

---

**Jordan's combined fourth and fifth report on the implementation of the Convention on the Rights of the Child. CRC/C/JOR/4-5, 1<sup>st</sup> March 2013.**

**Care-related sections (Extract)**

The Government of the Hashemite Kingdom of Jordan has submitted its fourth and fifth combined report on the implementation of the Convention on the Rights of the Child (dated 1<sup>st</sup> March 2013), which is due to be examined by the Committee on the Rights of the Child at its 66<sup>th</sup> Session, taking place in May-June 2014 in Geneva.

For the full report, please visit: <http://www2.ohchr.org/english/bodies/crc/crcs66.htm>

**II. Definition of the child**

10. Children (0–18 years old) account for 46.2 per cent of the population – 2,821,290 persons in total in 2010. The average number of children per family is 3.8 and 868,600 families currently have children in their care.

**II. General principles**

A. Non-discrimination

26. Under Jordanian law, rights provided for in the sharia are extended to children of unknown parentage, and such children are entitled to protection, care and education, among other rights. Thus, children of unknown parentage enjoy rights afforded under the sharia, such as the right to maintenance, the right to own property, the right to receive care, the right to education and health and also the right to inherit, if the identity of one of the parents is known. These children are deemed to have full capacity, even when they are in the womb. According to the sharia, a child's filiation may be established according to criteria that are very straightforward, easy to meet and formulated in such a way as to protect children's rights. No one may deny a child's filiation, once it has been established.

27. Article 157 of the interim Personal Status Code (Act No. 36 of 2010) provides:

“(a) The child's descent from the mother shall be established at birth.

“(b) The child’s descent from the father shall only be established based on:

- “(i) Proof of marriage;
- “(ii) Acknowledgement of paternity;
- “(iii) An evidentiary document;
- “(iv) Incontrovertible scientific evidence and proof of marriage.”

**28. Children born outside of wedlock are cared for by foster families under special conditions. Background checks must be conducted to verify the spouses’ social and living circumstances and level of education and check that they are healthy in mind and body and thus able to raise a child properly. The family must provide all necessary forms of care (childraising, education, health, and psychological, material and social support) and meet the conditions established by the Ministry of Social Development.**

**29. The next table provides figures on the number of children of unknown parentage who were living in welfare institutions (Al Hussein Social Institute) between 2007 and 2012.**

*Source:* Ministry of Social Development.

<i>Year</i>	<i>Number of founding children</i>	<i>Number of children whose mothers’ identity is unknown</i>	<i>Number of children fostered and entrusted to foster families</i>	<i>Remarks</i>
2007	31	39	26	
2008	21	50	53	
2009	30	38	77	
2010	26	62	45	

### C. The best interests of the child

35. The principle that the best interests of the child should be the paramount consideration is spelled out in the Children’s Rights Bill. Article 4 provides that the State must safeguard childhood and motherhood, provide for the welfare of children and create conditions conducive to providing children with a proper education from every point of view in a free, dignified and humane setting where due account is taken of their best interests. As for legislation, administrative measures and amendments to the laws to ensure that account is taken of the best interests of children, **a regulation (No. 49 of 2009) was issued on the licensing and management of children’s homes. The purpose of the regulation is to establish procedures for dealing with children in homes and**

---

**for ensuring that the children's best interests are the primary concern. Article 17 of the regulation states: "The home shall carry out the following tasks:**

- (a) Take all steps to safeguard the health, development and well-being of children;
- (b) Protect children from abuse or violence of any kind in the home, under pain of prosecution;
- (c) Inform children's relatives, the Ministry and other reference persons if children are ill or if their safety or well-being is at risk;
- (d) Devise alternatives to institutional care for children based on a comprehensive plan that focuses on the best interests of the children;**
- (e) Review the factors behind placement of children in the home every quarter to determine whether institutional care arrangements could be replaced with care in the original family or a different family, and develop rehabilitation programmes for children's families or foster families;**
- (f) Refrain from publishing, exploiting or using images of the children other than for official business and in cases of necessity, as defined by a case study panel, so as to safeguard the children's best interests;
- (g) Establish and maintain administrative and financial records at the home for inspection by the authorities and Ministry officials;
- (h) Create a confidential file on each child and only allow authorized persons to consult it or discuss its contents, on pain of prosecution;
- (i) Provide the Ministry with figures and information every month about the children at the home.

36. Details of the number of boys and girls who have been in care institutions are provided below.

**Number of boys and girls in institutions, by year:**

- 2005: 766 children (345 boys and 421 girls);
- 2006: 977 children (489 boys and 488 girls);
- 2007: 886 children (445 boys and 441 girls);
- 2008: 756 children (370 boys and 386 girls);
- 2009: 738 children (368 boys and 370 girls);
- 2010: 870 children (420 boys and 450 girls).

---

37. According to the Children and Institutions Department of the Family and Child Directorate at the Ministry of Social Development, there were **28 care institutions in Jordan in 2011**. These included two government institutions, an institution of the Royal Court voluntary institutions in the capital and in the governorates of Zarqa, Irbid and Aqaba.

38. The **interim Personal Status Code (Act No. 36 of 2010)** includes provisions that address many family-related issues and new issues in the area of personal status. One key subject that is covered in detail is that of care of young children (*hadanah*). The principle of the best interests of the child is one of the key standards that the Act applies in relation to the question of *hadanah*. In accordance with this principle, the Code defines conditions that must be met by persons who are entrusted with the care of small children. Failure to meet these criteria bars a person from caring for a small child under the *hadanah* system, as the arrangement might not be in the child's best interests. The person must not have a contagious disease or an illness that could jeopardize the child's well-being. **He or she must not neglect the child and the home environment must be suitable for the child. Article 171 of the Personal Status Code provides: "To be entitled to care for a young child, the carer must be an adult of sound mind who is not suffering from a serious, contagious disease. He or she must be the child's custodian and must be able to provide the child with a religious and moral education and to safeguard his or her health. The child must not be neglected in the home, because the carer is preoccupied. He or she must not be kept in a house of ill repute or of a person who will do him or her harm and the carer must not have converted to a different religion."**

39. Article 173 states that the mother will retain the right to care for her children up until they reach the age of 15. Persons other than the mother will do so until the children reach the age of 10. After a child reaches the age specified in paragraph (a) of the article, he or she can choose whether to remain with the mother until reaching his or her majority. The time limits on care by a woman will be extended if this is necessary owing to an illness on the part of the male carer – unless the alternative is in the child's best interests.

40. As for administrative proceedings in the sharia courts, training courses have been held for sharia judges, assistant judges and court officials countrywide. The courses provide detailed explanations on children's rights, as set forth in the Jordanian Personal Status Code (Act No. 36 of 2010). The main topics discussed at these courses and seminars are child maintenance, the costs of children's education and health care, *hadanah*, visiting rights, travel with a minor, and how to ensure the best interests of the child in all these areas. At several events and workshops run

jointly with local non-governmental organizations, in-depth discussions have been held on the main provisions of the Code that deal with these topics and on how to apply the provision on situations and disputes in which children are adversely affected.

## V. Family environment and alternative care

77. The table below shows the number of people admitted to and discharged from social welfare institutions as of 2009.

No.	Institution	Carried over from 2007		Entry			Transfer			Placement			Current number of residents
		Boys	Girls	Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total	
1.	Dar al-Aman	8	19	23	18	<b>41</b>	3	0	<b>3</b>	16	23	<b>39</b>	29
2.	Ma'daba Children's Home	39	0	115	0	<b>115</b>	9	0	<b>9</b>	127	0	<b>127</b>	27
3.	Shafa Badran Welfare Home (opened on 9/7/2008)	38	0	37	0	<b>37</b>	10	0	<b>10</b>	19	0	<b>19</b>	46
4.	Welfare, Al-Rasifa Education and Rehabilitation Home for Girls	0	37	0	0	<b>129</b>	1	1	<b>0</b>	0	112	<b>112</b>	54
5.	Family Reconciliation Home	0	23	0	806	<b>806</b>	0	14	<b>14</b>	0	744	<b>744</b>	48
<b>Total</b>		<b>85</b>	<b>79</b>	<b>175</b>	<b>824</b>	<b>1 128</b>	<b>23</b>	<b>15</b>	<b>36</b>	<b>162</b>	<b>879</b>	<b>1 041</b>	<b>204</b>
<b>Grand total</b>		<b>208</b>		<b>716</b>			<b>29</b>			<b>742</b>		<b>1 484</b>	<b>306</b>

78. The National Council for Family Affairs and the Greater Amman Municipality set up three family counselling offices in the capital governorate. The offices are located in Al-Nuzhah, Sahab and Sweileh and provide families with counselling on social, economic and legal problems. In order to ensure that access to this service is provided across as much of the country as possible, steps have been taken to establish centres in the northern and southern governorates, namely, Irbid, Karak and Aqaba. The Council has produced a training manual for staff family counsellors and those who will be employed at the centres were given training in the best techniques for dealing with the problems that they will face in their work. Counselling training has been provided to around 2,225 people, including Ministry of Education counsellors, Ministry of Social Development social workers, representatives of civil society organizations and academics from all State universities.

79. The Family Education and Counselling Centre provides free psychosocial, legal and health advice to children, women and all victims of violence and abuse. Moreover, the Family and Child

---

Protection Society provides advice to children, married couples, older persons and people who are victims of violence or in a situation that puts them at risk. The Family Development Association also offers free psychosocial advice and information to women, children and other members of local communities.

80. Dar al-Aman, which is part of the Jordan River Foundation, provides temporary residential care to child victims of abuse, together with psychosocial services for them and their families. It also offers psychosocial counselling to children and families who need this type of intervention. The Foundation's Safe Family Unit provides psychosocial services and legal advice. The Foundation targets abused children who are referred to it by the authorities and their foster families and adolescents suffering from psychosocial problems and their families. It operates in one district of Amman (Maraka South).

81. The Integrated Services Centre/Family Reconciliation Home of the Ministry of Social Development will provide free social advice and psychological and family counselling services as well as rehabilitation support for victims of abuse.

82. The National Council for Family Affairs carried out a project to improve services for children from birth up to the age of 4. Guidelines were drawn up on the establishment and licensing of nursery schools. The guidelines cover matters relating to safety, health, hygiene, food, the qualifications of the staff that work with children, staff-child ratios, administrative procedures for registering children, and record keeping.

83. As part of the project, measures were taken to develop the institutional structures of nursery schools. To that end, a study of their oversight and monitoring procedures was conducted in 2009. The purpose of the study was to assess how the Ministry of Social Development and partners manage these institutions and to develop the Ministry's oversight and monitoring procedures in line with updated directives. Based on the findings, a manual was produced containing guidelines, tools and information on procedures for monitoring and evaluating these institutions so as to protect the health and safety of the children who attend them and to verify compliance with minimum licensing standards and conditions. The process for monitoring and overseeing these institutions and verifying compliance with licensing conditions is described in the manual.

84. In cooperation with the Ministry of Social Development, the Council designed an assessment tool for nursery schools to help care providers, owners and managers to create a safe environment for the delivery of comprehensive childcare and to sensitize them to the difficulties that may need to be addressed in order to create an ideal care environment.

---

85. In 2010, in the second phase of the project, a general framework was established setting out general educational outcomes for Jordanian children, including behaviours that a child might be expected to exhibit after going through a proper educational process. The parameters are perfectly aligned with age criteria and are tailored to take account of the situation of children in different socio-geographic areas. All aspects of child development, including physical, cognitive, linguistic, social and communicative development, are included in the framework.

86. Given that children begin to learn from the minute they are born, suitable learning activities need to be designed and delivered immediately after enrolment in nursery schools so as to foster their full development. Children learn from playing and from actively exploring their environment. The Council has established benchmarks for educational outcomes for Jordanian children and produced a handbook for educators on activities for children between 0 and 4 years of age. The handbook is designed based on an integrated development approach and lists expected outcomes for each age group, together with suitable activities, accompanied by illustrations, that care providers can use to support children's full development. The idea is to ensure that the outcomes are achieved and to measure the impact on children so as to help develop their full personality and build their capacity to adapt to school and to face the future. A safe and supportive environment that fosters the mental, physical, emotional and social development of children is provided. The handbook comprises two-week modules. A range of practical activities are suggested for each week and the handbook is divided up into four parts, each tailored to a different age group. At the end of each section, an assessment test to measure the child's learning is included.

87. The Council distributed a booklet on the contents and rights established in the Convention to raise awareness among the young people working on the preparation of their report on children's rights. It also distributed the booklet to policymakers who deal with children's issues and rights.

**88. The Interim Personal Status Code (Act No. 36/2010) provides that the biological mother has a primary right to be entrusted with care of her young children, whether she is still married or has separated from her husband. Preference is then given to the maternal grandmother, the paternal grandmother and the father, in that order. A court may decide to have a child placed with a more distant relative, if it is presented with evidence that such an arrangement is in the child's interests.**

**89. In order to protect children and ensure that they receive appropriate care, conditions have been included in the Act stating that those granted the right to care for young children must be adults who are of sound mind not suffering from an infectious or**

---

**serious illness. The carer must be able to raise and maintain a child (Personal Status Code, arts. 170 and 171).**

90. The law provides protection for young children. It states that the care arrangement (*hadanah*) will be considered null and void if the child is lodged with a person who has been stripped of the right of care owing to his or her bad conduct.

91. The Act states that the father's mother, father and grandfather may see the child and invite the child to visit, if the father is absent. They may go out with the child once a week and talk to him or her using modern means of communication. Grandparents may see a child once a month so as to maintain a personal relationship and direct contact with the child. However, the Personal Status Code affirms that visits and outings will only be arranged with due regard in all cases to the best interests of the child.

92. Jordan ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in 2006. The text was published in issue 4787 of the official gazette on 16 October 2006. Moreover, Jordan has not entered any reservations to the Optional Protocol and its ratification decision shows that it is committed to upholding the highest standards of child protection and to providing all forms of protection and care to ensure the safety of children.

93. The National Strategy to Combat Human Trafficking was launched on 2 March 2010, together with a framework for action. The strategy focuses on four thematic areas: prevention, protection, legal proceedings and local, regional and international partnerships. It follows a rights-based approach that is consistent with international norms as they relate to protection and assistance for victims and persons adversely affected by human trafficking offences, notably children. Account is taken of children's best interests.

94. Article 9 of the Human Trafficking Act No. 9 of 2009 defines human trafficking as: "1. The recruitment, transportation, 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; (2) The recruitment, transportation, harbouring or receipt of a person under the age of 18 for the purpose of exploitation, even if such exploitation is not carried out by means of the threat or use of force or by the other methods enumerated in paragraph (1)."

95. Article 3 of the Human Trafficking Act defines exploitation as: "The exploitation of others in forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs or



---

prostitution or other forms of sexual exploitation.” This also includes recruitment, transportation, harbouring or receipt of a person under the age of 18 for the purpose of exploitation, even if such exploitation is not carried out by means of the threat or use of force or by the other methods enumerated in the Act.

96. Act No. 6 of 2008 on protection from domestic violence states that, besides offences that fall within the purview of the criminal courts, an act of violence by a family member against another family member shall be deemed domestic violence and classified as an offence against the person.

#### **Criminal Code (Act No. 8 of 2011, as amended)**

97. Jordan enacted a law containing a set of amendments to the Criminal Code which increased penalties for offences against families, women and children. The age of protection under criminal law with regard to sexual assault and indecent offences against girls was raised to 18 years in line with the international instruments on children’s rights. The law introduced tougher penalties for such offences. In given circumstances, the fact that the victim of the offence is a minor is defined as an aggravating circumstance in the law. Hence, the law protects children from physical abuse and sexual exploitation. It states that no person may perform an abortion on a woman other than in extraordinary circumstances and under the conditions laid down in the law. Otherwise, those involved will be deemed to have carried out an illegal abortion. The law provides additional safeguards for children, prescribing a maximum penalty of death for rape of a girl below the age of 15 years and raising the penalty to hard labour for rape of a girl aged between 15 and 18. If the perpetrator is an ascendant of the victim or close kin, the penalty will be increased. The law also deals with cases of children living in a brothel, incitement of children to engage in depravity or immoral acts and child sexual assault. It prescribes penalties for child abandonment and for depriving children of food, clothing or other necessities.

98. The elements of the State’s comprehensive strategy are described below.

#### **National Strategic Plan on Family Protection and the Prevention of Violence, 2005–2009**

**99. The focus of the strategic vision is on supporting the family as a cohesive and close-knit unit whose members enjoy the right to psychological, mental and physical well-being by creating a social, cultural and legal environment that keeps them safe, protects them from family breakdown and shields their members from violence.** The vision includes a component on prevention that revolves around the goals of preventing domestic violence; encouraging healthy behaviours in families; addressing

---

sociocultural risk factors; identifying cases of domestic violence at an early stage; and containing them and establishing measures to put an end to the problem through education and awareness-raising programmes. The component on protection highlights the need for action to ensure that communities and governmental and non-governmental organizations provide quality services to respond more effectively and more promptly to cases of domestic violence. The organizational capacities of these institutions need to be enhanced so that the best possible services can be supplied to deal with cases of violence. The component on human and material resources covers matters such as human resources development and institutional capacity-building for entities that work in the area of family protection and family security. The component on legislation, policies and legal issues relates to the Government's commitment to instituting laws to prevent domestic violence and to provide protection in that domain. The partnership and coordination component focuses on the need for comprehensive and integrated programmes, policies and laws to deal with domestic violence based on multisectoral approaches. The component on studies and research draws attention to the need for further research into domestic violence in order to define priority areas, identify the causes and costs of violence and assess the effectiveness of programmes.

#### **National Framework for Protection of Families from Violence**

100. The National Framework for Protection of Families from Violence is the mechanism that Jordan has established to deal with the problem of domestic violence. The first steps were taken in 2000 to implement the national family protection project, in which various governmental and non-governmental organizations work in partnership with one another to offer the best services to victims, offenders and their families. There is clearly a need for stronger partnerships and coordination among all the entities and institutions that work on family protection issues and for efforts to be made to tackle the problem of violence based on a multi-institutional approach. It was for that reason that the National Council for Family Affairs was selected to serve as an umbrella organization for coordination of programmes and activities to develop the National Framework for Protection of Families from Violence and to define, in cooperation with all partners, the roles and responsibilities of all entities that deal with victims of domestic violence. The decision was endorsed by the Council of Ministers and the relevant entities were asked to put it into effect.

101. The Ministry of Education conducted the "Together ... for a safe school environment" campaign, in cooperation with UNICEF, to encourage all teachers in State primary and secondary schools and schools run by the United Nations Relief Works Agency (UNRWA) to choose educational techniques, as opposed to

---

corporal punishment and other forms of psychological punishment to correct students' behaviour. The main outcomes were the production of a training manual on how to create a safe school environment that is free from violence and the delivery of training on the subjects covered in the manual to a focus group consisting of heads of educational guidance departments in the Ministry itself and in educational directorates, as well as representatives of the relief agency and of military colleges (a total of 60 participants).

102. With regard to the concern expressed by the Committee about corporal punishment being viewed as a culturally acceptable practice in the family setting, according to article 62 of the Criminal Code, parents may discipline their children within the parameters established by general custom. The Committee recommends that Jordan prohibit by law all forms of corporal punishment in the home as well as in all other settings, including private and public institutions, and effectively enforce this ban. It should be noted that article 62 of the Criminal Code has been amended. A clause stating that the punishment must not cause any harm or injury was added to ensure that parental discipline of children is justified, subject to the condition that the punishment is permitted according to general custom.

**103. With regard to the banning of corporal punishment, the Civil Service regulations were amended to prevent those who abuse children, particularly young children, and thus do them harm in breach of prevailing regulations and norms from working with children. Tougher disciplinary sanctions were introduced for inflicting any form of corporal punishment or injury on a child in an educational or training institution or a welfare home or shelter.** Provision was made for the establishment of a panel, to be chaired by a representative of the Ministry of Justice and with members from the relevant ministries and the Civil Service, to conduct investigations, draw up detailed reports on its findings and make recommendations to the Minister on appropriate sanctions for civil servants who commit abuses or on cases which should be referred to a disciplinary panel. There is also a provision that explicitly states that a civil servant who was dismissed for such conduct may not be re-employed in any department where children may be present.

#### **Social reintegration**

104. In a circular issued in 2000, the Ministry of Social Development defined three categories of children of unknown parentage: foundlings whose parentage is unknown; victims of lascivious conduct, meaning children conceived as a result of sexual intercourse between individuals who are close blood relations; and illegitimate children whose mothers' identity is known, that is children conceived as a result of illicit sexual

relations where on or both of the parties has been sanctioned by a court for their conduct. Normally, there are disputes over the parentage of these children.

105. In 2009, 77 children were fostered, as compared with 13 between 1 January and 30 April 2010.

106. The next table shows the number of children of unknown parentage who had been identified as of 2007. The figures are taken from the records of the Al-Hussein Social Institute.

Year	Group			Total
	Foundlings	Victims of lascivious conduct	Mother's identity unknown	
2007	32	3	35	70

Source: Ministry of Social Development, 2008.

107. The Ministry of Social Development makes arrangements to ensure that children of unknown parentage are cared for by families in accordance with Child Welfare Regulation No. 34 of 1972. Article 3 of the regulation states that alternative or foster families and host institutions discharge the obligations normally performed by natural families, subject to oversight by the Ministry. Their job is to look after the health, safety, well-being and education of the children concerned and they are given the right to supervise children in the same way as parents would do for a period to be determined by the Minister or a court.

**108. Regulation No. 49 of 2009 on the licensing and management of children's homes states that these homes must create an environment that is conducive to the development of children and provide a secure family setting where children can enjoy excellent physical and mental health and thus develop the social, emotional and other capacities that they need to learn. These arrangements are used when there is no possibility of housing a child with a family member or a suitable alternative family.**

#### **Dar al-Aman**

109. **Dar al-Aman is a residential therapeutic centre that offers protection and treatment to abused children and training for their families.** An institution of the Jordan River Foundation, since it opened its doors in 2000 it has dealt with hundreds of cases, providing accommodation, care, assistance with behavioural change and advice and organizing family visits. It works with boys aged between 0 and 12 years and girls from 0 to 13 years of age.

110. This is the only centre of its kind in Jordan and the Arab world to provide psychosocial therapy and recovery services. It

provides therapy to children living in the home and those who do not need to be separated from their families and admitted, because the abuse that they are facing does not warrant it. The centre also follows up on children who are returned to their original family or placed with an alternative family or a shelter or welfare centre.

#### **Ministry of Social Development/Family Reconciliation Home**

111. **The Family Reconciliation Home was established pursuant to Regulation No. 48 of 2004 on family welfare homes, which was issued pursuant to Article 4 of Ministry of Social Affairs and Labour Act No. 14 of 1956, as amended.** The Home was founded pursuant to a decree of the Minister of Social Development based on an instruction of the Ministry's Secretary-General. It was given the name of the Family Reconciliation Home and was opened on 17 January 2007.

112. The Home offers personalized services and advice to the women and girls that it accommodates and assists them in resolving problems and difficulties that they encounter. It also takes in accompanying children of up to 3 years of age. In special circumstances, a child over the age of 3 and under the age of 5 may stay there for up to one month, subject to a decision by the relevant panel.