exploitation of children and adolescents, and systematically share this information with Interpol in order to support cross-border (international) law enforcement action and strengthen its effectiveness, and adopt multilateral agreements especially for police investigation work.
- (59) Undertake national and international coordinated measures to curb and stop the involvement of organized crime in commercial sexual exploitation of children and bring persons and/or legal entities responsible for this form of organized crime to justice.

VI – Social Responsibility Initiatives

We encourage the private sector, employers' and workers' organizations, to proactively engage in all efforts to prevent and stop the sexual exploitation of children and adolescents, and to use their knowhow, human and financial resources, networks, structures and leveraging power to:

- (60) Integrate child protection, including the prevention of sexual exploitation of children, into new or existing corporate social responsibility policies of enterprises operating *inter alia* in tourism, travel, transport, agriculture and financial services, and of communication, media, Internet services, advertising and entertainment sectors, and ensure appropriate implementation of such policies and widespread public awareness.
- (61) Incorporate the prevention and protection of children from sexual exploitation in human resources policies, such as Codes of Conduct and other corporate social responsibility mechanisms throughout the supply chain.
- (62) Join efforts with Governments, UN agencies, national and international NGOs, and other stakeholders to prevent the production and dissemination of child pornography, including virtual images and the sexually exploitative representation of children, and stop the use of the Internet and new technologies for the grooming of children into online and off-line abuse; undertake actions to trace and stop the flow of financial transactions for sexual exploitation of children through the services of financial institutions; support efforts to address the demand for sexual exploitation of children in prostitution and the strengthening of services for children victims and their families, including the establishment of accessible telephone or web-based help lines; and provide support for educational and awareness-raising campaigns targeting children, parents, teachers, youth organizations and others working with and for children, on the risks of sexual exploitation of children, sexually exploitative use of the Internet, mobile phones and other new technologies as well as on protective measures.

VII – Monitoring

- (63) Establish by 2013 independent children's rights institutions such as children's ombudspersons or equivalents or focal points on children's rights in existing human rights institutions or general ombudsperson offices, highlighting the importance for States Parties to the Convention on the Rights of the Child of General Comment No 2 of the Committee on the Rights of the Child; these bodies should play a key role in the independent monitoring of actions taken for the prevention of sexual exploitation of children and adolescents, protection of children from such exploitation and the restoration of the rights of sexually exploited children, in advocating for effective legal frameworks and enforcement and in ensuring, where necessary, that child victims have effective remedies and redress, including the possibility of filing complaints before these institutions.

We encourage the Committee on the Rights of the Child to:

- (64) Persevere with reviewing progress of States Parties' fulfilment of their obligations to uphold the right of children to protection from sexual exploitation and pay special attention to the recommendations in the Rio Call for Action in its examination of reports under the Convention on the Rights of the Child and its Optional Protocols.
- (65) Adopt as a matter of priority a General Comment on the right of the child to protection from sexual exploitation, trafficking for sexual purposes, and the abduction and sale of children, including detailed guidance to States on the development, implementation and enforcement of national legislation and policies in this regard.
- (66) Continue to work with the Office of the High Commissioner for Human Rights in protecting child rights, and raising awareness of relevant international and regional human rights mechanisms.

We encourage other United Nations human rights treaty bodies, special procedures of the Human Rights Council and special representatives of the United Nations Secretary-General, as well as regional human rights mechanisms, to:

- (67) Pay particular attention to combating the sexual exploitation of children and adolescents, within their respective mandates and during their examination of State Parties' reports, country visits, in their thematic work and/or other activities.

We urge the Human Rights Council to:

- (68) Ensure that the Universal Periodic Review process includes rigorous examination of States' fulfilment of their obligations to children, including preventing and stopping the sexual exploitation of children and adolescents and to respectfully the rights of child victims of such exploitation.

We urge the yet-to-be-appointed Special Representative of the Secretary-General on Violence against Children, the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography and the Special Rapporteur on Trafficking in Persons, especially in Women and Children, together with other appropriate mandate holders and in collaboration with the Committee on the Rights of the Child, to:

- (69) Work together to avoid duplication and to maximise their impact in preventing and stopping the sexual exploitation of children and adolescents and, through their work, map experiences in the area of prevention and response to sexual exploitation of children and asses their effectiveness.

We encourage UN agencies, NGOs and human rights institutions to:

- (70) Support and provide information on the extent of and responses to sexual exploitation of children and adolescents to these bodies.
- (71) Work with the media to enhance their role in education and empowerment, and in protecting children from sexual exploitation, and to mitigate the harmful potential of the media, including through the sexualization of children in advertising.

We call on international financial institutions such as the World Bank and the International Monetary Fund to:

- (72) Review their current macro-economic and poverty reduction strategies with a view to counteracting any negative social impact on children and their families, including loan conditionality which essentially limits social services and access to rights and minimizing the risk for children to sexual exploitation.

We call on religious communities to:

- (73) Reject, in the light of their consensus about the inherent dignity of every person, including children, all forms of violence against children including sexual exploitation of children and adolescents and establish, in that regard, multi-religious cooperation and partnership with other key stakeholders such as governments, children's organizations, UN agencies, NGOs, media and the private sector using their moral authority, social influence and leadership to guide communities in ending sexual exploitation of children and adolescents.

D. Follow-up

- (1) We commit ourselves to the most effective follow-up to this Call for Action:
 - At the national level, *inter alia*, by biennial public reporting on the measures taken for the implementation of the Rio Declaration and Call for Action and promoting/initiating discussions on the progress made and the remaining challenges to named responsible mechanisms for monitoring implementation while also integrating such requirements into State reporting to the Committee on the Rights of the Child.
 - At the international level, by encouraging and supporting coordinated actions by the relevant human rights treaty bodies, special procedures of the Human Rights Council and Special Representatives of the Secretary-General of the United Nations with a view to maintaining awareness of the Rio Declaration and Call for Action and promoting its implementation.
- (2) Encourage the private sector to join the United Nations Global Compact and communicate their implementation progress with regard to addressing the sexual exploitation of children and adolescents and supporting the realization of this platform for coordinated corporate efforts and sharing of best practices.

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Additional Links and Resources

<http://www.mosd.gov.jo> – Ministry of Social Development

<http://www.noor.gov.jo/main/ntfc.htm> - National Task Force for Children

<http://www.nchr.org.jo/> - National Centre for Human Rights (JNCHR)

<http://jei.org.jo/en-us/> - Jordan Education Initiative

<https://www.crin.org/en/library/publications/jordan-national-laws> - Jordanian National laws (CRIN)

<http://www.jordanriver.jo/> - Jordan River Foundation



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