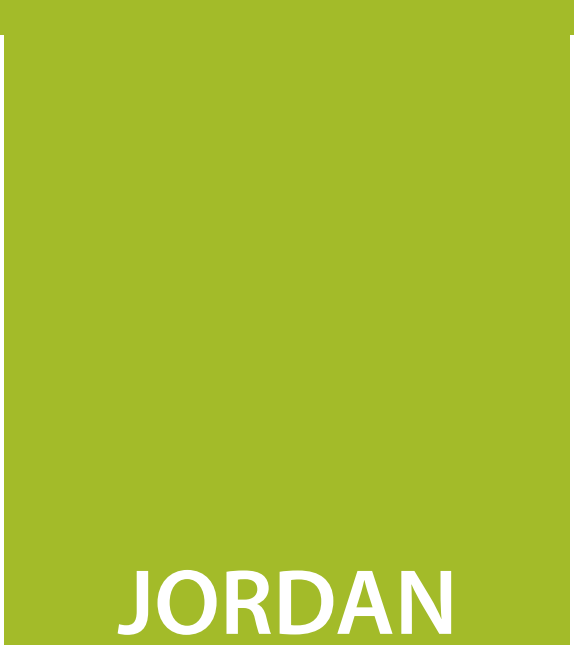




Global Monitoring



Report on the
status of action against commercial
sexual exploitation of children



JORDAN



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LE GOUVERNEMENT
DU GRAND-DUCHÉ DE LUXEMBOURG
Ministère des Affaires étrangères



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Glossary of terms and acronyms

AIDS: Acquired Immune Deficiency Syndrome

Code of Conduct: A code for travel and tourism companies, providing guidance on the protection of children from sexual exploitation

CRC: Convention on the Rights of the Child

CSE: Commercial sexual exploitation

CSEC: The commercial sexual exploitation of children consists of criminal practices that demean, degrade and threaten the physical and psychosocial integrity of children. There are three primary and interrelated forms of commercial sexual exploitation of children: prostitution, pornography and trafficking for sexual purposes. Commercial sexual exploitation of children comprises sexual abuse by the adult and remuneration in cash or in kind to the child or a third person or persons.

CST: Child sex tourism, or the commercial sexual exploitation of children by men or women who travel from one place to another, usually from a richer country to one that is less developed, and there engage in sexual acts with children, defined as anyone under the age of 18.

ECPAT: End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes

FPD: Family Protection Department

Grooming: Preparing a child for sexual abuse and exploitation

HIV: Human immunodeficiency virus

ICMEC: International Centre for Missing and Exploited Children

ISPs: Internet service providers

ISPCAN: International Society for the Prevention of Child Abuse and Neglect

IT: Information technology

MENA: Middle East and North Africa
MOSD: Ministry of Social Development
MoU: Memorandum of Understanding
NGO: Non-governmental organization
NPA: National Plan of Action
PTC: Professional Training Centre
QRFCC: Queen Rania Family and Child Centre
UNICEF: United Nations Children's Fund
UNIFEM: United Nations Development Fund for Women

Foreword

Ten years have passed since the First World Congress against Commercial Sexual Exploitation of Children (CSEC) was held in 1996 in Stockholm, Sweden. The Stockholm Congress was a landmark event, providing testimony that convinced the world that sexual violations against children exist in all nations, irrespective of cultural differences or geographic location. It marked the first public recognition by governments of the existence of CSEC and resulted in a commitment to a global Declaration and Agenda for Action, which was formally adopted by 122 governments, as a guide to the specific measures that must be taken for counteraction.

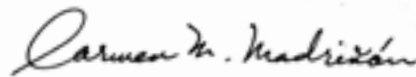
Since 1996, many actors around the world have focused their efforts around this common Agenda for Action and more government and non-government entities have linked, to ensure positive change for children and to protect their right to live free from sexual exploitation. This broad societal alliance (bolstered by a Second World Congress held in Yokohama in 2001, during which the number of countries adopting the Agenda rose to 159 - a figure which has since risen to 161) has made progress in improving protection for children from commercial sexual exploitation. However, the increasing sophistication of resources available to those who seek to exploit children have grown in equal measure. Responding to these challenges requires far more coordinated and targeted work to be undertaken to avoid retrogression.

Experience demonstrates that the level of responsibility and role that a government takes to set and uphold standards of protection, like the lead taken for protecting children's rights, determines the nature, quantity and quality of what the country achieves for its children. Governments can and have accelerated progress for implementation of the Agenda for Action, often opening new and important channels for such work. Nevertheless, their actions have not been uniform and, as these country profiles attest, far more urgent work must be done to protect children from such heinous violations, as these are still perpetrated with impunity in many countries.

This report aims to provide a baseline of information on actions taken and remaining gaps for addressing CSEC in each country, based on the framework of the Agenda for Action, to enable more systematic assessment of progress on implementation of this commitment. It also seeks to contribute to other international mechanisms that exist to protect children's rights; the *Convention on the Rights of the Child (CRC)* and the *Optional Protocol on the sale of children, child prostitution and child pornography* so as to strengthen the implementation and action against commercial sexual exploitation of children at all levels.

Another important objective of these reports is to stimulate the exchange of experience and knowledge among countries and different actors to create a dialogue that can further work against CSEC. While much has been achieved over the last 10 years, many gaps still remain. The implementation of the Agenda for Action is urgently required, for as the reports clearly illustrate, there is a compelling need for global action to protect children from these inhuman violations.

This project is the result of a broad and global collaboration. ECPAT International (EI) would like to thank all those who participated in the work and contributed their inputs, in particular the ECPAT member groups in the countries examined, local experts who provided valuable information and insights, other organisations that shared their experience and information, the dedicated staff and volunteers in the Secretariat of EI and the generous donors who backed the project (more extensive acknowledgements can be found in the Regional Report). This work would not have been realised without their support and solidarity.



Carmen Madriñán
Executive Director, ECPAT International

Methodology

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

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

Early desktop research revealed a lack of information in the areas of Recovery, Rehabilitation and Reintegration; and Child Participation. After extensive efforts to collect information relevant to these areas for each of the countries covered, it was decided that as this information was not consistently available, the reports would focus only on those areas of

the Agenda for Action where verifiable information could be obtained. Thus, the report covers: Coordination and Cooperation; Prevention; and Protection, and where information on the other two areas was available, it has been included under the specific country or in the regional overview.

Research of secondary sources, including CRC country reports, alternative CRC reports, the reports of the Special Rapporteurs, submissions for the recent UN Study on Violence against Children, as well as research and field studies of ECPAT, governmental and non-governmental organizations, and UN agencies, provided the initial information for each report. This information was compiled, reviewed and used to produce first draft reports. In-house and consultant specialists undertook a similar process of review to generate information on specialised areas of the reports, such as the legal sections. Nevertheless, researchers often encountered a lack of information. While sources also included unpublished reports and field and case reports of ECPAT and other partners, many countries lacked up-to-date data and information on areas relevant to this report.

Despite these limitations, sufficient information was gathered to provide a broad overview of the situation in each country. Subsequently, first drafts were prepared and shared with ECPAT groups, which then supplemented the information with other local sources and analysis (taking care to identify them and source appropriately). Upon receipt of these inputs, a series of questions were generated by the ECPAT International team for deeper discussion through teleconferences, which involved ECPAT groups and specialists invited by them. The information from these discussions was used to finalise inputs to each of the reports. These consultations proved to be invaluable for analysis of the country situation.

They also served as a measure for triangulating and validating information as different actors offered their perspective and analysis based on their direct work.

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



JORDAN

A key obstacle to fighting the commercial sexual exploitation of children (CSEC) in Jordan is the lack of information on its scope and various manifestations, and the absence of statistics on related crimes. The issue of child abuse in general has only recently started to be discussed in the region, and the commercial sexual exploitation of children is yet to be discussed in more specific terms. CSEC is invariably addressed as ‘child abuse’, within families in particular, which fails to consider all the dimensions of the problem and thus fosters effective counteraction. The Committee on the Rights of the Child has noted that data is still lacking or insufficient in some areas related to child welfare, including on sexual exploitation of children. Available national statistics do not categorise cases of child trafficking, child prostitution and child pornography,¹ and no comprehensive research has been conducted on these phenomena. As such, there is very little evidence that these forms of exploitation are occurring in the country. Nevertheless, a review of existing studies and police records shows that children of both sexes have been exposed to sexual exploitation, by family members as well as by strangers.² Informal reports on trafficking and child prostitution also indicate their incidence.

No statistics on CSEC

In Jordan’s *Third Periodic Report to the Committee on the Rights of the Child*, the following table on the number of abused children of both sexes (between 1999 and 2006) shows a predominance of sexual assault over other forms of abuse. As the commercial sexual exploitation of children is not distinguished from other forms of child abuse in official statistics, there is a likelihood that some of the sexual assault figures may include CSEC cases.

Year	Physical Assault	Sexual Assault	Neglect
1999	64	227	5
2000	59	300	6
2001	51	242	4
2002	67	338	9
2003	157	533	17
2004	163	760	22
2005	133	633	27
2006	79	531	51
Total	733	3564	141

Early marriage is considered a form of commercial sexual exploitation of children when it involves the marriage of underage girls in exchange for financial or in-kind compensation, usually to their families. Although teenage marriage in Jordan reportedly decreased from 20 per cent of all marriages in 1998 to 15 per cent in 2004³ (the legal age of marriage is 18, but the law allows some exceptions based on judicial discretion). Some families continue to marry off their daughters at early ages, sometimes to relieve the pressure on limited family incomes. Consultations with women in rural areas indicate a higher number of teenage marriages than recorded in official data, since parents find ways to evade the civil law. They also highlighted that early marriage results in limited opportunities to acquire education and productive skills (some girls are withdrawn from school as early as 14 or 15 and married off); domination of the wife by husband and mother-in-law; and a higher likelihood of divorce.⁴ All these circumstances can place young girls at higher risk of exploitation in commercial sex due to limited livelihood options and the need to fend for themselves in certain cases. This practice also increases children's vulnerability to commercial sexual exploitation because some of these married young girls can face domestic violence and decide to run away from their husbands: some are ostracised by their families and find that commercial sex is one of their very few options for survival. A UNICEF study from 2000

found that 26 per cent of reported cases of domestic violence in Jordan were committed against wives under 18. Awareness raising and changes in legislation have contributed to a decrease in early marriages.

Girls trapped in brutal marriages who decide to run away are sometimes subsequently punished or even killed by their families – ‘honour killings’ or ‘crimes of honour’ – which occur not only in Jordan but also in Bangladesh, Egypt, Lebanon, Pakistan and Turkey.⁵ Rejected by their families, there is concern that these girls may be compelled to become involved in prostitution as the only means of survival. The same kind of stigmatisation affects young girls who choose a husband against the wishes of their parents, or who lose their virginity either voluntarily or due to sexual abuse or exploitation. They may also be subject to ‘crimes of honour’, and sometimes are forced to marry the sexual aggressor.⁶ Despite this, Jordan is one of the few countries in the region where the concept of ‘crimes of honour’ is a subject of public debate,⁷ and it is hoped that proposed changes in the law, whereby crimes due to honour would no longer entail a diminution in penalties, will soon be enacted.⁸

Human trafficking in Jordan occurs primarily for forced labour. However, thousands of female workers, including young children, migrate to Jordan to work as maids, and many find themselves trapped in restrictive and abusive conditions.⁹ Female child labour is among the least visible, as it is generally hidden and confined to domestic service or small economic activities within the household or on family farms.¹⁰ There have been reports of sexual abuse of child domestic servants by their employers, who take advantage of their lack of legal and social protection to force them to provide sexual services. These abuses are somehow perceived by employers as ‘legitimate’, under the assumption that sexual services are part of employment conditions. Not only is this a type of commercial sexual exploitation, but it also places the child domestic workers in situations of psychological and economic vulnerability which may lead them to commercial sex. Although the law prohibits children from migrating to Jordan to work, this is done undercover or through the use of false documents. The children and women come mainly from Indonesia, the Philippines and Sri Lanka.

The particular case of immigrants from Iraq should be noted. Iraq shares a border with Jordan, and the conflict situation there has caused many families and their children to escape to Jordan. Many of these families live in Jordan illegally, and hence are susceptible

to abuse and deprivation of their rights, including exploitation in commercial sex, to survive. In 2007, the Government of Jordan commissioned a study on Iraqis in Jordan and their living conditions, education and health status, which should help in the plan to expand education and health services for Iraqi children. The vulnerability of Palestinian refugee children to commercial sexual exploitation also deserves investigation, especially as Jordan has accommodated the largest number of Palestinians living outside the Occupied Palestinian Territory. It is also worth mentioning that early marriages are more common among refugee women (whose families are often seeking some form of 'security') than among the Jordanian population.¹¹

Jordan participated in the First World Congress against Commercial Sexual Exploitation of Children and adopted the *Stockholm Declaration and Agenda for Action* in 1996. The nation reaffirmed its commitment by participating in the Second World Congress in 2001.

NATIONAL PLAN OF ACTION (NPA)

While Jordan does not have a national plan of action specifically focused on combating CSEC, the Jordanian *National Plan of Action for Children (2004-2015)*, based on the *Convention on the Rights of the Child and A World Fit for Children*, a document developed by UNICEF, includes some CSEC provisions.¹² These are however rather general and identified in the section on child abuse and neglect.

The *National Plan of Action for Children* was drafted by a steering committee¹³ which included Government representatives, NGOs, the private sector and academia working on children's issues. It features several provisions to protect children in difficult circumstances, based on the recommendations made in the *2004 National Study of Disadvantaged Children*, prepared by the National Council of Family Affairs.¹⁴ The Plan also aims to protect children from all forms of economic exploitation and to eliminate the worst forms of child labour. Provisions to eliminate commercial sexual exploitation of children include: promoting awareness among families, children and all segments of society as a means to prevent sexual

exploitation of children; monitoring causes of sexual exploitation of children, examining them and identifying the gaps facing the efforts to confront them; providing specialised health, social, rehabilitation, education and legal services for victims; monitoring and exchanging information at regional and international levels in cross-border trafficking of children, enhancing the capabilities of border police and law enforcement officers to stop this practice while also respecting the human rights of victims, particularly women and children.¹⁵

Monitoring and evaluation system in place to review NPA implementation

The implementation of the *National Plan of Action for Children* is monitored by a technical committee that includes representatives from the Ministries of Planning and International Cooperation, Health, Education, Social Development, Interior, Labour, Culture, the Department of Statistics, as well as children, youth, academia, NGOs, UN agencies and a monitoring and evaluation expert. In addition, within each Ministry and main participating agencies, a focal person was appointed to monitor the plan's implementation¹⁶ - and trained on a computerised monitoring and evaluation system.

Jordan has also produced a *National Plan of Action on Violence against Children*, in response to concerns raised within the process of conducting the UN's *Study on Violence against Children*. However, it is a very general plan that does not contain details on implementing actors, timeframes or allocation of resources.

A key feature of the planning processes for the *National Plan of Action for Children* and the *National Youth Strategy* was the active involvement of young people. Other important child and youth participation initiatives include the formation of a Children's Parliament (however, this has been dormant since 2004 due to funding constraints). Young people in Jordan still feel a lack of participation options at many levels.¹⁷

COORDINATION AND COOPERATION

Local and National Level

Although coordination has taken place to implement the *National Plan of Action for Children*, especially at local level, no single entity is responsible for specifically overseeing and coordinating action on child protection and commercial sexual exploitation of children. Since 2003, the National Council for Family Affairs is mandated to follow up on the implementation of national plans of action related to women and children, and has been very effective in undertaking coordination of relevant stakeholders for this purpose. For instance, it organised a workshop to coordinate the procedures applicable to cases of sexual abuse (including commercial sexual exploitation of children) and determined the role of various institutions working for the protection of victims.¹⁸

Furthermore, a National Centre for Human Rights was formed to support legislative reforms and a better understanding of human rights issues, including children and women's rights, among the Jordanian public.¹⁹

Regional and International Level

In relation to the rest of the region, Jordan has been a forerunner in terms of placing child rights high on the policy agenda.²⁰ An important milestone was the First Arab ISPCAN Regional Conference on Child Abuse and Neglect held in Amman in February 2004, followed by Amnesty International's regional 'Stop Violence against Women' campaign. This campaign was launched by Her Majesty Queen Rania in May 2004. She is personally involved in promoting child rights in the country and abroad.²¹

The Arab Regional Conference on Family Protection took place in December 2005 in Amman, which aimed to foster inter-agency collaboration to prevent all forms of violence against children, including sexual violence and abuse. In collaboration with the Arab members of the international network, ISPCAN, ECPAT International conducted a

training session on how to network for child protection. A key outcome from the event was a thorough comparison of Sharia law (the legislation within Islamic law that includes family law) with international legal standards and instruments related to child protection, to determine ways to enhance Jordanian law,²² which has catalysed a legal reform process.

The Middle East and North Africa (MENA) Regional Consultation on Violence against Children, organised to gather information for the UN *Study on Violence against Children*, was held in Cairo in 2005 by UNICEF and the Secretary-General of the National Council of Childhood and Motherhood of Egypt. The *Cairo Declaration* was adopted on this occasion, establishing the commitment of participants (government representatives and other stakeholders, such as the MENA National Councils of Childhood) to work cooperatively to tackle violence against children through exchange of expertise, awareness raising and capacity building, and legal reforms.²³ A follow-up regional consultation was organised in Cairo in March 2006, to ascertain the progress made since the first consultation. These consultations have led to the creation of a regional committee to follow up progress on the study's recommendations, which address violence against children in general and CSEC indirectly. Jordan also participated in the MENA Mid-Term Review Meeting on the progress of implementation of the *Stockholm Agenda for Action*, held in Rabat in 2004.

Jordan launches the first regional training on child safety

In 2006, the Jordan River Foundation's Queen Rania Family and Child Centre launched the first regional training centre specialised in the area of child safety, called the Professional Training Centre (PTC). It aims to enhance the capacity of national and regional professionals to address child abuse and promote child safety in their own fields and communities. Ten training manuals and programmes were developed targeting parents, children, youth and professionals in the area of child protection.

HM Queen Rania was among the few world leaders chosen as an advocate for the Global Leadership Initiative as part of the Global Movement for Children leading up to the 2002 UN Special Session on Children. In January 2007, she was appointed by UNICEF to be the first Eminent Advocate for Children.²⁴

PREVENTION

Jordan was a pioneer in establishing, in 1998, a formal family protection system under the auspices of the Family Protection Department (FPD), encompassing several Ministries and government agencies, such as the Ministry of Social Development and the Ministry of Health. This type of protection system has allowed for the investigation and follow up of cases of child sexual abuse and commercial sexual exploitation of children, as well as the referral of victims to appropriate rehabilitation services. Training of social workers, medical practitioners and police officers has been stepped up on child abuse prevention, interventions and rehabilitation. However, the health system must pay greater attention to the abuse of children and women, as less than one per cent of the cases reported to the FPD were health sector referrals.²⁵ At the same time, a situational analysis on the commercial sexual exploitation of children would allow for the planning of more effective strategies against this specific form of child abuse.

With the support of HM Queen Rania, the Jordan River Foundation inaugurated the Queen Rania Family and Child Centre, a community centre that provides integrated and holistic services to combat child abuse by strengthening the family unit in partnership with the local community and various stakeholders. The QRFCC developed a Community Mobilisation Unit to ensure effective prevention and reporting of child abuse and to secure child rights, which cannot be attained without the active involvement of local communities. In this framework of community participation, the Jordan River Foundation has fostered the creation of local committees for child safety: four committees were formulated in Wadi Araba, Kufranja, Berein and Amman. These committees include representatives from governmental organisations, community-based organisations, local professionals, community figures and religious leaders. It is envisaged that they will develop local action plans.

Furthermore, the Ministry of Education and the Jordan River Foundation have jointly designed and integrated material into the school curriculum to assist in the prevention and identification of abuse against children aged five to eight (Arts for Child Safety Project), as well as anti-child abuse information/awareness materials, institutional procedural guidelines and a related training manual for school counsellors.²⁶

Child helpline and national referral system now in place

In June 2006, a Memorandum of Understanding (MoU) between the Jordan River Foundation, 12 national government agencies as well as NGOs provided for the establishment of a toll-free child helpline (110).²⁷ It also allowed for the establishment of a national referral system. A mapping of services (health, education and psychosocial services) available to children and families is currently underway, and a database is being developed to ensure the proper documentation and follow-up of all cases.

Jordan River Foundation is also planning to intervene in the governorate of Aqaba, working with local communities to raise awareness on child sex tourism. Nevertheless, no travel and tour operators in Jordan have signed the *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism*,²⁸ despite the fact that tourism is one of the main sources of income in Jordan.

In addition, Defence for Children International runs a programme to protect the rights of working children,²⁹ and UNIFEM leads a three-year project to empower female migrant workers.³⁰

While the commercial sexual exploitation of children remains a taboo subject, child abuse, including sexual abuse, is becoming more openly discussed. The increase in the number of child abuse cases reported to the Family Protection Department is partly attributed to the increased information dissemination and advocacy efforts. Moreover, media editorials have increasingly focused on needed legislative reform and action for children. Some of the editorials are very comprehensive, taking a human rights-based approach to the issues raised.³¹

Prevention of sexual exploitation of children online projects initiated

Aiming to prevent commercial sexual exploitation of children over the Internet, the recently launched Information Technology (IT) Related Sexual Exploitation of Children Project, funded by Save the Children and the Public Security Department, is the first of its kind in the country. It will facilitate the involvement of the Family Protection Department in an international network initiated by Save the Children Denmark to track abusers, while also equipping the FPD with resources to help children who have been groomed. The Project will also involve a study to determine how prevalent IT-related sexual exploitation of children is in Jordan, assess the number of children who use the Internet, the ways in which these children are groomed by offenders, as well as the websites most used by children. Mapping of Internet service providers (ISPs) and Internet cafés is also envisaged.³³

PROTECTION

The Government of Jordan ratified the Convention on the Rights of the Child in 1991 and the *Optional Protocol on the sale of children, child prostitution and child pornography (Optional Protocol)* in 2006. Jordan has not signed the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol)*. *ILO Convention No. 182* was ratified in 2000.

Legislation

While Jordan has steadily enhanced legislation to better protect children, a number of serious legal gaps remain in relation to the commercial sexual exploitation of children. It is essential that draft legislation currently being examined by the relevant authorities firmly addresses such gaps. This includes the *Draft Childhood Act of 2004*, already submitted to Parliament, which has provisions to protect children from pornography, sexual exploitation and trafficking.

Prostitution of Children

The *Criminal Code* prohibits procuring a woman under the age of 20 for purposes of illegal sexual intercourse or prostitution, as well as various other activities related to prostitution. These provisions apply only to women and girls, leaving virtually no protection for boys who are forced into prostitution (apart from criminalising sodomy with boys under the age of 15). Although Jordanian law prohibits living off the earnings of prostitution or managing a brothel, nowhere does the law prohibit engaging in sexual acts with a child for remuneration. As a result, Jordanian law does not offer comprehensive protection for children against exploitation in prostitution. This must urgently be reformed to expressly prohibit any sexual activity or sexual touching with a child under 18, boys and girls, in exchange for any form of compensation, according to the *Optional Protocol* standards.

Jordanian law contains several sexual offence crimes. It is illegal to procure or attempt to procure a woman under the age of 20, who is not a prostitute or woman of ill-repute, for illegal sexual intercourse, whether in Jordan or abroad.³⁴ The law also prohibits (as a separate offence) procuring a woman for: purposes of prostitution either in Jordan or abroad;³⁵ to cause her to leave Jordan to live in or frequent a brothel;³⁶ or to cause

her to leave her normal place of residence in Jordan, which is not a brothel, to live in a brothel in Jordan or elsewhere.³⁷ This provision further prohibits sodomising a male under the age of 15.³⁸ For all of these offences, violators may be punished with one month to three years' imprisonment as well as a fine ranging from five to 50 dinars.³⁹ Where these procurement offences are conducted through the use of threats, deceit, false pretences, false representations, or administration of drugs, violators may be punished with one to three years' imprisonment.⁴⁰

Jordanian law also makes it illegal to live off the earnings of prostitution; punishment may be between six months' to two years' imprisonment.⁴¹ Jordanian law also prohibits detaining a woman against her will in a brothel or any other premises for purposes of illegal sexual intercourse. Punishment may be between two months' to two years' imprisonment.⁴² It is also illegal for the guardian of a child between six and 16 years of age to allow the child to stay in or frequent a brothel. This may be punished with up to six months' imprisonment or a fine up to 20 Dinars (approximately US\$ 28).⁴³ It is illegal to rent, manage or own a brothel; punishment may be between one to three years' imprisonment.⁴⁴

In addition to these laws related to prostitution, Jordanian law prohibits raping a woman under the age of 15. For this offence, punishment may be death.⁴⁵ It is also illegal to have sex with a girl over 15 and under 18 years old, where the offender is related to the child or is the child's guardian, or where the offender is a clergyman or recruiter who abuses his authority. Violators may be punished with at least 10 years' imprisonment.⁴⁶

Jordanian law contains a series of offences related to "indecent acts".⁴⁷ The law prohibits committing an indecent act on a child under 15, or making a child under 15 perform an indecent act. Offenders may be punished with a term of imprisonment with hard labour,⁴⁸ and if the offence is committed against a child under 12, punishment may be at least five years' imprisonment.⁴⁹ Using violence or intimidation to commit an indecent act on another person may be punished with at least four years' imprisonment,⁵⁰ which is increased to at least seven years' imprisonment if the victim is under 15.⁵¹ Certain persons who commit an indecent act on a child over 15 and under 18 years of age, or persuades a child of this age to commit an indecent act, may be punished with a term of imprisonment with hard labour.⁵² Soliciting an indecent act from a child under 15 years of age may be punished with up to six months' imprisonment or a fine up to 25 Dinars (approx. US\$ 35).⁵³ Finally, indecently touching a person under 15, or a girl 15 years old or older without her consent, is an offence that may be punished with up to one year's imprisonment.⁵¹

Trafficking in Children for Sexual Purposes

Jordan does not appear to have any laws that specifically define or prohibit child trafficking. Its provision making it illegal to procure a woman under the age of 20 for purposes of illegal sexual intercourse or prostitution in the Kingdom of Jordan or abroad comes closest to banning one of the many activities related to trafficking,⁵⁵ and even this provision is seriously flawed, as discussed above. Thus, Jordan must urgently accede to the *Trafficking Protocol* and expand its law to specifically define and criminalise all activities related to child trafficking, as defined by international standards.

Child Pornography

Like its laws related to child prostitution and child trafficking, Jordan's child pornography laws require significant strengthening to meet international standards. Jordan's laws related to "lewd materials that could corrupt public morality" are too vague to effectively prosecute child pornography crimes. Moreover, such laws relate to offences against public morality, and not to a child's right to be free from sexual exploitation. Jordan's law needs to be revised in order to shift the focus from public morality to protecting children's rights: hence it is urgent that legislation be enacted to define what constitutes child pornography and to prohibit the production, distribution and possession of child pornographic materials, in accordance with the *Optional Protocol*.

Jordanian law does not specifically define or prohibit the production, distribution or possession of child pornography, but it prohibits certain activities related to lewd materials that could corrupt public morality. Under the *Criminal Code*, selling or possessing, for purposes of distribution, or publicly displaying, lewd material that could corrupt public morality is an offence that may be punished with up to three months' imprisonment and a fine up to ٥٠ Dinars (approx. US\$ ٧٠). Lewd material includes publications, manuscripts, photographs, drawings, designs or any other object. It is also an offence to run or participate in running a shop that sells, publishes or displays lewd material that could corrupt public morality; or advertising or publicising that a person sells, prints, reproduces, displays or distributes lewd material.⁵⁶

Extraterritorial Legislation

ECPAT International has not been able to access information on Jordanian extraterritorial laws related to the commercial sexual exploitation of children.

Child Protection Units

Cases of commercial sexual exploitation of children (and other forms of child abuse) are reported to the Family Protection Department, which functions under the Public Security Department. The Family Protection Department already operates in seven of Jordan's 12 governorates, and trained law enforcers have been designated in those five where the FPD is still in the process of establishing its operations. The FPD also provides psychosocial services. As part of Jordan's family protection system, the Ministries of Justice, Health, Education and Social Development all have units (called child protection units) specialised in dealing with cases of child abuse. However, these units have not received much training on the commercial sexual of children specifically. Specialised courts to handle cases involving children are yet to be created.

An important development in investigation procedures for child abuse cases has been the introduction of a methodology for taking children's testimonies by recording their statements on video by the police, to save them from the trauma of having to repeat accounts of their experience. The *Criminal Code* and its amendments 9/1961, taking into consideration article 74 in the *Criminal Code* and paragraphs 1 and 2 of the same article, state that it is permissible for the prosecutor or court, if need be and upon a justified decision, to use modern technology to protect witnesses under the age of 18 when they give their testimony, provided those technologies enable any opponent to cross examine the witness during the trial, and this testimony is admissible as evidence in the case.⁵⁷

Nevertheless, government agencies, NGOs and child rights activists have proposed additional amendments to juvenile justice provisions, which are still necessary. Some of them are included in the *Draft Childhood Act*, while advocacy continues for others, such as the availability of specialised police units and judges to handle cases involving children and a social worker from the Ministry of Social Development to be present during police investigations.⁵⁸

Support Services for Children

The *National Framework for Family Protection* outlines the roles and responsibilities of different organisations within the country's child protection system, as well as step-by-step procedures. All Public Security departments are mandated by internal procedure to refer cases of child abuse, including sexual abuse, to the Family Protection Department. The Family Protection Department runs a social work office in partnership with the Ministry of Social Development, whereby social workers conduct assessments and follow-up of cases. The FPD also has access to psychiatrists, in partnership with the Ministry of Health. While the Ministry of Social Development offers protective and shelter services for victims of abuse, psychosocial interventions in most of these homes are scarce. The Child Safety Centre in Dar Al Aman, run by The Jordan River Foundation, provides psychological, medical, social and educational services for child victims of physical, emotional and sexual abuse and neglect, and the Jordanian Women's Union operates a shelter. Jordan still lacks expertise on the rehabilitation of child victims of commercial sexual exploitation specifically.

Dar Al Aman receives child victims (from birth to the age of 12) of domestic abuse, including sexual abuse. This is done via the FPD, as outlined in the *National Framework for Family Protection*. The children and their families receive psychosocial intervention from the centre staff and are followed-up by the centre and the FPD jointly. The ultimate

goal is to reunite the child with his/her family (or extended family). In cases where this is not possible, the child is placed in one of MOSD's institutions.⁵⁹ Other NGOs also offer similar services to female victims of violence, thus teenage girls might benefit from their programmes.

Training Law Enforcement Personnel

Given the lack of information on its incidence in Jordan, and the taboo nature of the subject, law enforcement has apparently not received trainings on how to adequately tackle the various forms of commercial sexual exploitation of children.

Attention to cybercrimes involving children has increased. The International Centre for Missing and Exploited Children (ICMEC) has continuously provided trainings in Jordan on Law Enforcement for Computer Facilitated Crimes against Children. These trainings primarily target the Family Protection Department personnel, and are funded by an international agency. According to the Government's response to the questionnaire of the UN *Study on Violence against Children*, in June 2005, a workshop (sponsored by a number of international organisations) was conducted for the police to learn how to more effectively track child pornography online.



PRIORITY ACTIONS REQUIRED

- A situational analysis on the scope and manifestations of CSEC must be conducted as a first step to understanding the phenomenon in the context of Jordan and to design appropriate counter measures.
- Based on a situational analysis focused on CSEC, a review of the *National Plan of Action for Children* should be undertaken to better define actions to adequately combat the various manifestations of commercial sexual exploitation of children taking place in the country. Sufficient human and financial resources should be provided for the full implementation of the NPA.
- Reports of commercial sexual exploitation of children must be classified as such by the Family Protection Department instead of being categorised simply as ‘sexual abuse’ cases, so that precise data and statistics can begin to be collected to inform adequate counteraction.
- The establishment of an ombudsman on children’s rights, to also oversee matters related to the commercial sexual exploitation of children, is a high priority to further child protection measures in the country.
- Wider access by children to confidential reporting facilities, such as hotlines, must be promoted.
- More specific training on how to tackle CSEC cases must be provided to the child protection units operating within various government ministries/departments as part of Jordan’s family protection system, governed by the Family Protection Department.
- Preventing and combating the commercial sexual exploitation of children should also be integrated into the government’s Community Development Programme.
- Plans to foster tourism in Jordan need to include an assessment of the potential impact on children, and include preventative measures to avoid the sexual exploitation of children in tourism – such as fostering the adoption of the *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism* by the tourism industry.

- ✎ Protective legal cover must be extended to children working in the domestic service sector. Awareness raising on the rights of domestic workers should continue, emphasising the linkages between domestic work and commercial sexual abuse of children and publicising reporting and assistance channels such as the Family Protection Department and the child helpline.
- ✎ Jordan's law on prostitution must be urgently revised in order to clearly define what constitutes child prostitution, and thus prohibit any sexual activity or sexual touching with a child under 18, boys and girls, in exchange for any form of compensation - according to the *Optional Protocol* standards.
- ✎ Jordan must accede to the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol)*. Jordanian law must urgently be expanded to specifically define and criminalise all activities related to child trafficking, as defined by international legal standards.
- ✎ Jordan's child pornography laws require significant strengthening to meet international standards: they need to be revised to clearly define what constitutes child pornography and to prohibit the production, distribution and possession of child pornographic materials - according to the *Optional Protocol* standards.
- ✎ Jordan's current legislation concerning the commercial sexual exploitation of children presents serious gaps: it is hoped that such gaps will be addressed in the various draft laws presently being examined by the relevant authorities, such as the *Draft Childhood Act of 2004*.
- ✎ The situation of child illegal immigrants and refugees from Iraq, as well as child Palestinian refugees, should be investigated to determine whether they are being victimised in commercial sex.
- ✎ Child and youth participation is a key element in combating child rights abuses, including commercial sexual exploitation of children: the activation of the Children's Parliament, the training of young people as leaders and peer trainers for participatory activities, as well as fostering community-based initiatives involving children and youth are highly recommended.
- ✎ Proposed legal amendments, such as the availability of specialised police units, as well as judges to handle cases involving children, and the requirement for a social worker from the Ministry of Social Development to be present during police investigations, must be urgently enacted.

Endnotes

- ¹ ECPAT International. *Five Years after Stockholm*. Bangkok. 2001.
- ² Ibid.
- ³ *Jordan's Third Periodic Report to the Committee on the Rights of the Child – 2005*.
- ⁴ National Council for Family Affairs and UNICEF. *Children in Jordan – Situation Analysis – 2006/2007*. Jordan. 2007.
- ⁵ UNICEF. *Early Marriage*. Innocenti Digest. No.7. March 2001. Accessed from: <http://www.unicef-icdc.org/publications/pdf/digest7e.pdf>
- ⁶ UNICEF. *Commercial Sexual Exploitation of Children: the Situation in the Middle East/ North Africa Region*. Accessed on 24 March 2006 from www.unicef.org
- ⁷ *Commercial Sexual Exploitation of Children: the Situation in the Middle East/North Africa Region*. Accessed from: http://www.csecworldcongress.org/PDF/en/Yokohama/Background_reading/Regional_analyses/Summary%20situation%20in%20MEast%20&%20NAfrica_EN.pdf
- ⁸ In the third CRC periodic report on Jordan, it was stated on page 29 and 30 that the Committee expressed concern about the fact that articles 340 and 98 of the Penal Code did not appear to take the right to life seriously, arguing that they dealt in a discriminatory fashion with matters relating to crimes of passion, which have sometimes been termed “honour killings”. We may note here that that expression is not used in any statutory instrument of Jordanian domestic law currently in force. There are, however, what are known as extenuating or exonerating circumstances, which under Jordanian law are applicable to some offences. Article 340 was amended by the provisional *Penal Code* (Law No. 86 of 2001), which makes mitigating circumstances applicable to a person of either sex who catches his or her spouse in the act of infidelity and abolishes exonerating circumstances in that situation (from: National Council for Family Affairs and UNICEF. *Children in Jordan – Situation Analysis – 2006/2007*. Jordan. 2007.).
- ⁹ Protection Project. See generally Mattar, Mohamed and Borkholder, Joy L. “*Domestic Service as a Form of Trafficking in Persons in the Middle East*”. Accessed on 24 March 2006 from: <http://www.protectionproject.org>
- ¹⁰ National Council for Family Affairs. *Children in Jordan – Situation Analysis – 2006/2007*. Jordan. 2007.
- ¹¹ Ibid.
- ¹² UNICEF. *The Jordanian National Action Plan for Children (2004–2013)*. Accessed on 6 January 2006 from: http://www.unicef.org/jordan/resources_2025.html
- ¹³ The steering committee was formed in November 2002 by the National Council for Family Affairs, the Ministry of Planning and International Cooperation and UNICEF.
- ¹⁴ UNICEF. *The Jordanian National Action Plan for Children (2004–2013)*. Accessed on 6 January 2006 from: http://www.unicef.org/jordan/resources_2025.html
- ¹⁵ *National Plan of Action for Children*, under section 5.3.

- 16 UNICEF. *The Jordanian National Action Plan for Children (2004–2013)*. Accessed on 6 January 2006 from: http://www.unicef.org/jordan/resources_2025.html
- 17 National Council for Family Affairs and UNICEF. *Children in Jordan – Situation Analysis – 2006/2007*. Jordan. 2007.
- 18 UNICEF. *Commercial Sexual Exploitation of Children: the Situation in the Middle East/ North Africa Region*. Accessed on 24 March 2006 from: www.unicef.org
- 19 ECPAT International. *Five Years after Stockholm*. Bangkok. 2001
- 20 ECPAT International. *Looking back thinking forward, ECPAT International: 1999–2000*. Accessed from: http://www.ecpat.net/eng/ecpat_inter/Publication/Other/English/Html_page/4th_a4a/English/Mdeast.pdf
- 21 National Council for Family Affairs and UNICEF. *Children in Jordan – Situation Analysis – 2006/2007*. Jordan. 2007.
- 22 The final conference report can be found on: <http://www.arabispca.org/FamilyProtectionConference/Post%20Conference/Final%20report%20English.doc>
- 23 CRIN. *Cairo Declaration*. Accessed on 23 March 2006 from: www.crin.org/violence
- 24 National Council for Family Affairs and UNICEF. *Children in Jordan – Situation Analysis – 2006/2007*. Jordan. 2007.
- 25 Ibid.
- 26 Ibid.
- 27 ECPAT International. *Annual Report 2005–2006*. Accessed from: http://www.ecpat.net/eng/Ecpat_inter/annual_report/PDF/ECPAT_Annual_Report2005-2006.pdf
- 28 ECPAT USA. *Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism*. Accessed on 6 January 2006 from: <http://www.thecode.org/dokument/images/downloads/Signatories-04-05.pdf>
- 29 ECPAT International. *Looking back, thinking forward, ECPAT International: 1999–2000*. Accessed from: http://www.ecpat.net/eng/ecpat_inter/Publication/Other/English/Html_page/4th_a4a/English/Mdeast.pdf
- 30 See: <http://www.unifem.org/jo/pages/project.aspx?pid=553>
- 31 National Council for Family Affairs and UNICEF. *Children in Jordan – Situation Analysis – 2006/2007*. Jordan. 2007.
- 32 Information provided by the Jordan River Foundation, the ECPAT group in Jordan, during discussions held with ECPAT International in September 2007.
- 33 Ibid.
- 34 *Jordan Criminal Code*, Article 310(1).
- 35 Ibid. Article 310(2).
- 36 Ibid. Article 310(3).
- 37 Ibid. Article 310(4).
- 38 Ibid. Article 310(5).
- 39 Ibid. Article 310.
- 40 Ibid. Article 311.
- 41 Ibid. Article 315(1).
- 42 Ibid. Article 317.
- 43 Ibid. Article 314.
- 44 Ibid. Article 312.
- 45 Ibid. Article 292. This provision also makes it illegal to have sex with a woman, other than a man's wife, without consent and by using force, intimidation, trickery or deception. Punishment may be at least 10 years' temporary hard labour.
- 46 *Criminal Code*, Article 294.
- 47 According to another translation of the *Criminal Code* provided to ECPAT International, the provisions referred to in this paragraph make use of the term "abuse" and not "indecent act".
- 48 *Criminal Code*, Article 298(1).

- ⁴⁹ Ibid. Article 298(2).
- ⁵⁰ Ibid. Article 296(1).
- ⁵¹ Ibid. Article 296(2).
- ⁵² Ibid. Article 299.
- ⁵³ Ibid. Article 306.
- ⁵⁴ Ibid. Article 305.
- ⁵⁵ Ibid. Article 310.
- ⁵⁶ Ibid. Article 319.
- ⁵⁷ National Council for Family Affairs and UNICEF. *Children in Jordan - Situation Analysis - 2006/2007*. Jordan. 2007.
- ⁵⁸ Ibid..
- ⁵⁹ Information provided by the Jordan River Foundation, the ECPAT group in Jordan, during discussions held with ECPAT International in September 2007.



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