



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### 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\***

[31 January 2011]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited.

## Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction.....	1–5	3
II. General guidelines .....	6–13	3
A. Report preparation process .....	6	3
B. Compliance with the general principles of the Convention on the Rights of the Child .....	7	3
C. Implementation of the Optional Protocol and its contribution to implementation of the Convention on the Rights of the Child .....	8	4
D. Legal status of the Optional Protocol .....	9–10	4
E. Reservations to the Optional Protocol .....	11	4
F. Factors and difficulties affecting fulfilment of the obligations under the Optional Protocol.....	12	4
G. Relevant legislative texts .....	13	4
III. General measures of implementation.....	14–23	5
A. Implementation of the Optional Protocol throughout Jordan .....	14–16	5
B. Dissemination of the Optional Protocol and appropriate training .....	17–23	5
IV. Prevention .....	24–47	6
A. Recruitment into the armed forces.....	24–30	6
B. Legislative measures .....	31–46	7
C. Armed groups .....	47	9
D. Cooperation .....	48–50	9
E. Children especially vulnerable to practices contrary to the Optional Protocol .....	51–60	10
F. Campaigns and measures taken to promote awareness of the provisions of the Optional Protocol.....	61–67	11
V. Prohibition and related matters .....	68–78	13
A. Statute of limitations for offences covered by the Optional Protocol .....	71–72	13
B. Conventions ratified by Jordan.....	73	14
C. Legal provisions establishing jurisdiction over the offences referred to in the Optional Protocol.....	74–77	14
D. Practices relating to the extradition of offenders .....	78	15
VI. Protection, recovery and reintegration .....	79–88	15
VII. International assistance and cooperation.....	89–96	16
VIII. Conclusion .....	97	18
Annex Ministries and institutions involved in the preparation of the report .....		19

## **I. Introduction**

1. Jordan is pleased to submit its initial report, covering the period from 2007 to 2009, 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. The Optional Protocol was ratified by the Government of the Hashemite Kingdom of Jordan in 2006 and published on page 4058 of Official Gazette No. 4787 of 16 October 2006. Jordan, furthermore, made no reservations to any of its articles.

2. Jordan's ratification of the Optional Protocol is a sign of its commitment to attaining the highest standards for children and its concern to ensure all forms of protection, care and security for children.

3. Jordan's third report on the implementation of the Convention on the Rights of the Child, submitted in 2004, contained essential information about the State party. The present report will therefore be confined to providing information on domestic legislation and measures taken by Jordan to implement and give effect to the provisions of the Optional Protocol.

4. Jordan enjoys a high level of security and stability as a result of systematically following a moderate policy over the past decades, which has enabled it to avoid many of the crises and conflicts experienced in other countries in the region. This springs from its belief that a just and comprehensive peace is the only solution to the conflict in the Middle East region.

5. Although there are no military conflicts taking place on its soil, such conflicts have had an indirect impact on Jordan in that it has received several waves of refugees, consequently shouldering financial and economic burdens that have weighed heavily on the country and clearly affected its limited resources.

## **II. General guidelines**

### **A. Report preparation process**

6. The report was prepared by the Ministry of Foreign Affairs and the National Council for Family Affairs, in collaboration with relevant national institutions. The process entailed working through a steering committee, co-chaired by them and comprising as members the secretaries general of ministries working in areas relating to the two Optional Protocols to the Convention on the Rights of the Child, and a technical committee composed of the relevant national institutions, which played a part in feeding the necessary information into the two reports. A committee of experts in preparing reports from the Ministry of Foreign Affairs and the National Council for Family Affairs was also formed to assist in briefing the ministries and official institutions listed in annex 1 on the process.

### **B. Compliance with the general principles of the Convention on the Rights of the Child**

7. The matter of compliance with these principles has already been covered in the periodic reports submitted by Jordan on the implementation of the Convention on the Rights of the Child. Legislation, programmes, measures and policies reflecting Jordan's commitment to these principles in implementing the provisions of the Optional Protocol will be discussed later in this report.

### **C. Implementation of the Optional Protocol and its contribution to implementation of the Convention on the Rights of the Child**

8. The measures taken by the State for implementation of the Optional Protocol have contributed to the implementation of various articles of the Convention on the Rights of the Child. Details of the measures for giving effect to and implementing the provisions of the Protocol and the Convention will be described elsewhere in the report.

### **D. Legal status of the Optional Protocol**

9. Conventions ratified by the Hashemite Kingdom of Jordan are an integral part of its domestic legislation and take precedence in the event of any conflict with that legislation.

10. This approach is supported by the jurisprudence of the Jordanian Court of Cassation, including its Decision No. 945/2009, 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."

### **E. Reservations to the Optional Protocol**

11. Jordan has made no reservations to any article of the Optional Protocol.

### **F. Factors and difficulties affecting fulfilment of the obligations under the Optional Protocol**

12. Despite the efforts made at the national level by official government child protection agencies and civil society institutions, more accurate and detailed child-related data is still needed, particularly concerning the offences set forth in the Optional Protocol. There also remains a need to raise awareness and promote education about reporting mechanisms and dangers that might lead children to fall victim to the offences covered by the Protocol.

### **G. Relevant legislative texts**

13. A list of legislative texts arranged in the order in which they are cited in relation to the Optional Protocol is as follows:

#### **Laws**

- The National Centre for Human Rights Act No. 51 of 2006;
- The National Service and Reserve Service Act No. 23 of 1986, as amended;
- The Public Security Act No. 38 of 1965, as amended;
- The Civil Defence Act No. 18 of 1999, as amended;
- The Gendarmerie Act No. 34 of 2008;
- The Armed Forces (Service of Personnel) Act No. 2 of 1972, as amended;

- The Armed Forces (Service of Officers) Act No. 35 of 1966, as amended;
- The Education Act No. 3 of 1994, as amended;
- The Military Criminal Code No. 58 of 2006;
- The Code of Criminal Procedure (Act No. 9 of 1961), as amended.

### **III. General measures of implementation**

#### **A. Implementation of the Optional Protocol throughout Jordan**

14. The Optional Protocol is implemented throughout the Kingdom.

##### **Government departments and organs having primary responsibility for implementation of the Optional Protocol**

15. These government departments and organs are: the Ministry of Defence, represented by the Jordanian Armed Forces, which is the government entity mainly responsible for implementing and giving effect to the provisions of the Optional Protocol; the Ministry of the Interior, represented by the Directorate of the Secretary-General; the Directorate of Civil Defence; and the Directorate of the Gendarmerie.

##### **National Council for Family Affairs**

16. The National Council for Family Affairs was established pursuant to Act No. 27 of 2001, with Her Majesty Queen Rania Al Abdullah as its chairperson. Its mission is to play a part in guaranteeing a better standard of living for Jordanian families through national visions that promote the country's development policies and enable all Jordanian families to accomplish their aspirations. It pursues this mission through its work as a supporting umbrella for coordinating and facilitating, in the interest of concerted action to achieve a better future for the Jordanian family, the work of partner governmental, non-governmental and international institutions working with families. The functions and powers vested in the Council include that of working to promote family participation in public life, with special attention directed to the affairs of women, youth and children, through performance of its strategic roles as a national policy think tank, a coordinating and monitoring body and a body engaged in mobilizing support for family issues.

#### **B. Dissemination of the Optional Protocol and appropriate training**

17. Jordan has taken the measures needed to develop relevant awareness and training programmes for its armed forces and police. Article 27 of the Jordanian Constitution of 1952 also provides that: "The functions of the Army shall be confined to defending the Kingdom and its integrity: 1. Army recruitment, the army system and the rights and duties of army personnel shall be prescribed by law; 2. The system and jurisdiction of the organs of the police and the gendarmerie shall be prescribed by law."

18. The principles and provisions of the Optional Protocol have also been widely disseminated; the Optional Protocol has been published in the Official Gazette and circulated to all national stakeholders specializing in this domain.

19. The National Council for Family Affairs, in cooperation with the United Nations Children's Fund (UNICEF), has carried out youth training in the Convention on the Rights of the Child and the National Plan of Action for Children (2004-2013), in strategic planning and its key terminology, and in the system employed by the Council for monitoring and

assessment and for mobilizing support for children's issues. The group of adolescent youth concerned will in fact be assisting the Council with the preparation of Jordan's fourth and fifth periodic reports to be submitted to the Committee on the Rights of the Child in Geneva. The group has attended a training programme designed to familiarize them with the historical background of the Convention on the Rights of the Child, the key rights to be addressed by ratifying States, periodic reports, and the governmental, non-governmental and civil society institutions working in the area of child rights. Also discussed were various pieces of domestic legislation relating to children's and youth issues.

20. Generations for Peace is a global initiative launched in 2007 by a member of the International Olympic Committee, Jordan's Prince Feisal bin Al Hussein. The initiative trains youth leaders from around the world to use sport as a way of bringing together people in communities experiencing conflict. Some 350 foreign participants from 31 countries have thus far attended its 10-day training camps and the programme has reached over 45,000 children.

21. The curriculum followed in the Generations for Peace training programme concentrates on peacebuilding by focusing on the need to build tolerance and understanding so that young people in communities experiencing conflict can find common ground instead of division and disagreement. The initiative has successfully brought together like-minded individuals and partners who believe that community is more valuable than disputes and that sowing the seeds of peace is everyone's responsibility.

22. Under the initiative, trainers are prepared and trained for teaching other trainers who can in turn plan and implement sports programmes for children through workshops, talks, introductory presentations, discussions, role-modelling and lectures on a variety of topics, including leadership, teamwork, dialogue-building, tolerance, respect, anger management, peace education, working with children and youth, self-confidence, sports, religion and politics.

23. Generation for Peace Pioneers are expected to train other children annually, advocate for peace, promote the initiative and work in support of their fellow Pioneers.

## **IV. Prevention**

### **A. Recruitment into the armed forces**

#### **Compulsory recruitment (national service)**

24. Call-up for national service was deferred until further notice, owing to a lack of intake capacity, pursuant to a decision issued by the General Command of the Jordanian Armed Forces on the strength of article 9/a/5 of the National Service and Reserve Service Act No. 23 of 1986. The decision stated that: "1. The General Command of the Jordanian Armed Forces has decided to defer until further notice, owing to a lack of intake capacity, the call-up for national service of those who recently became due for call-up pursuant to the decision of 1 October 2007. 2. The Department of Mobilization and the People's Army shall be responsible for organizing the actions and measures for the deferral of national service with respect to those whose call-up has been deferred under this decision."

#### **Voluntary recruitment**

25. Article 12/2 of the Public Security Act provides that anyone wishing to be appointed as a public security officer must be "aged over 17 and under 27. His age shall be verified on appointment by a birth certificate and, in cases where this certificate is not easily obtainable, his age shall be estimated by the district medical committee. If an officer's day

of birth is unknown, he shall be considered to have been born on the first day of January of the year of his birth.”

26. Article 26 of the Civil Defence Act provides that: “In cases other than those provided for in this Act and in the regulations issued pursuant thereto, the provisions of the public security-related laws and regulations in force shall apply to the Directorate-General and the Director-General shall assume the powers of the Director of Public Security wherever prescribed in those laws and regulations with respect to the affairs of the Directorate-General.”

27. Article 12 of the Gendarmerie Act provides as follows: “(a) In cases other than those provided for in this Act and in the regulations and directives issued pursuant thereto, the laws, regulations and directives applicable to personnel of the Public Security Force shall apply to personnel of the Directorate-General; (b) For the purposes of paragraph (a) of this article, wherever the words “Force” and “director” and the phrase “police court” appear in the Public Security Act, they and any word or phrase replacing them shall be substituted, respectively, by the phrase “the Directorate-General of the Gendarmerie”, the Director-General of the Directorate-General” and “the Gendarmerie Court”.”

#### **Documents required to verify the age of recruits in the case of both compulsory and voluntary military service**

28. Anyone wishing to be recruited for military service is subject to the conditions of recruitment laid down in the two laws on the service of army personnel and officers, and in the directives on recruitment, on a case-by-case basis. The following must be provided as proof of age:

- An original birth certificate issued by the Department of Civil Status;
- A family record book;
- A civil identity card.

#### **Permission to lower the age of recruitment**

29. It is legally impermissible to contravene the provisions on recruitment set forth in the two laws on the service of army personnel and officers, and in the directives on recruitment, and any action taken otherwise is invalid.

#### **Reactivation of compulsory recruitment**

30. Compulsory recruitment, as provided for under the National Service and Reserve Service Act No. 23 of 1986, hitherto continues in force. Under article 3 (a) of the Act, the call-up of persons liable for national service is subject to the decision of the General Command of the Armed Forces. Accordingly, in that call-up for national service was deferred owing to lack of intake capacity by a decision issued by the General Command of the Armed Forces on the strength of article 5/a/9 of the Act, the call-up of those liable for national service is subject to a decision of the General Command issued for that purpose, in accordance with the provisions of the law, and reversing its previous decision.

## **B. Legislative measures**

### **1. Armed Forces (Service of Personnel) Act No. 2 of 1972**

31. Jordanian legislation includes special safeguards for ensuring that persons under 18 years of age are not engaged in military activities. The legislation thus provides the minimum protection required under article 38, paragraph 3, of the Convention on the Rights

of the Child, which stipulates that: "States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest." Article 5 (b) of the Armed Forces (Service of Personnel) Act No. 2 of 1972 ensures this protection with respect to the minimum age for recruitment, providing as it does that no one under 16 years of age may be recruited into the armed forces.

32. The Armed Forces (Service of Officers) Act No. 35 of 1966 furthermore provides as follows: "Anyone appointed to the rank of officer must be over 17 years of age." Similarly, no officer or private may take part in military activities until he has attained the age of 18 years.

33. Notwithstanding the provisions set forth in the Armed Forces (Service of Personnel) Act and the Armed Forces (Services of Officers) Act concerning the age of recruitment, it is the age set in the directives on recruitment into the armed forces that is currently applied, i.e., 18 years.

34. As they wish and on the basis of their functions and qualifications, recruits attend training and other specialist courses in various subject areas throughout the year. The General Command also organizes talks to inform recruits about their duties and functions.

35. There are standing invitations to join the vocational training programmes run by the National Company for Training and Employment, which was established in 2007 to provide vocational training for students over 18 years of age and equip them for the domestic and international labour market.

## **2. Directives on recruitment into the armed forces**

36. Pursuant to these directives issued by the General Command of the Armed Forces, the case of every recruit is considered on an individual basis in accordance with the specific conditions for the recruitment of skilled personnel (drivers, carpenters, etc.) and officers (engineers, doctors, etc.), including a minimum age of 18 years.

## **3. Volunteering in the armed forces**

37. There are no volunteers.

## **4. Guarantees in place to ensure that recruitment is genuinely voluntary**

38. Recruitment is advertised in the daily press and potential recruits must call into one of the recruitment sections located throughout the country.

39. It is in these sections that potential recruits are interviewed and asked about their desire to join the armed forces. The nature of military work is also explained to them.

## **Schools operated by or under the control of the Armed Forces**

### *School data*

40. The Directorate of Education and Military Culture currently has 27 schools located country-wide and attended by some 12,000 students, whose numbers are growing.

41. The remit of these schools is no broader than the objects and purposes of the schools run by the Ministry of Education, to which they are in fact seen as complementary and auxiliary, especially in remote areas.

42. Military schools are required to adhere to the curricula, school day, activities, examinations and disciplinary measures in place in the Ministry-run schools.



43. The students are not military personnel or recruits and may not be considered to be military personnel under any circumstances. They enjoy no military privileges and are not deployed for any military purpose, as they are primarily students but in schools run by the armed forces owing to the nature of the areas concerned. Students at these schools have the right to transfer at any time to schools run by the Ministry of Education. The school day is the same in both types of school, except that board and lodging is available at military schools to students living outside the school locality or in distant areas. These schools also alleviate the burden on the Ministry of Education in covering remote and outlying areas.

44. These schools are for children of personnel and officers of the armed forces and children from the local community. Male students at these schools must wear a special uniform in the same way as at schools run by the Ministry of Education.

45. During the next five years, the transfer of seven schools from the Ministry of Education to the Directorate of Education and Military Culture is envisaged. These schools offer special concessions and free board and lodging to students living in remote areas, in addition to health care.

#### **Minimum legal age for admission to the schools**

46. The age of admission is the same as for students at schools run by the Ministry of Education; the Education Act is identically applied in military schools and article 10 (b) of the Act provides that: “(b) Students shall be admitted to the first year of basic education if they are over six years of age at the end of the December of the school year in which they are admitted.”

### **C. Armed groups**

47. There are no military conflicts in the Hashemite Kingdom of Jordan and consequently no armed groups, forces or militias other than the Jordanian Armed Forces.

### **D. Cooperation**

#### **Cooperation with the International Committee of the Red Cross**

48. The presence of the International Committee of the Red Cross (ICRC) in Jordan came about in 1948, due to the Middle East conflict, and continued until 1950. ICRC set up the first refugee camp in the town of Irbid and the ICRC mission opened in the capital Amman, after the Arab-Israeli war in 1976, has been operating ever since. The Government concluded an agreement with ICRC for the provision of health services, guidance, advice and shelter for unaccompanied minors, in addition to essential services delivered by the Jordan Red Crescent.

#### **The Jordan Red Crescent**

49. Founded on 27 December 1947 and recognized by ICRC in 1948, the Jordan Red Crescent joined the International Red Cross and Red Crescent Movement in 1950. It is an independent organization and its statutes were approved by the ICRC General Assembly in 1970. It is committed to achieving its mission to “alleviate the suffering of the victims and the vulnerable of natural disasters and armed conflicts and to protect their dignity and rights in a manner that preserves their lives, safety, security and well-being”.

50. As a member of the International Movement, the mission of the Jordan Red Crescent is to meet and comply with the principles and aims of the Movement, which include adhering to and upholding the seven Fundamental Principles on which it is founded: humanity, impartiality, neutrality, independence, voluntary service, unity and universality.

## **E. Children especially vulnerable to practices contrary to the Optional Protocol**

51. The State prepared a number of national strategies and plans targeting children vulnerable to exploitation by certain groups for activities contrary to the Optional Protocol, including:

### **1. The Jordanian National Action Plan for Children (2004–2013)**

52. The National Action Plan for Children was prepared by the National Council for Family Affairs, in collaboration with the Ministry of Planning and International Cooperation, the Ministry of Social Development, the Ministry of Health, the Ministry of Education and UNICEF, and in partnership with other entities and representatives of children themselves.

53. The Plan comprises a number of components, under which are included such activities as enhancing protection for children in armed conflict in accordance with international humanitarian law standards by urging the application of international legitimacy and United Nations resolutions, particularly in the occupied territories; training personnel working in the area of child rights; and promoting international cooperation in this regard.

54. In one of the components of the National Plan of Action for Children, a sixth section dealing with children and armed conflict advocates striving for the application of international legitimacy and United Nations resolutions by urging the international community to implement the Fourth Geneva Convention in the occupied Arab territories and convene international conferences on the subject, in cooperation with the Ministry of Foreign Affairs through the Jordanian Mission to the League of Arab States, the Jordanian Permanent Missions in New York and Geneva, and the National Committee for International Humanitarian Law. The Jordanian Government has also continued to provide support for Palestinians and to facilitate the passage of all forms of humanitarian assistance to the occupied territories, Iraq and Afghanistan.

### **2. A study to identify the psychological, social and physical impact of child labour in Jordan, 2010**

55. Prepared by the National Council for Family Affairs in 2010, this study was the first of its kind in Jordan and used medical laboratory testing and a questionnaire to assess and examine the psychosocial impact of child labour. The target sample comprised some 4,000 working and non-working children, including children in schools run by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNWRA) and children from Palestinian refugee camps.

### **3. The National Strategy for the Elimination of Child Labour (2006)**

56. The National Strategy for the Elimination of Child Labour, which was prepared by the Ministry of Labour in cooperation with the International Labour Organization (ILO) and relevant national institutions, advocates the principle of non-recruitment of children under 18 years of age, in accordance with article 3 of the ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of

Child Labour (1999), which provides that: “For the purposes of this Convention, the term “the worst forms of child labour” comprises: (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict.”

#### **4. Jordan Child Budget Analysis (2009)**

57. As part of the child-friendly budget project, the National Council for Family Affairs worked with UNICEF to produce the Jordan Child Budget Analysis, the first study of its kind in the Arab region.

58. The aim of the study was to provide a baseline for continuous child budget monitoring in Jordan by analysing policies, plans and budgets relating to children’s rights in four areas (development, education, health and employment) in order to provide usable information for attracting support to give effect to these rights.

59. This study was based on a three-year budget (Medium-Term Expenditure Framework) focused on the objectives and allocations in place for the years 2008–2011, thereby creating a baseline for monitoring the future intentions of the Jordanian Government against its previous service delivery record.

#### **Exploring international humanitarian law**

60. This is an educational programme to introduce young persons from 13 to 18 years of age to the fundamental rules and principles of international humanitarian law and relevant issues. Implemented by the Ministry of Education in late 2002, the first stage of the programme comprised activities to promote awareness of the concept and procedural definitions of the programme in keeping with the Jordanian environment and student levels. It also included a number of training workshops for education supervisors and teachers in this field. In 2005, the programme was rolled out in schools, taking into account the gender factor, from basic grade 7 to secondary grade 1, and continued to be implemented for four consecutive school years.

### **F. Campaigns and measures taken to promote awareness of the provisions of the Optional Protocol**

#### **Fostering a culture of peace through education**

61. The Ministry of Education has endeavoured to propagate a culture of peace by incorporating into textbooks a number of concepts relating to that culture, including through a focus on modes of behaviour and ways of life with the aim of enabling students to resolve any dispute peacefully and in a spirit of respect for human dignity and of tolerance and non-discrimination between the sexes. It has likewise sought to incorporate into school curricula and textbooks a variety of activities, attitudes, values and positive behaviour patterns in the interests of instilling the values of a culture of peace; eliminating all forms of violence and extremism and highlighting the risk they pose to communities; and encouraging and strengthening efforts by actors as identified in the Declaration on a Culture of Peace, in particular the United Nations Educational, Scientific and Cultural Organization, aimed at developing values and skills conducive to a culture of peace, including education and training in promoting dialogue.

**Measures for the promotion of sustainable socioeconomic development**

62. The Ministry of Education played a part in disseminating the concepts of sustainable socioeconomic development by incorporating a number of those concepts into textbooks. From 2003 to 2008, Jordan implemented a project to develop education for the knowledge economy.

**Measures aimed at promoting and encouraging respect for the human rights culture**

63. The Ministry of Education prepared a matrix on the culture of peace, human rights and shared universal values as a tool for designing school curriculum and textbook content and for helping learners to acquire the knowledge, skills and attitudes needed to prepare them for coping effectively with the social, cultural, economic and political aspects of life, bringing positive benefits for them and their personal development, as well as for their families, communities and future relations with other communities. Various human rights concepts are now reflected in school curricula and textbooks.

**Steps taken by the Ministry of Education to integrate human rights concepts into school curricula and textbooks**

64. Workshops to promote awareness of human rights concepts and techniques for integrating those concepts into school curricula and textbooks were organized for personnel of the Department of Curriculum and Textbook Development. A matrix on human rights concepts was also elaborated for designing curriculum and textbook content for the basic stage. Enriching activities were developed in addition and descriptions of the concepts were composed and incorporated into recently produced textbooks. Human rights concepts have come to the fore in the new textbook structure, with entire lesson units devoted to human rights, women, children, gender equality and so forth.

**Measures to strengthen the concepts of mutual understanding, tolerance and solidarity**

65. The Ministry of Education has incorporated the concepts of human rights, tolerance, solidarity and dialogue among civilizations into school curricula and textbooks, believing as it does in the importance of these concepts in the lives of our schoolchildren and in the life of the community and community groups. It likewise believes in the importance of working to settle disputes by peaceful means and to eliminate violence, foster greater understanding, tolerance and cooperation among all peoples, raise schoolchildren's awareness of the significance of openness to others, and benefit from the experiences of developed countries in a way that serves the educational learning process without changing or diluting national or personal identity.

**Measures aimed at promoting international peace and security**

66. In some education components, international humanitarian law is addressed as a key subject. Concepts of international humanitarian law are also underlined in both general and particular terms in the subject areas of the humanities and Arabic language, both of which are steeped in those concepts. Many of these concepts have therefore been disseminated in such subject areas as history, national and civic education, Islamic education, Arabic language and art.

67. The information was introduced into textbooks in different forms, including study units, lessons, activities, narratives, additional information in teacher manuals, questions, and pictures relating to the subject. Various associated concepts have also been incorporated into school curricula and textbooks. The subject of international humanitarian law is part of the law school curricula at 14 out of 16 universities, where it is studied as a

separate subject as part of the curriculum for either public international law or human rights law.

## V. Prohibition and related matters

68. Concerning the process of illegal recruitment into the armed forces, article 24 of the Military Criminal Code (Act No. 58 of 2006) provides as follows: “Anyone who recruits or assists the recruitment of another person contrary to the provisions of the law shall be liable to a penalty of imprisonment from three months to two years.”

69. Articles 141 to 144 of the Criminal Code (Act No. 16 of 1960) also provide for the following penalties:

“Article 141: Anyone who, without the consent of the authorities, forms armed factions, or enlists or recruits military personnel, or equips or supplies them with arms and ammunition, shall be liable to a penalty of fixed detention for a term of up to five years.

Article 142: Insurgency: Any attack designed to provoke civil war or factional fighting by arming Jordanians or encouraging them to bear arms against each other, or by instigating indiscriminate killing or the looting of commercial premises, shall be punishable by life imprisonment with hard labour or, if such acts achieve their aim, by the death penalty.

Article 143: Anyone heading an armed gang or assuming therein any type of function or command with intent to take control of a town, commercial premises or State or civilian property, or with intent to attack or oppose law enforcement agencies working against the perpetrators of such criminal offences shall be liable to a penalty of life imprisonment with hard labour.

Article 144 (1): Accomplices in armed gangs formed for the purpose of committing any of the serious offences provided for in the two preceding articles shall be liable to a penalty of life imprisonment with hard labour; (2) However, anyone who performed no function or service in the gang, was not arrested at the scene of the unrest and surrendered his weapon without resistance before sentencing take places shall be exempt from the penalty.”

70. The Military Criminal Code (Act No. 58 of 2006) also provides as follows:

Article 41, paragraphs (a) (9), (10), (12) and (13):

“(a) The following acts committed during armed conflict shall be regarded as war crimes:

(9) Attacks on the civilian population or individuals;

(10) An indiscriminate attack on civilian populations or civilian objects in the knowledge that such attack will cause excessive loss of life, injury to civilians or damage to civilian objects;

(12) Attacks on non-defended localities and demilitarized zones;

(13) Attacks on a person who is hors de combat.”

### A. Statute of limitations for offences covered by the Optional Protocol

71. The Code of Criminal Procedure (Act No. 9 of 1961) makes a distinction between the time limit for initiation of a public action and the time limit for imposition of penalties.

With respect to the time limit for initiation of a public action, article 338 of the Code provides that: “(1) Public and private actions shall lapse on the expiration of 10 years from the date on which the offence was committed if no prosecution in their respect has been brought during that period; (2) Both actions shall likewise lapse on the expiration of 10 years from the last application completed therein if the action was initiated, investigations were conducted and no adjudication was made.”

72. Concerning the time limit for imposition of penalties, article 342 of the Code of Criminal Procedure provides that: “(1) The time limit for imposition of the death penalty and of life sentences shall be 25 years; (2) The time limit for imposition of fixed-term penalties shall be double the period of the penalty handed down by the court, provided that it is not more than 20 years nor less than 10 years; (3) The time limit for imposition of any other criminal penalty shall be 10 years.”

## **B. Conventions ratified by Jordan**

73. Jordan is committed to respect for international legitimacy and United Nations resolutions. It has ratified the Fourth Geneva Convention of 1949, Protocols I and II additional to the Geneva Conventions of 1949 (1977), and the Rome Statute of the International Criminal Court of 1998, which cover the various aspects of international protection regimes in times of armed conflict. Jordan was among the 60 States whose ratification of the Rome Statute counted towards the number required for its entry into force. Jordan is also a party to the ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999).

## **C. Legal provisions establishing jurisdiction over the offences referred to in the Optional Protocol**

74. Article 4 of the Military Criminal Code provides that the provisions of the Criminal Code and other criminal laws apply with respect to general provisions and to acts committed by those mentioned in article 3 of the Code for which no special provision is made. Consequently, the general provisions set forth in the Criminal Code apply to the offences provided for in the Military Criminal Code. Articles 7, 8, 9, 10 and 13 of the Criminal Code set out the rules on territorial and personal jurisdiction, stating that the provisions of the Code apply to anyone committing within the Kingdom any of the offences prescribed therein. An offence is also deemed to have been committed in the Kingdom if one of the elements constituting the offence, or an act inseparable from the offence, or a principal or secondary act of complicity, took place on its soil:

(a) The territory of the Kingdom includes the air above it, the territorial sea to a distance of five kilometres from the shore, the airspace above the territorial sea, and Jordanian vessels and aircraft;

(b) Foreign territory occupied by the Jordanian army if the offence committed damages the integrity or interests of the army.

75. Jordanian law, furthermore, does not apply to the following:

(1) Offences committed in Jordanian airspace on board a foreign aircraft if the offence is confined to the aircraft. Offences confined to aircraft are, however, subject to Jordanian law if the perpetrator or the victim is Jordanian or if the aircraft lands in the Hashemite Kingdom of Jordan after the offence has been committed;

(2) Offences committed in Jordanian territorial sea or in the airspace above a foreign vessel or aircraft if the offence is confined to the vessel or aircraft.

76. The provisions of the Jordanian Criminal Code apply to any Jordanian who, outside the Kingdom, perpetrates, instigates or is an accessory to a serious or lesser offence punishable by Jordanian law. The same provisions apply to those persons even if they lose or acquire Jordanian nationality after committing a serious or lesser offence; to offences committed outside the Kingdom by any Jordanian official during or on the occasion of the exercise of his functions; to offences committed outside the Kingdom by foreign service officers and Jordanian consuls who enjoy immunity under international public law; and to any alien residing in the Hashemite Kingdom of Jordan who, outside the Kingdom, perpetrates, instigates or is an accessory to a serious or lesser offence punishable by Jordanian law, if his extradition has not been requested or accepted.

77. Prosecution in the Hashemite Kingdom of Jordan is not, however, precluded by judgements handed down abroad for any of the offences set forth in article 9 of the Criminal Code or for any offence committed in the Kingdom. In both cases, prosecution in the Kingdom is nonetheless barred if a foreign court judgement was delivered as a result of information formally communicated by the Jordanian authorities. Furthermore, any term served by a convicted offender as a result of a judgement enforced against him abroad is deducted from any term of sentence awarded against him in the Kingdom.

#### **D. Practices relating to the extradition of offenders**

78. Article 21 of the Constitution of the Hashemite Kingdom of Jordan provides that the extradition of ordinary criminals is governed by international conventions and laws. Jordan is a party to several agreements relating to the extradition of offenders, including the Extradition Agreement of the League of Arab States, published in Official Gazette No. 1195 of 1 September 1954. Sitting in its capacity as a criminal court, the Court of Cassation, in its Decision No. 1191/2004 (five-member bench) of 3 October 2004, stated that the conclusion drawn from article 21/2 of the Jordanian Constitution was that the rules on the extradition of ordinary criminals are determined by international conventions and by laws, and that a request for extradition is inadmissible where no agreement or treaty on the extradition of criminals exists between the Hashemite Kingdom of Jordan and the State requesting extradition.

### **VI. Protection, recovery and reintegration**

#### **Refugees**

79. The Jordanian Government devotes particular attention to the issue of refugee children, providing their essential requirements in all spheres. The Government continues to deliver its services to all refugee camps through such development plans and programmes as the social safety package. This project, which was implemented in the camps from 1999 to 2004 at a cost of over 26 million Jordanian dinars, ensured the provision of all infrastructural, material, economic and social services.

80. The Government leases the land for the refugee camps from the landowners and, in cooperation with local community institutions, it implements a number of projects for raising living standards and improving services to the camps.

81. A large number of refugee children benefit from government education services at the secondary stage, bearing in mind that the education provided by UNWRA schools is confined to the basic stage only. The opportunity to receive a higher education at Jordanian universities is also available to children of refugees and displaced persons; they may sit the national competitive examination open to the public and 300 university places are set aside for children from the camps who are awarded a royal scholarship.

82. Substantial numbers of refugees also benefit from government health services and insurance. The Government also endeavours to offset the shortage of UNWRA health services and provide various essential drugs and vaccines.

83. The Government works with international donor institutions on implementing projects to improve living conditions in the camps by building health centres and assorted facilities, such as public parks, for the benefit of inhabitants, with an emphasis on children. Between 2002 and 2004, three such parks were built in three different camps and projects setting up kindergartens, public libraries and children's libraries were implemented, together with other projects for children.

84. The Government also works with refugees in general and refugee children in particular with a view to alleviating the woes of their situation caused by their increasing numbers and needs and by the UNWRA cutbacks in spending and services insofar as the UNWRA budget for Jordan amounts to US\$ 75 million, whereas the total cost of services provided by the Jordanian Government is equivalent to US\$ 423,121,161. Hence, through its work with UNRWA on the one hand and donor States on the other, the Government is bringing to light the impact of this reduction on the refugee community and calls for the delivery of urgent assistance to refugees.

85. The Jordanian Government signed a memorandum of understanding with the Office of the United Nations High Commissioner for Refugees concerning arrangements for Iraqi guests. Iraqi children were consequently permitted to attend government schools free of charge in the same way as Jordanian students, irrespective of whether or not they were accompanied by their parents.

86. All residents and their children have right of recourse to the courts and to various departments in order to obtain birth certificates for newborn children, marriage papers and other vital documents.

87. The Government also concluded an agreement with ICRC for the provision of health services, guidance, advice and shelter for unaccompanied minors, in addition to essential services provided by the Jordan Red Crescent.

88. It is stated in the UNICEF report *The Situation of Palestinian Children* that Jordan hosts more Palestinian refugees than any other country in the region. As at 30 June 2009, there were 1.97 million Palestinian refugees registered with UNRWA in Jordan, amounting to almost 42 per cent of the total of 4.7 million Palestinian refugees registered with UNRWA in its five areas of operation.

## **VII. International assistance and cooperation**

89. Jordan welcomed Security Council resolution 1612 of 26 July 2005 and the mechanisms identified by the Secretary-General in his fifth report on children and armed conflict for monitoring the six grave violations identified in the same report. Resolution 1612 (2005) is a ground-breaking resolution that established practical measures to prevent perpetrators of violations from escaping with impunity. These violations include killing or maiming of children, recruiting or using child soldiers, and rape or other grave sexual violence against children.

### **Conferences**

90. **Global conference launching the Global Women's Action Network for Children:** The aims of the conference, held under the patronage of Her Majesty Queen Rania Al Abdullah in 2006, were to work for attainment of the three Millennium



Development Goals relating to infant mortality, maternal mortality and girls' education; build bridges between defenders of children's and women's rights and leaders in all relevant fields and institutions; create a brave and powerful global voice for children and women across all sectors in order to convey the concerns of women and children to relevant actors; and promote the ability to bring about change. Organized by the National Council for Family Affairs in cooperation with the Children's Defense Fund (United States of America), the conference was attended by over 150 distinguished women leaders and experts in the fields of education and health from around the globe. The conference concluded its work by emphasizing that the Network must mobilize efforts to ensure that governments, leaders, investors, decision makers and politicians the world over afforded priority to safeguarding maternal and child health, preventing deaths and delivering girls' education.

91. **World Family Summit +2:** Held in 2006, the World Family Summit +2 represented a global meeting place for interaction, discourse and partnership among stakeholders, local authorities, NGOs, civil society organizations, parliamentarians, academia, the business community, ministers and municipal leaders. The recommendations produced from the Summit, which was organized by the National Council for Family Affairs, included in particular a recommendation to develop strategies to reach vulnerable out-of-school children and increase their enrolment and retention in schools through, for example, elimination of school fees and creation of school feeding and health programmes, in addition to a recommendation that the benefits of the educational sector be equally shared by the poor and the wealthy by ensuring a distribution of resources across the different regions and schools.

92. **Conference on children, municipalities and community:** This conference, which was organized in 2007 by the Family and Child Protection Society in Irbid and in which various organizations and children themselves participated, addressed the potential role of municipalities in developing child budgets, tackling the issue of child labour and dealing with the problem of children at risk. It produced a number of recommendations, including in particular the need for municipalities to take on board in their work these difficulties encountered by children.

93. **Workshop on Jordan's achievements in the area of family and child protection, 2007:** Organized by the National Council for Family Affairs and UNICEF under the patronage of Her Majesty Queen Rania Al Abdullah, this workshop used the recommendations set out in the United Nations study on violence against children to gauge the situation of family and child protection in Jordan and develop a set of national priorities in that area. A detailed report on the workshop's recommendations was prepared in line with the recommendations made in each of the five core areas of the study and the bodies responsible for follow-up were designated.

94. **Workshop launching a report analysing the state of children in Jordan in 2008:** Under the patronage of Her Majesty Queen Rania Al Abdullah, this workshop was organized by the National Council for Family Affairs and UNICEF in order to launch a report containing an analysis of the state of children in Jordan. Several governmental and non-governmental sectors were involved in preparing the report, which also included the views of a group of adolescents and individuals from disadvantaged communities and of children with disabilities living in care institutions. A key area of discussion in the report concerned children's living conditions, covering such matters as environment, population, governance, the economy, cultural and social factors, which affect their lives enormously at the national and governorate levels and in the family setting.

95. **Forum for Arab adolescents 2009:** Organized by the Jordan River Foundation on the occasion of the World Day for the Prevention of Child Abuse, the forum was attended by 80 adolescents representing the nine Arab States of Saudi Arabia, the Sudan, Yemen,

Bahrain, Qatar, the Syrian Arab Republic, Lebanon, Palestine and Egypt, in addition to Jordan, and by national and regional institutions working in the field of children. The aim of the three-day forum was to underscore the fact that child abuse was suffered by children in all countries of the world and was an issue that must be tackled and dealt with at the individual and communal levels; that children's engagement should be encouraged at the national and Arab levels; that children should have access to a safe space for expressing and discussing their thoughts on child protection; and that children should be afforded the opportunity to learn from the experiences of other countries. The forum worked to establish an electronic network for the participating children, the idea being to provide them with the opportunity to exchange experiences with children from other countries in the world and consequently share their views and ideas.

96. **Second Arab Conference for Family Protection from Family Violence:** Under the banner of "Towards an Arab platform for action for family protection from family violence", the Conference was held under the patronage of Her Majesty Queen Rania Al Abdullah and organized by the National Council for Family Affairs and the Ministry of Social Development, in association with the League of Arab States, the Arab Family Organization and a number of concerned national institutions. The aims of the conference were to create a mechanism for inter-Arab participatory action in monitoring the response of Arab States to the development of action at the national policymaking level to protect families from violence; and to effect a systematic exchange of scientific and practical expertise through establishment of the Arab Network for Family Protection from Family Violence and the establishment of communication and networking mechanisms by way of preparing and adopting an Arab platform for action to protect families from violence.

## VIII. Conclusion

97. Jordan expresses the hope that this report has covered some of the State's efforts to implement and give effect to the provisions of the Optional Protocol. Jordan wishes to underline the statement in the introduction that there are no armed conflicts on its territory. It receives thousands of refugees from neighbouring countries, including child victims of armed conflict. The State is making immense efforts to protect those children and reintegrate them into society. Greater international cooperation is needed, however, to assist Jordan and enable it to discharge its mission as part of its moral and humanitarian obligation.

## Annex

### **Ministries and institutions involved in the preparation of the report**

The Jordanian Judicial Council; the Supreme Judge Department; the Ministry of Health; the Ministry of Education; the Ministry of Development; the Ministry of Justice; the Ministry of Labour; the Ministry of Planning and International Cooperation; the Ministry of Awqaf, Islamic Affairs and Holy Places; the Ministry of the Interior; the Ministry of Culture; the Higher Population Council; the Higher Council for Youth; the Higher Council for the Affairs of Persons with Disabilities; the Directorate of the Secretary General; the General Budget Department; the Department of General Statistics; the Civil Status and Passports Department; the Jordanian Armed Forces; and the Ombudsman Bureau.

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