

**Submission on Select Issues Affecting Children, and in particular Girls,
to inform the review of Jordan
by the UN Committee on the Rights of the Child
during its 66th Session (May-June 2014)**

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I. INTRODUCTION

This supplementary submission highlights select realities for children, and in particular girls, in Jordan based on recent field research and documentation across the country. The submission strives to spotlight several deep and underlying concerns which have gone unaddressed or insufficiently addressed by the government since this Committee's last review of Jordan's compliance with the Convention on the Rights of Child (CRC) in 2006 during the Committee's 43rd Session.

This submission is based on original research and analysis by four Jordanian non-governmental organizations (NGOs) in Jordan, including two leading national development and human rights organizations, a regional network of women legal professionals, and a service provider NGO in central Jordan. The contributing organizations are the Arab Women's Legal Network (AWLN), Information and Research Center (IRC), The Queen Zein Al Sharaf Institute for Development (ZENID), and the Family Guidance and Awareness Center, Zarqa (FGAC).

The American Bar Association – Rule of Law Initiative in Jordan, under the support of USAID, provided technical support in assembling and editing this submission.

Background on Submitting Organizations

Arab Women's Legal Network (AWLN)

The Arab Women's Legal Network (AWLN) is a non-governmental and non-profit regional organization headquartered in Jordan. AWLN comprises of 619 women legal professionals in 18 countries, with 246 legal professionals representing Jordan. AWLN aims to promote the leadership roles of women in the legal, judicial, civil rights, and legislative professions for the purposes of achieving social justice and equality and enhancing Arab societies' perceptions of women's achievements in the legal field. AWLN strives to raise legal awareness and strengthen the rule of law in Arab countries. As part of AWLN's efforts to contribute to the development of laws in Jordan, particularly those affecting vulnerable groups, AWLN members have provided input into a law reform on juvenile justice in Jordan.

AWLN contributed the section on the administration of juvenile justice on select realities of the application of the current Juvenile Law in Jordan and its impact on children. The information submitted by AWLN represents the views of their expert members and in no way seeks to represent the views of the Jordanian judiciary.

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Information and Research Center (IRC) - King Hussein Foundation

The Information and Research Center (IRC) was initially launched in 1996 as part of the National Task Force for Children. The IRC aims to serve as a catalyst for socio-economic transformation through

research, information and dissemination of knowledge. It promotes the welfare of children, youth, women, and families by providing objective, multidisciplinary research and analysis to practitioners and policymakers in Jordan and the Middle East, enabling effective socio-economic planning and decision making. As an active member of the Childwatch International Research Network, the IRC is leading an initiative to create a regional network of child research centers.

The IRC contributed its key findings from three recent studies: *To be a Girl in Jordan* (2011), *Reversing the Gender Bias against Jordanian Women Married to Foreigners* (2011), and *The Economic Underpinnings of Honor Crimes in Jordan* (2010).

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The Queen Zein Al Sharaf Institute for Development (ZENID)

The Queen Zein Al Sharaf Institute for Development (ZENID) was established in 1994 as the research and training arm of the Jordanian Hashemite Fund for Human Development (JOHUD), Jordan's largest NGO dedicated to promoting sustainable human development and to improving the quality of life of individuals and communities, particularly the poor and vulnerable, with community outreach centers across the country. As a leading national institute dedicated to promoting learning for social development, ZENID seeks to provide a learning environment where people can exchange and expand their knowledge, skills and expertise in the area of human and social development.

ZENID contributed key findings from the 2013 inter-agency study focused on early marriages among Syrian refugee girls in Jordan.

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Family Guidance and Awareness Center, Zarqa (FGAC)

Established in 1996 as an offspring of the Housewives Society, the Family Guidance and Awareness Center has designed and implemented preventative awareness and therapeutic programs to address domestic violence, child abuse, and reproductive health, and improve the status of women in Zarqa governorate. FGAC provides individual counseling services, including on marriage and divorce, legal and psychosocial counseling, vocational needs, and runs a counseling hotline. It produced publications on domestic violence and child labor. FGAC believes that healthy women make for better families and communities.

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II. SUGGESTED RECOMMENDATIONS

1. General Principles: Negative Gender Stereotypes of Girls Curtail their Rights (Articles 2, 3, 6, 12)

- 1.1 Amend or request a Constitutional Court interpretation to clarify that Article 6 of the Jordanian Constitution enshrines non-discrimination and equality on the basis of sex and gender.
- 1.2 Ensure the implementation of the CRC, in particular obligations to end discrimination against girls, and enable its enforceability in national courts.
- 1.3 Enact laws that outlaw traditional practices that discriminate on the basis of gender and mandate for measures to eliminate traditions that are harmful to the health of children and violate their rights.
- 1.4 Develop a specific gender action plan as part of the National Plan of Action for Children that tackles gender disparities between boys and girls.
- 1.5 Develop and implement rights- and evidence-based comprehensive programs, policies, and development plans that promote and protect the full enjoyment of the girl child's human rights and ensure equal opportunities.
- 1.6 Introduce and strengthen measures and programs to empower the girl child about her rights guaranteed under national laws and international human rights instruments and encourage girls' participation in social, economic, and political life.
- 1.7 Develop and adopt curricula, teaching materials and textbooks for educational programs to challenge gender stereotypical roles, instill respect for human rights and gender equality, promote positive self-image and equal opportunities for girls, and educate about harmful traditional practices.
- 1.8 Disaggregate data on children by sex and age, urban and rural areas, and by those groups of children who are in need of special protection.
- 1.9 Support non-governmental organizations, in particular youth organizations, in their efforts to promote the equality and participation of girls in society.

2. Definition of the Child and Basic Health & Welfare: Early Marriage (Articles 1, 24(3))

- 2.1 Set up awareness programs for families to promote and protect the rights of the girl child within the family, and ways to foster respectful relationships with girls and allow them to fulfill their development potential.

- 2.2 Provide training and programs on the adverse health effects of early marriage, access to health information, and the right to freely choose a spouse and determine the spacing and number of children.
- 2.3 Establish family health centers where youth, regardless of sex and marital status, may access reproductive health information and services, integrating family planning, sexual health and health care services.

3. Civil Rights and Freedoms: Child Abuse and Gender-Based Violence (Article 19)

- 3.1 Amend Penal Code article 308 which allows the perpetrator of rape or molestation, including of girls, to avoid punishment if he marries his victim.
- 3.2 Enact with urgency the comprehensive Child Rights Act of 2004 which aims to align Jordan with the CRC and provides for best of interest of the child standards and protections.
- 3.3 Ensure effective implementation of the 2008 Law on Protection against Domestic Violence (also known as the Family Protection Act) and enact and enforce legislation against all forms of gender violence.
- 3.4 Eliminate discriminatory provisions in the Penal Code, including Articles 340 and 98, which provide for reduced penalties for so-called “honor” crimes, and ban application of general mitigating excuses and factors under Articles 97, 99-100 to such crimes.
- 3.5 Repeal Article 62 of the Penal Code which exempts parents from legal responsibility if they use forms of discipline as sanctioned by general custom, even if physically and psychological damaging.
- 3.6 Allow children to directly file complaints without the support of parents or guardians and to enable teachers and social workers to file complaints for suspected abuse of children.
- 3.7 Enact legislative, administrative, and educational measures to protect girls, in the home and public sphere, from all forms of physical or mental violence, injury or abuse, neglect, maltreatment or exploitation, including psychological and sexual abuse.
- 3.8 Develop a comprehensive national system for detecting, reporting, referral and intervention for child victims of abuse and violence.
- 3.9 Develop safe and confidential medical, social and psychological support services for children subjected to violence and abuse.
- 3.10 Conduct a national survey to determine the scope and prevalence of gender-based violence in Jordan, including ill-treatment of children and child abuse in the home, and the impact of legal measures to address such violence.

4. Civil Rights and Freedoms: Sex discriminatory Nationality Law Impacts Children (Articles 2, 7, 8)

- 4.1 Ensure children born to Jordanian women have the right to the nationality of their mothers without discrimination and regardless of the nationality of their fathers.
- 4.2 Issue national identification numbers to all children born to Jordanian women married to non-Jordanians and recognize their status as Jordanian nationals.
- 4.3 Grant residency permits to all families of Jordanian women married to non-Jordanians.
- 4.4 Ensure equal access to free healthcare and subsidized education for families of Jordanian women married to non-Jordanians.

5. Special Protection Measures:

Syrian Refugee Girls in Jordan (Article 22)

- 5.1 Draw on international bodies to upgrade joint national efforts to ensure meaningful gender considerations in humanitarian action and aid, including by increasing knowledge about and access to specialized and confidential services to Syrian refugees who are survivors of gender-based violence.

Administration of Juvenile Justice (Articles 40, 12, 3)

- 5.2 Urgently expedite the enactment of the draft Juvenile Law pending in Parliament, which would better align Jordan with its international human rights obligations toward children and youth.
- 5.3 Develop and incorporate curriculum on the Juvenile Justice Law and the Law on Protection against Domestic Violence as part of legal education at universities and the Judicial Institute of Jordan.

III. SUGGESTED QUESTIONS FOR THE JORDANIAN DELEGATION

Upon review of the information provided in this submission, the Committee might consider posing the following questions to the Government of Jordan:

1. General Principles: Negative Gender Stereotypes of Girls Curtail their Rights (Articles 2, 3, 6, 12)

- 1.1 What specific measures, including legislation, programs, and budget allocation, have been taken to address deep-rooted negative gender stereotypes and harmful traditional practices and attitudes that lead to gender disparities in private and public life?
- 1.2 What concrete steps have been introduced to empower the girl child about her rights guaranteed under national laws and international human rights instruments and encourage girls' participation in social, economic and political life?

2. Definition of the Child and Basic Health & Welfare: Early Marriage (Articles 1, 24(3))

- 2.1 What measures have been put in place to raise awareness on the adverse health effects of early marriage, access to health information, and the right to freely choose a spouse and determine the number and spacing of children?
- 2.2 What steps are being taken to ensure youth, regardless of sex and marital status, may access reproductive health information and services, family planning, sexual health and health care services?

3. Civil Rights and Freedoms: Child Abuse and Gender-Based Violence (Article 19)

- 3.1 What steps have been taken to review and repeal laws that reinforce acceptance of violence against girls and women, such as Penal Code Articles 308, 340 and 98, and to enact comprehensive protections against all forms of violence?
- 3.2 What measures are available to allow children to directly file complaints of violence without the support of parents or guardians and to enable teachers and social workers to file complaints for suspected abuse of children?

4. Civil Rights and Freedoms: Sex discriminatory Nationality Law Impacts Children (Articles 2, 7, 8)

- 4.1 What measures have been taken to ensure children born to Jordanian women are not disadvantaged in access to education and healthcare and can acquire the nationality of their mothers without discrimination?

IV. SELECT ISSUES OF CONCERN FOR CHILDREN IN JORDAN

1. General Principles: Negative Gender Stereotypes of Girls Curtail their Rights (Articles 2, 3, 6, 12)

Despite impressive gains in education for girls and women in Jordan, negative and harmful gender stereotypes of girls prevail with regard to every part of a girl child's life, from the simple fact of her existence to her designated role in the household. Such negative gender stereotypes of girls impact girls' status, right to non-discrimination, access to equal opportunities, and right to development.

The majority of legal and social experts and key local community leaders interviewed and the 2,000 household surveyed by IRC across the country in 2011 agree that the girl child experiences discrimination in Jordan.¹ Clear inequalities exist between boys and girls; girls are viewed as a burden, they do not have self-confidence, they are viewed as fragile and unable to take responsibility for themselves, they lack power to make decisions, they are seen as insignificant, and their ambition should be to marry, become a skilled housewife, and a good mother.

Of 2,000 households surveyed by IRC in Jordan's most populated centers representing the countries' three regions, 60.5% of mothers and fathers agreed with the statement that "girls are a burden forever."² This socially constructed label for girls as a burden translates into life-long disadvantage and unequal conditions, opportunities, and responsibilities compared to boys, and later men.

Girls' daily existence and aspirations are restricted by discriminatory attitudes and gender stereotypes. About 38% of survey respondents stated that "the girl is fragile and cannot be responsible for herself,"³ and 30% agreed with the gender stereotypical roles of "the girl is a teacher while the boy is a doctor."⁴ When asked how they pictured their sons and daughters, the majority of respondents displayed clear gender stereotyping. They pictured their sons as successful individuals with strong personalities, respected professions, a decent social status, and a good level of education. In contrast, they viewed their daughters as well educated housewives married to a man who can protect and take care of them.⁵

Because the girl is still believed to have a primary role as a homemaker and is therefore confined and trained for that role from a very young age, she is seen as a "project" to succeed or fail; either the project succeeds in bringing in greater social status to the family through attracting a good marriage, or it fails. Within the family, unlike boys, girls are often restricted from playing outside or having leisure time because they are exploited for household labor.⁶

Gender-prescribed roles and discriminatory attitudes accompany girls as they grow older, perpetuating clear division of labor by gender and strongly affecting girl's choices in pursuing educational tracks and careers. Girls and women are overwhelmingly responsible for household chores and unpaid domestic work. Almost all respondents agreed that it was a mother or a female's job to clean the house (88%), wash the dishes (90%), and cook and prepare food (92%).⁷ Consequently, despite educational attainment, 62.4% of women surveyed reported that they were unemployed and not seeking work, often because they were taking care of children (37%) or because their husbands and families forbade them from working (about 8%).⁸

Overall, women's participating in the labor market in Jordan is seen as disproportionately low, especially given the high and rising levels of educational attainment by women. By the end of 2011, only 15% of women above 15 years participated in the (formal) labor market, compared with 65% of men, and with 30% rate of women's workforce in other Arab countries. Unemployment rates are likewise higher for women (18%) compared with men (11%) in Jordan and have not fluctuated significantly over the years.⁹

Girls' voices dismissed, their movement and thus opportunities restricted

Most stakeholders interviewed, including legal and social experts and community leaders, stated that the biggest problem facing girls is their lack of freedom based on sex-discriminatory biases, which affects their access to educational and professional opportunities and leadership roles. In line with prevailing views about the need to control and restrict girls' behavior, most respondents (67%) agreed that girls should not be given the same freedom as their male siblings to leave the house,¹⁰ and that girls should be accompanied by male siblings if they leave the house.¹¹ Nearly 90% of respondents also believed that girls should be obedient to their brothers, further reinforcing the superiority of boys' voices, opinions, and actions.¹² Additionally, while parents seemed to equally support their boys and girls in pursuing higher education, less than half of parents surveyed (47%) would allow their girl to move from their area of residence if she was accepted into an excellent school away from home, compared to the overwhelming majority of parents (73%) who would allow it for their sons.¹³ Such restrictions on movement are premised on parents' concerns that their girls' behavior in public might be seen as inappropriate and thus bring shame to the family.

Yet, despite the high regard for their reputations, girls continue to be overlooked and excluded from decision-making processes and their opinions often dismissed. In seven nation-wide art workshops with girls ages 14-17 conducted as part of the IRC study, many girls related that they viewed their roles in society as limited, and the vast majority said their opinions counted only when it came to the kitchen, cooking, and food. Girls from the southern rural governorate of Karak, summed it up as: "we eat, drink, sleep."¹⁴

This Committee instructed Jordan during its last review in 2006 to "take a more active role in supporting the efforts to prevent and eliminate discrimination against the girl child and to provide guidance to communities in this regards" (CRC, Concluding Observations to Jordan, para. 32). As the findings outlined in this section illustrate, more concerted, creative and coordinated efforts are still required to ensure Jordan's girls enjoy the same rights and opportunities as boys.

2. Definition of the Child and Basic Health & Welfare: Early Marriage (Articles 1, 24(3))

While the rate of early marriage in Jordan is generally lower than in other Arab countries¹⁵ and the legal age of marriage is now 18 for men and women, early marriage continues to take place, often validated under exceptions in the law for the minimum age of marriage and the continued legality of polyandry. Jordan has not effectively addressed this Committee's recommendation in 2006 (CRC, Concluding Observations to Jordan, para. 28) to specifically address "poverty related parental pressure placed on girls to marry at an early age."

As reported in local media, according to Jordan's Chief Islamic Justice Department's annual report, marriages involving brides below the age of 18 constituted 12.6% of marriages in 2011.¹⁶ According to the last published Demographic and Health Survey (DHS) for Jordan in 2009, among Jordanian women ages 25-49, about 2% were married by age 15, 16% were married by age 18, and one in three was married by age 20. The 2009 DHS confirmed a trend toward later marriage citing the proportion of women who were married by age 15 to have declined from 5% among women age 45-49 to less than 1% among women age 15-19.¹⁷

A Personal Status Law amendment in 2001 raised the legal age of marriage from 15 to 18 for women and from 16 to 18 for men. However, the laudable amendment is undermined by exceptions that empower the Chief Justice and a special committee to permit marriages for girls as young as 15 if such unions are deemed to be in their "interest".¹⁸ According to the Chief Justice, child marriages should only be allowed in cases that might involve out-of-wedlock pregnancy or dire poverty. With the downturn in the economic conditions of families, there has reportedly been a resurgence of early marriages. Moreover, permitting justifying early marriage due to dire poverty can lead to families coercing girls to marry against their will and result in harmful consequences, when economic conditions can be addressed with assistance from the Ministry of Social Development and monetary assistance from the National Aid Fund.¹⁹

Despite improvements, nation-wide workshops for girls conducted by the IRC in 2011 revealed a common expectation among girls that as they "get older" (age 10 onwards) they would "soon become brides."²⁰ While most families (75%) surveyed by IRC indicated that the most suitable age for marriage is 18-25, nearly 10% believed 16-18 to be a suitable age for marriage. Of those who believed that 16-18 is a suitable age for marriage, 83% cited the "the need to reduce economic burden on the family" as the main reason for early marriages.²¹ Such attitudes reinforce the notion that child marriage is still seen as acceptable and often an inevitable reality, especially for families who struggle financially and need to reduce the number of dependents to survive.

Despite government regulation to the contrary, girls who marry early tend to drop out of school. In addition, early marriages often end in divorce due to the child bride's lack of maturity which tends to cause numerous social and psychological problems for the girl.²² For example, a counselor with the Family Guidance and Awareness Center providing psycho-social welfare support for families in Zarqa governorate worked with a young woman who by 18-years was already divorced from a marriage arranged by her family and now suffers psychological and behavior problems for which she receives support at the Center so she can pursue her schooling.

As extensively recognized by this Committee, the practice of early marriage poses numerous problems to the physical and psychological health of the girl child. The consequences of early marriage include susceptibility to sexually transmitted diseases and HIV/AIDS, difficulties in childbearing, and often a high risk of death due to the complications of early childbearing.²³

3. Civil Rights and Freedoms: Child Abuse and Gender-Based Violence (Article 19)

Traditional attitudes, prejudices and practices socialize girls to be subordinate to boys, more obedient, subservient, and result in girls enjoying limited freedoms. Girls are often controlled and thereby are more vulnerable to exploitation and face varying degrees of violence especially from their own family members. The IRC study found that violence is present in girls' daily lives leading to physical and mental health harm, and depriving them of their right to participate in family and public life on the basis of equality.

According to the 2011 IRC study, girls in Jordan are experiencing varying degrees of violence and abuse, primarily from their own family members. The Head of the Department of Family Protection in Amman echoed this finding stating that "Most physical abuse cases and beating of the girl child is perpetrated by her brothers."²⁴ Girls partaking in IRC workshops in Karak and Zarqa shared that they were beat up by brothers on a daily basis while their fathers did nothing.²⁵

Across Jordan, about 91% of adolescent girls agree that wife beatings can be justified.²⁶ The last published DHS to measure rates of domestic violence in Jordan concluded that a third of ever-married women have experienced physical violence since age 15.²⁷ For example, in Zarqa governorate, home to several poverty pockets, the Family Guidance and Awareness Center (FGAC) reports that children, and primarily girls under 19, accounted for one in five domestic violence cases it handled between 2005-2010.²⁸

Based on her experience at FGAC, director Nadya Bushnaq concludes that that lifelong discrimination and negative gender stereotypes condition girls to accept and expect being subjected to family violence:

Discriminatory upbringing of girls finally affects how they grow into women. These women grow up hesitant and they tend to blame themselves for mistakes, they find excuses to explain violence against them, they are unaware of their rights and if they knew their rights then they are afraid to demand them. These women are unable to determine that violence against them is inexcusable and is in fact abuse. Studies have found that 70 per cent of the violence against women in Jordan happens within the household.²⁹

So-called "honor" crimes sanctioned by law and practice

Girls are seen as custodians of the family honor and thus their roles in society are controlled, constructed, and influenced by customs, traditions, society and religion, which are often misinterpreted to disadvantage girls. According to custom and tradition as explained by respondents, the girl is responsible for the family honor which depends on her behavior.³⁰ More than 80% of parents surveyed by IRC believe that "protecting their girl's honor means protecting the family honor."³¹ Any damage to the girls' reputation damages that of the family; consequently, any actual or perceived transgressions by girls – unlike with boys – can lead to swift reactions, such as the killings of the girl by her relatives to "restore" the honor of the family.

This socio-cultural attitude is premised on the notion of inferiority of the female and the superiority of the male. There is clear unequal treatment within the family, as the boy child's reputation does not

carry the same weight and his actions do not trigger the same consequences that might result in his murder.

More than half (54%) of all victims of so-called honor crimes are under 24 years of age,³² and 13% of victims are under 18 years of age,³³ according to an IRC-led study based on analysis of 102 so-called 'honor' crimes registered with government bodies between 2000–2009 and interviews with 29 convicted perpetrators.³⁴

Brothers of victims were the most frequent perpetrators (76%); fathers constituted 13% of perpetrators.³⁵ The majority of perpetrators are youth (64% are under 30; and 42% of perpetrators are under 24)³⁶ suggesting a dire need to address harmful gender stereotypes with the young generation.

While perpetrators were generally men, both women and men interviewed displayed strong entrenched beliefs about the need to restore or protect the family's honor by resorting to killing the "offending" girl. Among the few female perpetrators, a mother related that she killed her newborn grandchild following a secret home birth because he was conceived out of wedlock. She explained that: "I was terrified. If her father and brothers learned what happened, they would have killed her and me. Honor is the most important thing in our family."³⁷

Moreover, while tribal relations were a significant factor surrounding the crime, poverty, low education levels and higher than average unemployment rates among perpetrators proved substantially more important in determining the regional distribution of the crime.³⁸ The majority of the crimes were committed in central Jordan, home to the densest population and the highest number of poor in the country. Interestingly, the middle or central region of Jordan is also the most industrialized and, consequently, where tribal relationships are weakest. This suggests that government policies and programs that target poverty and employment opportunities can serve as key entry points to address the phenomenon of so-called "honor" crimes.

Laws continue to discriminate on the basis of sex, reinforcing impunity and acceptance of violence against girls and women. As this Committee stated in its 2006 concluding observations to Jordan (CRC, Concluding Observations to Jordan, para. 39), any Penal Code articles that allow for reduction in sentence for crimes committed for "honor" must be eliminated. Yet, Articles 340 and 98 of the Penal Code have not been revised and judges continue to rely on them to issue lenient sentences for so-called "honor" crimes, where male kin injure or kill female relatives seen to have "shamed" the family. Article 340 of the Penal Code states that a man who finds his wife or a female relative committing extra-marital relations and injures or kills her benefits from mitigating circumstances. In addition, Article 98 also grants reduction in sentence for committing crimes "in a state of rage which is the result of an unjustifiable and dangerous act committed by the victim."³⁹ Moreover, judges may rely on other Penal Code articles allowing for general mitigating excuses and factors (art. 97, 99-100) based on personal biases and gender stereotypes to reduce the sentences of perpetrators of so-called honor crimes.

Girls who escape potential injury or murder by relatives under the so-called cover of “honor” are often themselves detained for their “own protection.” Any governor may, without due process or review, detain and imprison girls for “public safety” for indefinite length of time.⁴⁰ Once a girl is detained under “protective custody,” she can only be released with the consent of the governor. As a matter of custom and practice, such consent is given when the governor deems it safe for her to leave and when a male family member agrees to be responsible for her well-being. Ironically and tragically, the very same male family member to whom the girl is released is often the potential perpetrator the girl was seeking to escape in the first place.⁴¹ In 2012, at least one woman was killed by her father in Al Ruseifa after she was released to his care because he signed a pledge to the governor not to harm her.⁴²

Within the Family Protection Department (FPD), set up to protect women and children from domestic violence, only 15 to 20 officers per year receive any training on domestic violence, and such training do not specifically cover issues of so-called honor crimes.⁴³ Moreover, police officers frequently require women to be examined by forensic doctors to determine whether their hymens are intact⁴⁴ as a way to justify crimes of “honor.”

Related to notions of girls’ “honor,” the law reinforces societal pressure on victims of sexual violence to avoid social stigma and marry their aggressors, especially if the rape resulted in a pregnancy.⁴⁵ Article 308 of the Penal Code allows the perpetrator of rape or molestation, including of girls, to avoid punishment if he marries his victim. There are no legal criteria to determine the victim's willingness to enter into such a marriage, and the law requires the marriage to last at least 5 years to avoid felony prosecution of the perpetrator.

To address child abuse and violence, the Jordanian National Action Plan for Children (2004-2013) was drawn up to decrease cases of child abuse. However, the plan lacks clear implementation mechanisms and performance indicators to track progress and accountability. The plan also fails to address any traditional attitudes and customs that justify gender-based violence.⁴⁶ Other laws that address domestic violence and child abuse in Jordan have similar shortcomings. For instance, while the Law on Protection from Domestic Violence was adopted in 2008, it fails to explicitly define and criminalize domestic violence. In addition Jordan lacks a law that generally criminalizes discrimination and violence against women and girls.⁴⁷

Due to societal and family pressures, the reporting of child abuse and prosecutions against perpetrators are low. In addition, under Jordanian penal code, complaints from a child can only be accepted if the parents or guardian support them, while complaints from third parties – teachers and social workers – are not accepted.⁴⁸

This Committee has expressed concern about the lack of research and reliable data on the impact of legal measures to address violence against children. This Committee specifically recommended in its 2006 review of Jordan that the government undertake a national study on domestic violence, ill-treatment of children, and child abuse in the home (CRC, Concluding Observations to Jordan, para. 55(a)). The need for such a government-sponsored nationwide survey to determine the actual incidence of gender based violence, especially against girls, remains of the utmost importance and

urgency. The only available data is the number of children whose cases are handled or have received assistance, which likely represents a fraction of actual cases.

4. Civil Rights and Freedoms: Sex discriminatory Nationality Law Impacts Children (Articles 2, 7, 8)

Despite national campaigns and recommendations by international human rights treaty-monitoring bodies, such as by this Committee in 2006 (CRC, Concluding Observations to Jordan, para. 45) and the Committee on the Elimination of All Forms of Discrimination Against Women in 2012, Jordan has yet to amend its sex-discriminatory Nationality Law. According to Article (3) of Jordan's Nationality Law, only children born of a father with a Jordanian nationality "shall be Jordanian wherever born." Jordanian women married to non-Jordanians cannot confer their citizenship on their children born in Jordan. Furthermore, the Law of Residency and Foreigners' Affairs does not provide for residency for non-Jordanian men married to Jordanian women, nor to their children, even though it grants preferential treatment to non-Jordanian wives of Jordanian men.⁴⁹

Due to the discriminatory nature of the Nationality law, myriad of adversities befall children who are denied the nationality of their birth place and their mothers. Families with Jordanian mothers married to non-Jordanian fathers face discrimination and stigmatization, economic difficulties (such as residency and work permit fees as well as restricted access to jobs), and public welfare deprivations (such as ineligibility for free or subsidized education and healthcare).

Without Jordanian nationality or citizenship, such children are illegible for free public education. The cost for a Jordanian child to attend public school from grades 1 to 12 is about 45JD (in 2009-2010), whereas a non-Jordanian child must pay 520JD for the same education.⁵⁰ Apart from cost, based on IRC's Nationality Study, 50% of children born of non-Jordanian fathers were not even accepted to public schools. In contrast, only 7.4% of families with Jordanian fathers and foreign mothers faced rejection from public school. This is likely due to problems with residency status and lack of citizenship.⁵¹ At the university level, children of Jordanian mothers and non-Jordanian fathers must pay international student fees at public universities-- three times what a Jordanian citizen would pay.⁵² This cost disparities undermines such children's access to higher education, for whom even after graduation, job opportunities are limited.

The law results in unequal access to healthcare. Only 28% of households where the husband is a foreigner can access free health care versus 54% of households where the wife is a naturalized citizen. In 83% of households which lack access to free healthcare the main reason cited was the husband being non-Jordanian.⁵³

The nationality law reinforces discrimination and saddles children born in Jordan with damaging social stigmas. One-third of participants in the IRC's Jordanian Women Married to Non-Jordanians study said that their children refused to go to school because they had no friends, were mocked for their father's nationality, or felt excluded.⁵⁴ In one case, a girl born to a Jordanian mother and an Egyptian father placed first in a national poetry competition but was told she would be given second place at the award ceremony because she was not "Jordanian."⁵⁵ Most of the children surveyed by the IRC in

its study of Jordanian women married to non-Jordanians identified themselves as Jordanian, and expressed feelings of rejection and exclusion at being unable to acquire Jordanian citizenship from their mothers, and being seen as “foreigners” in their own land.⁵⁶ One 17-year old boy summed it up: “I am Jordanian, but in reality I’m nobody, just a skeleton who wanders the streets.”⁵⁷

Finally, while the government of Jordan often cites political considerations, such as the demographic “threat” and associated costs,⁵⁸ as well as the risk of undermining Palestinians’ right of return if nationality is equally conferred through Jordanian men and women, these arguments not only have been refuted by civil society studies, but cannot stand in the face of continuing human rights violations of children.

5. Special Protection Measures:

5.1 Syrian Refugee Girls in Jordan (Article 22)

The following information on the situation of Syrian refugee girls in Jordan is based on a 2013 study conducted by The Queen Zein Al Sharaf Institute for Development (ZENID) as part of an inter-agency assessment of gender-based violence among urban Syrian refugees in Jordan, with a focus on Early Marriage.⁵⁹ The study reached out to Syrian refugees located in urban areas across 11 of Jordan’s 12 governorates, where two-thirds of Syrian refugees are currently residing.⁶⁰

According to UNHCR, more than 1.6 million Syrians have fled the country’s civil unrest since March 2011 and sought shelter in neighboring countries, including about 472,764 in Jordan— a number that is expected to double by year’s end⁶¹.

The report finds high rates of child marriage – more than 33% of participants were married when they were still children (including prior to their arrival in Jordan), and half of all respondents believed that the normal age of marriage for girls is under 18. Child marriages is believed to be even more prevalent; 44% identified the normal age of marriage for girls between 15 and 17 years while 6% identified 12 to 14 years as the average in their community. Early marriage was found to be a common experience for Syrian girls; women of all ages knew someone who had been forced into an early marriage or had personally experienced it.

Many respondents also perceived that the age of marriage has further decreased since their displacement to Jordan as impoverished refugee families seek dowries and one less mouth to feed. Over 33% of respondents perceived a change in the average age of marriage during their displacement in Jordan, and they were two to three times likelier to say that the marriage age for both girls and boys had decreased.

Findings also reveal that a significant percentage of children contribute to the household’s income or are its main source of income, and that restrictions on the mobility of women and girls constrain their participation in social and economic activities and their access to basic services, aid supplies, and work. As the overwhelming majority of refugees do not have paid employment and rely mainly on aid

and dwindling family resources the longer the situation of displacement, the greater the likelihood of higher rates of child labor for boys and early marriage for girls.

Many participants felt that, as refugees in Jordan, it was more likely for a young girl to be married to a much older man, and in a limited number of cases, a man of Jordanian nationality, because he may be perceived as more capable of providing her with protection in an unsafe or unfamiliar environment. In general, the report reveals large gaps in both awareness and services with regards to early marriage and its consequences.

While there is no conclusive evidence that Syrian refugees are marrying early at a higher rate in Jordan than in Syria, this study notes that the sense of economic and physical insecurity that, among other factors, drives early marriage is amplified in displacement. Although younger female participants felt that there are distinct social benefits to marrying early, such as increased respect from the community, many found heading households and rearing children at such a young age to be stressful and challenging.

Accessing basic resources and specialized services is the biggest challenge for Syrian refugee girls and women due to their limited ability to leave the home without a male family member. Many rarely leave the home as both they and their husbands perceive their host community as unsafe. In fact, adult women are only half as likely as boys to go outside their house daily. One-fifth of girls never go outside their homes in Syria, and displacement has made it even less likely that girls will be allowed to leave the home. The requirement of the accompaniment by a male relative makes it harder for women to engage in economic activities, access education, participate in social activities, or pick up aid supplies. This is particularly challenging as only 20% of refugees in Jordan are adult males and they spend most of the day away from their relatives in search of or performing paid work.

Child labor among Syrian refugees in Jordan is highlighted as widespread putting children at risks of abuse and exploitation. In 47% of households who reported paid employment, a child is contributing to the household's income, and 15% reported child labor –primarily by boys - as the primary source of income. Among those girls who were employed, 80% work in either domestic work or agriculture— both known to be high-risk sectors for physical abuse and sexual exploitation.

Many participants reported that their children were not in school, citing as the main impediments high transportation costs, overcrowding in schools, and bureaucratic barriers to enrollment in schools.

Violence against children also stood out as a problem which is intensified in displacement, both within the home as well as through bullying and harassment in schools.

To respond to the lack of services, a joint program launched in June 2013 by UN agencies in partnership with Jordan's Ministry of Social Development, Ministry of Health, the Family Protection Department, and NGOs, will increase survivors' access to comprehensive health, psychosocial, and legal services in three areas in Jordan (Mafraq, Irbid and Zarqa).⁶² However, the demand for services and humanitarian support far outstrips existing programs' capacity and severely strained government resources.

5.2 Administration of Juvenile Justice (Articles 40, 12, 3)

The following information is based on observations and analysis by Arab Women’s Legal Network (AWLN) members in Jordan, including judges who had served as juvenile judges and provided input into law reform on the administration of juvenile justice. While the process to revise the law on juvenile justice dates back to 2009, the draft has yet to be passed.

This section highlights a) select realities in the application of laws governing Juveniles in Jordan; and b) the obstacles of continued lack of specialization and expertise on Juvenile Justice.

A. The Reality of Application of Laws Governing Juveniles

The Juvenile justice system in Jordan is governed by the following laws:

1. Juvenile Law of 1968, its amendments and regulations;
2. Monitoring of Juvenile Behavior Law
3. Penal Code
4. Criminal Procedure Code of 1961

The Juvenile Law, as the core law applicable to juveniles who violate the law, includes modern criminal justice features in dealing with juveniles. It stipulates for confidentiality of trials (trials to be held in closed court or *in camera*), expedited handling of juvenile cases (marking them as “urgent”), the required presence of the juvenile’s guardian during the investigation stage and proceedings, refraining from handcuffing the juvenile during proceedings, and the mandated consideration of a probation officer’s report about the juvenile in deciding the case.

However, the Juvenile Law still has many gaps that hinder its fulfillment of the best interest of the child and the child’s re-integration into society. The law does not provide for specialized juvenile courts (specialized judiciary for juveniles) at all stages of litigation. The law defines the juvenile court as any court that hears juvenile cases; that is, the law does not stipulate the establishment of special, or stand alone, juvenile courts. Therefore, the same courts and judges who try adult defendants also handle juvenile cases, with the exception that the Juvenile Law must be taken into account when trying juveniles.

The Juvenile Law further mandates that in cases of adult and juvenile defendants, or when the juvenile was an accomplice to the adult defendant, the court with jurisdiction to hear the adult’s case shall also try the juvenile. In such scenarios the juvenile is subject to the procedures of the adult defendant’s trial, including the possibility of an open, public trial. This also means that the juvenile defendant might risk being hauled into Criminal Court, Military Court, or State Security Court which undercuts the rights and guarantees set out for the juvenile.

Although the law stipulates that in such cases the presiding judge should consider the provisions for juveniles, the practice in reality indicates that judges only take into consideration the probation

officer's report on the juvenile before deciding the case and ordering measures found in the Juvenile Code, rather than impose penalties set only in the Penal Code.

The current law lacks any stipulation for free legal assistance to juveniles. Additionally, it does not require the presence of a lawyer with the juvenile through the investigation and trial stages. Instead the juvenile law requires the presence of the juvenile's guardian or custodian, or the person to whom the juvenile is released, or the child's lawyer, and in case none of them can attend, the probation officer is invited to attend the investigation sessions and proceedings, which prevents the juvenile from being able to defend himself with the assistance of a lawyer. Notably, there are NGOs, of their own accord, that provide free legal assistance to juveniles. However, access to these organizations is not available to all juveniles, especially those outside the Amman, the capital.

The Juvenile Law does not have a provision that allows juveniles the opportunity to directly hire an attorney. This has raised and still raises many legal problems about whether the lawyer is authorized to represent the juvenile, if the juvenile's parent does not sign the retainer of the attorney. This has also resulted in the denial of legal representation for many juveniles because of parents' refusal, unwillingness, or inability to retain an attorney for the juvenile.

The law does not provide juveniles with some advantages enjoyed by adults. For adults, each year sentence equals nine months of incarceration. In contrast, for juveniles each sentence year remains a full year if they are placed in a juvenile detention center for one or more years, although juveniles have more of a right to enjoy this leniency.

The current Juvenile Law imposes more liberty-restricting penalties (such as detention) against juveniles than alternative penalties. This is because the law does not stipulate sufficient alternative measures with feasible options for judges to draw upon in their decisions. Juveniles continue to be subjected to the sentencing provisions of the Penal Code. The Juvenile Code further lacks any criteria for judges to apply when deciding whether to detain juveniles pending trial; such decisions are entirely up to the judges' discretion.

The current Juvenile Law imposes financial penalties (fines) on juveniles as punishment for committing a violation; though in practice the juvenile's parent must ultimately pay such fines as the juvenile often lacks financial means or an independent source of income. The financial penalty also fails to fulfill the goal of reforming and rehabilitating the juvenile.

The age of criminal responsibility is still seven years old – despite this Committee's recommendation in 2006 (CRC Concluding Observations to Jordan, para. 95) to increase it - which is lower than the internationally acceptable age for criminal responsibility.

With regard to children in need of protection and care, the law falls short in many areas. In particular, the law does not cover all cases of juveniles at risk of criminal activity or recidivism, and lacks provisions on procedures for following up the cases of juveniles in need of protection, care, and subsequent welfare measures.

The new draft juvenile law follows the methodology of juvenile justice and alternative sentencing, provides for robust rights for juveniles during investigations and trial proceedings, and guarantees

legal representation for juveniles through free legal assistance at the expense of the state. It also provides for the creation of special courts (special judiciary), juvenile police, and specialized public prosecution units for juveniles. However, this draft law is still pending in parliament and two parliamentary sessions have concluded without including the draft law on the legislative agenda. Such delay indicates that the law is not given the importance it deserves as a law that concerns children and youth - the largest population group in Jordan.

There is blatant lack of implementation of the alternative care system. Current regulations fail to uphold the principle of keeping the family as a unit in situations where the court rules that the juveniles in need of protection and care should be sent to shelters. According to regulations, children from one household are divided among a number of shelters according to their ages. Nothing in the current law or regulations allows for them to remain together in the same shelter, and any such accommodations are subject to the whim and discretion of the shelter (welfare home) director.

Juveniles who are witnesses or victims of a crime are not fully protected by current laws. The Civil Procedure Law provides for the possibility of testimony by individuals under eighteen years of age to be delivered through modern technology (such as via closed circuit television, or video recording). However, that provision falls short of genuinely protecting child victims and witnesses as it merely grants the court discretionary authority to draw on the technology. Moreover, many courts in Jordan lack access to such technology which preempts any possibility of implementation. Thus, in reality, child witnesses and victims must testify numerous times, at times in the presence of the perpetrator, which adversely impacts their psychological well-being and causes re-trauma by returning them to the scene of the crime over and again.

The current law on judicial oversight of juvenile detention centers is likewise flawed. The law stipulates that judges assigned to juvenile cases must conduct periodic inspections of juvenile detention centers every three months. However, the law fails to address the consequences and follow up based on information contained in such inspection reports. Absent stipulated avenues for impact of the report's findings, writing such reports becomes a pointless exercise.

B. Lack of Specialization and Expertise on Juvenile Justice

Despite significant efforts to train and network persons working on juvenile cases, such as judges, police and probation officers, many issues require additional support. Key concerns about the continued gaps in the administration of juvenile justice are summarized as follows:

There is no curriculum on teaching juvenile justice law in the legal curricula of universities in Jordan. There is also no entity that trains lawyers on dealing with juvenile cases, with the exception of some efforts by civil society organizations (e.g., Mizan) that established the Noor Network that trains lawyers seeking to represent children.

The probation officer's report continues to fall short of achieving its intended goal of being a comprehensive social assessment of the situation of the particular juvenile which judges can rely on to inform their decisions about the best rehabilitative outcome for the juvenile. This reality is attributed to multiple challenges, namely the lack of specialization, insufficient financial resources to support the

work of probation officers, including transportation for the great distances between probation officers' offices (such as ones located in the juvenile court, Ministry of Social Development, and protection directorates) and the areas where the juveniles reside, as well as the many administrative transfers of probation officers to different posts.

In addition, the lack of a specialization in juvenile justice among judges and the high turn-over of judges being transferred between posts have led to insufficient expertise among many of the judges.

To compound lack of specialized training, many actors in the juvenile justice system view children in conflict with the law as criminals deserving of punishment, rather than children worthy of rehabilitation. There is a dire need for ongoing training programs for judges, public prosecutors, lawyers and other individuals working on juvenile cases to both educate about international standards on juvenile justice, and change attitudes towards juvenile cases.

End Notes

¹ Information Research Center – King Hussein Foundation, *To Be a Girl in Jordan* (2011), 13.

² *To Be a Girl in Jordan*, 41.

³ *Ibid.*, 41.

⁴ *Ibid.*, 43.

⁵ *Ibid.*, 44.

⁶ *Ibid.*, 22.

⁷ *Ibid.*, 76.

⁸ *Ibid.*, 75.

⁹ Jordan Labor Watch & Phenix Center for Economic and Informatics Studies, *Role of Jordanian Women in the Economic Life and the Labor Market* (Amman, 2012), at http://www.phenixcenter.net/en/files/Womens_Day_2012_English.pdf.

¹⁰ *To Be a Girl in Jordan*, 53.

¹¹ *Ibid.*, 56.

¹² *Ibid.*, 51.

¹³ *Ibid.*, 64.

¹⁴ *Ibid.*, 45.

¹⁵ *Ibid.*, 79.

¹⁶ Areej Abuqudairi, Early marriage persists in society despite law amendments - activists, *The Jordan Times* (April 29, 2013), at <http://jordantimes.com/early-marriage-persists-in-society-despite-law-amendments----activists>

¹⁷ Department of Statistics, *Jordan Population and Family Health Survey 2009* (Amman, Jordan, May 2010), 62, at <http://www.measuredhs.com/pubs/pdf/FR238/FR238.pdf>.

¹⁸ *To Be a Girl in Jordan*, 81.

¹⁹ *Ibid.*, 81.

²⁰ *Ibid.*, 89.

²¹ *Ibid.*, 4.

²² *Ibid.*, 89.

²³ *Ibid.*, 79.

²⁴ *Ibid.*, 65.

²⁵ *Ibid.*, 71.

²⁶ UNICEF, *Jordan Statistics, Adolescents*, at http://www.unicef.org/infobycountry/jordan_statistics.html#109 (last visited June 26, 2013).

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- ²⁷ Department of Statistics, *The Population and Family Health Survey 2007* (Amman, Jordan, 2008), 171, 171 at <http://www.measuredhs.com/pubs/pdf/FR209/FR209.pdf>
- ²⁸ Family Guidance and Awareness Center, *Combatting Domestic Violence in Zarqa: Reality and Aspirations* (2011), 28.
- ²⁹ *To Be a Girl in Jordan*, 71.
- ³⁰ *Ibid.*, 25.
- ³¹ *Ibid.*, 49.
- ³² *Ibid.*, 48.
- ³³ *Ibid.*, 18.
- ³⁴ The data for the years 2004–2008 was obtained from the criminal records bureau, the Public Security Directorate (since no clear records were available for 2009) and interviews were conducted with 27 perpetrators, including four who committed their crimes in 2009. Information and Research Center - King Hussein Foundation et al, *The Economic Underpinnings of Honor Crimes in Jordan* (2010), 43-44.
- ³⁵ *The Economic Underpinnings of Honor Crimes in Jordan*, 50-51.
- ³⁶ *Ibid.*, 52.
- ³⁷ *Ibid.*, 47.
- ³⁸ *Ibid.*, 50.
- ³⁹ *Ibid.*, 67.
- ⁴⁰ *Ibid.*, 16.
- ⁴¹ *Ibid.*
- ⁴² U.S Department of State, *Country Reports on Human Rights Practices for 2012: Jordan, Women*, at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>.
- ⁴³ *The Economic Underpinnings of Honor Crimes in Jordan*, 22.
- ⁴⁴ *Ibid.*
- ⁴⁵ Under Jordanian law, victims of incest and rape are not legally allowed to terminate their pregnancy as abortion is criminalized. However, article 324 of the Penal Code states that “[a]ny woman, who causes her miscarriage in order to protect her honor, shall benefit from a mitigating factor” and “[t]he person who commits [an abortion] ...in order to protect the honor of one of his decedents or relatives up to the third degree, he/she shall benefit from the mitigating factor.”
- ⁴⁶ *To Be a Girl in Jordan*, 68.
- ⁴⁷ Information Research Center – King Hussein Foundation, *Reversing the Gender Bias against Jordanian Women Married to Foreigners* (2011), 19.
- ⁴⁸ *To Be a Girl in Jordan*, 67.
- ⁴⁹ *Ibid.*, 82.
- ⁵⁰ *Reversing the Gender Bias*, 33.
- ⁵¹ *Ibid.*, 50.
- ⁵² *Ibid.*, 55.
- ⁵³ *Ibid.*, 47.
- ⁵⁴ *Ibid.*, 56.
- ⁵⁵ *Ibid.*, 57.
- ⁵⁶ *Ibid.*, 54.
- ⁵⁷ *Ibid.*
- ⁵⁸ The IRC 2012 detailed cost-benefit analysis of granting residency to households of Jordanian women married to non-Jordanian men revealed that the government would benefit from an increase in tax revenues and a higher consumption rate. *Reversing the Gender Bias*, 42.
- ⁵⁹ The Queen Zein Al Sharaf Institute for Development (ZENID) & UN Women, *Inter-Agency Assessment of Gender-based Violence and Child Protection among urban Syrian refugees in Jordan, with a focus on Early Marriage* (June 2013). The study was commissioned by a joint UN task force, which includes UN Women, UNHCR, UNFPA and UNICEF, in addition to partner organizations Save the Children International, the International Rescue Committee, the Jordanian Women’s Union, and Un Ponte Per. UN Women, *Syrian women refugees face forced early marriages and restricted mobility: UN Women report* (June 19, 2013) at <http://www.unwomen.org/2013/06/syrian-women-refugees-face-forced-early-marriages-and-restricted-mobility-un-women-report/>.

⁶⁰ The findings are based on data collected through questionnaires distributed to 613 refugees including women, girls, boys and men from different households; 34 focus group discussions held in Jordan's three regions; and 45 in-depth interviews with key informants, community leaders and service providers from all regions. Ibid.

⁶¹ Ibid.

⁶² Ibid.