



NORWEGIAN
REFUGEE COUNCIL



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Swiss Agency for Development
and Cooperation SDC



LEGAL GUIDE TO CHILD'S RIGHTS IN JORDAN



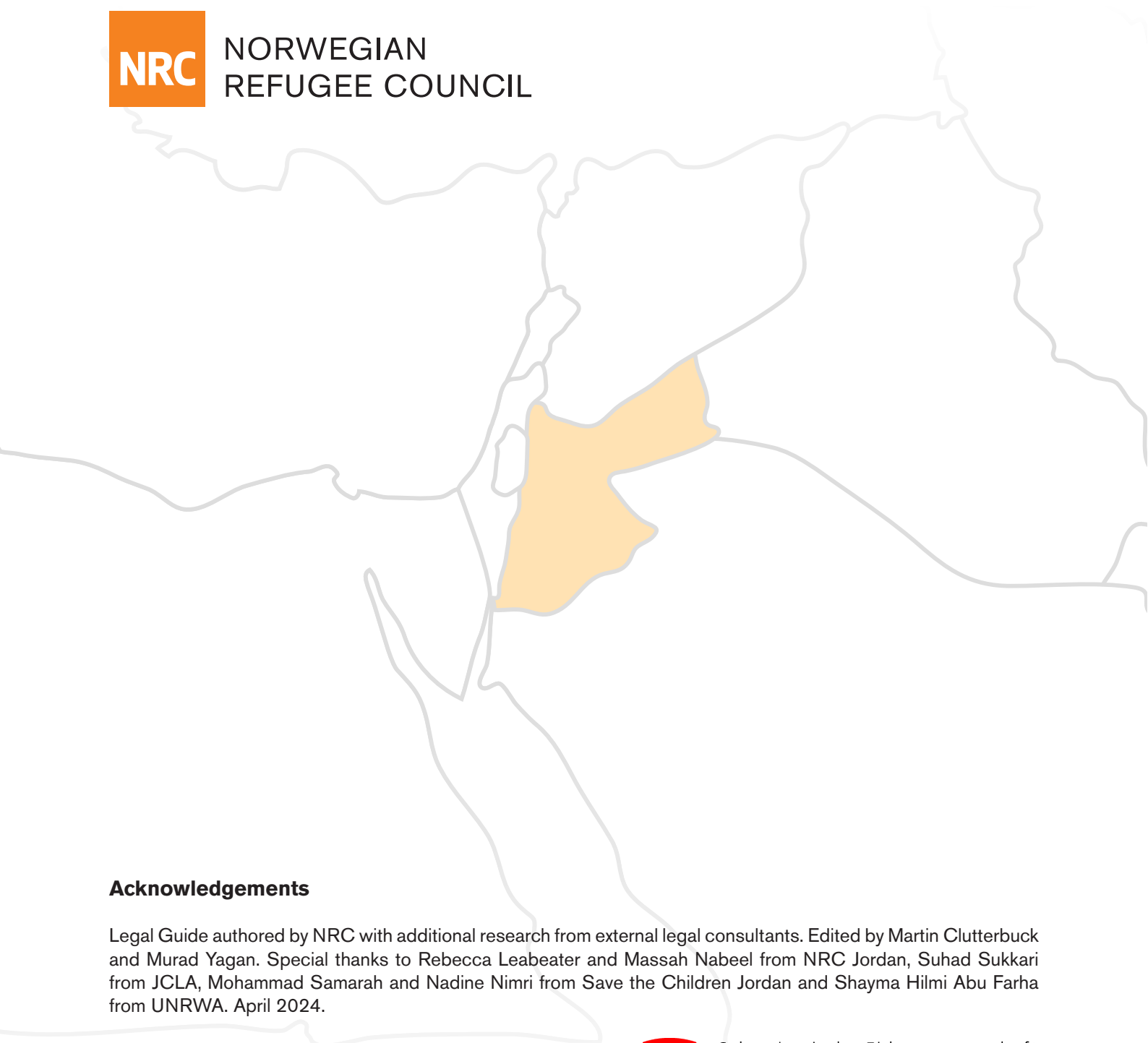
Save the
Children
إنقاذ الطفل



JUSTICE CENTER
FOR LEGAL AID



unrwa
الأونروا



Acknowledgements

Legal Guide authored by NRC with additional research from external legal consultants. Edited by Martin Clutterbuck and Murad Yagan. Special thanks to Rebecca Leabeater and Massah Nabeel from NRC Jordan, Suhad Sukkari from JCLA, Mohammad Samarah and Nadine Nimri from Save the Children Jordan and Shayma Hilmi Abu Farha from UNRWA. April 2024.

This document has been produced with the financial assistance of the Swiss Agency for Development and Cooperation (SDC). The contents and opinions of this document are the sole responsibility of NRC and do not necessarily reflect the position of SDC.

Design: Excel Soft Digital Solutions, Jordan

All photos @NRC

Cover photo: Mother and daughter (Photo: Beate Simarud/NRC)

Back cover photo: Yamana and father (Photo: Hussein Amiri/NRC)



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

**Swiss Agency for Development
and Cooperation SDC**



Syrian Girl (Photo: Beate Simarud/NRC)

Contents

1. BACKGROUND AND INTRODUCTION TO GUIDE	1
2. INTERNATIONAL HUMAN RIGHTS TREATIES AND CONVENTIONS RELEVANT TO CHILDREN	2
2.1 KEY INTERNATIONAL HUMAN RIGHTS AND HUMANITARIAN LAW TREATIES RATIFIED BY JORDAN	2
2.2 REGIONAL AGREEMENTS	4
3. NATIONAL POLICY FRAMEWORK	5
3.1 GOVERNMENT CHILD RIGHTS FRAMEWORKS AND POLICIES	5
3.2 NATIONAL AGENCIES OR MINISTRIES RESPONSIBLE FOR CHILD WELFARE ISSUES	5
3.3 NATIONAL LAWS	6
3.4 CHILD RIGHTS LAW	7
3.5 PRINCIPLE OF NON-DISCRIMINATION	7
4. LEGAL CAPACITY OF CHILD	8
4.1 DEFINITION OF CHILD	8
4.2 AGE OF MAJORITY AND CAPACITY TO TAKE LEGAL ACTION	8
4.3 AGE OF CRIMINAL RESPONSIBILITY	8
5. LEGAL IDENTITY, CIVIL STATUS AND REGISTRATION OF CHILDREN	9
5.1 BIRTH REGISTRATION	9
5.1.1 ISSUANCE OF BIRTH CERTIFICATES	9
5.1.2 BIRTHS ARISING FROM INFORMAL MARRIAGES	10
5.1.3 BIRTHS OUT OF MARRIAGE	10
5.1.4 PROCESS FOR OBTAINING A BIRTH CERTIFICATE	10
5.2 REGISTRATION AND CIVIL DOCUMENTS	11
5.2.1 ISSUANCE OF IDENTITY CARDS AND FAMILY BOOKLETS	11
5.2.2 CORRECTING CIVIL STATUS RECORDS	11
6. NATIONALITY AND NON-NATIONALS, INCLUDING FOREIGN RESIDENTS	12
6.1 ELIGIBILITY FOR JORDANIAN NATIONALITY	12
6.2 STATELESS PERSONS	13
6.3 STATUS OF PALESTINIANS IN JORDAN	13
6.4 RESIDENCY AND REGISTRATION OF FOREIGN NATIONALS, INCLUDING REFUGEES	15
7. PERSONAL STATUS AND FAMILY RIGHTS	16
7.1 MARRIAGE	17
7.1.1 AGE OF MARRIAGE, INCLUDING CHILD MARRIAGE	17
7.1.2 DOCUMENTS NECESSARY FOR MARRIAGE REGISTRATION	18
7.1.3 INFORMAL MARRIAGES	18
7.1.4 RATIFICATION OF FOREIGN MARRIAGES	19
7.2 PARENTAL RESPONSIBILITIES	19
7.2.1 GUARDIANSHIP OF CHILDREN	20
7.2.2 CUSTODY	20
7.3 PATERNITY OF CHILDREN	21
7.4 MAINTENANCE	22
7.5 DIVORCE	22
7.6 VISITATION RIGHTS	23
7.7 TRAVEL WITH CHILDREN	24
7.8 INHERITANCE	24

7.9	CHILDREN OF UNKNOWN PARENTAGE	24
7.10	ALTERNATIVE CARE ARRANGEMENTS	25
	8. RIGHTS TO HEALTH, EDUCATION, SOCIAL WELFARE AND OTHER RIGHTS	26
8.1	RIGHT TO HEALTH	26
8.1.1	HEALTH CARE SERVICES AND ENTITLEMENTS FOR CHILDREN	26
8.1.2	CHILDREN WITH DISABILITIES	27
8.2	RIGHT TO EDUCATION	29
8.2.1	BASIC EDUCATION AND COMPULSORY SCHOOL ENROLMENT	29
8.2.2	DOCUMENTS NECESSARY FOR SCHOOL REGISTRATION	29
8.2.3	EDUCATIONAL REQUIREMENTS, STANDARDS AND DUTY OF CARE	30
8.2.4	EDUCATIONAL ENTITLEMENTS FOR PALESTINIAN CHILDREN	31
8.3	RIGHT TO SOCIAL WELFARE AND ASSISTANCE	31
8.4	RIGHT TO FREEDOM OF EXPRESSION AND ASSOCIATION	32
8.5	RIGHT TO SOCIAL DEVELOPMENT	33
	9. WORK RIGHTS AND CONDITIONS FOR CHILDREN	34
9.1	WORKING AGE FOR CHILDREN	34
9.2	CONDITIONS AND RESTRICTIONS ON WORK FOR JUVENILES	34
9.3	PROTECTIONS OF JUVENILES IN THE WORKPLACE	34
9.4	PROTECTIONS AGAINST CHILD LABOUR	35
	10. PROTECTIONS AGAINST ABUSE OF CHILDREN	35
10.1	PHYSICAL AND SEXUAL ABUSE	35
10.2	NEGLECT	36
10.3	TRAFFICKING OF CHILDREN	37
10.4	EXPLOITATION OF CHILDREN, INCLUDING ECONOMIC EXPLOITATION OF CHILDREN	37
10.5	RECRUITMENT OF CHILDREN INTO ARMED CONFLICT	37
10.5.1	MANDATORY REPORTING REQUIREMENTS	38
10.6	MANDATORY REPORTING OF CHILD ABUSE	38
10.7	RESPONSES TO YOUTH SUICIDE	39
	11. JUVENILE JUSTICE	40
11.1	AGE OF CRIMINAL RESPONSIBILITY	41
11.2	SPECIAL PROCEDURES FOR DEALING WITH JUVENILE OFFENDERS	41
11.3	JUVENILE COURTS	42
11.4	REFORM AND CARE MEASURES FOR JUVENILES	43
11.5	POLICE SPECIAL PROCEDURES	43
11.6	DETENTION OF CHILDREN	44
11.7	MANDATORY REPORTING OF CRIMINAL OFFENCES BY JUVENILES	44
	12. SELECT BIBLIOGRAPHY	45



After School Classes (Photo: Tina Abu Hanna/NRC)



1. BACKGROUND AND INTRODUCTION TO GUIDE

The ‘Legal Guide to Children’s Rights in Jordan’ is a legal resource for lawyers and humanitarian professionals working with children in Jordan. It covers Jordanian children but also refugees, asylum seekers, migrants and foreign resident children. It brings together in one document the various laws and regulations directly relevant to the legal protection of children in Jordan including the Child Rights Law passed in 2022. By consolidating the relevant laws into a single document practitioners will be able to get a better overall picture of the inter-connected legal framework affecting children’s rights.

The guide covers the various areas of law that are relevant to the protection of children’s rights including **legal capacity of children, family or personal status law including guardianship, custody and age of marriage, juvenile justice and detention of children, work rights for juveniles, rights to health, education and social assistance and well as rights to legal identity and nationality.** The guide is structured per thematic area of law or topic so that users can go directly to the section of relevance. Additionally, the guide sets out the various Ministries and government agencies that are responsible for child welfare issues. There is no analysis or commentary on Jordan’s compliance with international human rights law other than to note some of the key international human rights law (IHRL) treaties and regional agreements ratified by Jordan. A select bibliography at the end of the guide provides further references.

The Jordan guide is part of a series of guides developed for the Middle East region¹ based on legal research conducted by NRC and White & Case lawyers. It also draws on past research and reports by NRC in relation to personal status and civil documentation.

Whilst the guide is intended to be used as a general legal resource it should not be relied upon for individualized advice for beneficiaries. Instead, legal advice should be obtained from qualified lawyers in relation to the particular circumstances of beneficiaries.

All efforts have been made to ensure that the information is complete and accurate up to March 2024. However, the legal accuracy of the guide cannot be guaranteed, particularly considering the frequent number of legislative developments in Jordan. Nor are informal legal and administrative practices at the level of courts, government offices and local municipalities covered. Sometimes there is a gap between the laws as written and their implementation in practice and laws on paper do not fully align with how they are applied in courts or by administrative bodies.

¹ Child Rights Legal Guides have also been developed for Iraq, Jordan, Lebanon, Palestine, Syria and Tunisia.



Kites (Photo: Hussein Amiri/NRC)

2. INTERNATIONAL HUMAN RIGHTS TREATIES AND CONVENTIONS RELEVANT TO CHILDREN



Whilst this Guide focuses primarily on the domestic legal framework for children in Jordan, **international treaties and conventions ratified by Jordan** are included as a reference point and indication of the commitments made by the State for the legal protection of children.

Jordan has signed various international and regional conventions and treaties relevant to the protection of children including the Convention on the Rights of the Child (CRC). International treaties ratified by Jordan have the force of law in Jordan and constitute a higher order by which all national laws must be interpreted and amended, with the exception of the Constitution.

This allows practitioners, in theory at least, to use provisions of human rights treaties ratified by Jordan in individual casework and policy work. International human rights treaties provide an important normative framework and reference point, including on issues of implementation of international obligations. Many of Jordan's domestic laws also reflect principles contained in these international treaties.

2.1 Key international human rights and humanitarian law treaties ratified by Jordan

The Convention on the Rights of the Child (CRC), as ratified by Jordan and published in the official gazette in 2006, is the key international human rights treaty in relation to the rights of children. Many of the fundamental principles of the CRC are expressly incorporated into the Jordan Child Rights Law.

Further selected treaties or conventions ratified by Jordan with relevance to the legal protection of children's rights are set out below.



Key Human Rights and Humanitarian Law Treaties ratified by Jordan²

Name of Treaty or Convention	Ratification Date
▶ Specific Child Rights Treaties	
▶ Convention on the Rights of the Child (CRC)	24 May 1991
▶ Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict	23 May 2007
▶ Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	4 December 2006
▶ Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime	11 June 2009
▶ Universal Declaration of Human Rights (UDHR)	1948
▶ Convention on International Civil and Political Rights (ICCPR)	28 May 1975
▶ Convention on Economic, Social and Cultural Rights (ICESCR)	28 May 1975
▶ Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT)	13 November 1991
▶ Convention on the Elimination of Racial Discrimination (CERD)	30 May 1974
▶ Convention on the Rights of Persons with Disabilities and its Optional Protocol (RRPD)	25 March 2008
▶ Convention on the Elimination of Discrimination Against Women (CEDAW)	1 July 1992
▶ International Humanitarian Law Treaties	
▶ Geneva Conventions, 1949	1951
▶ Additional Protocol (I) to the Geneva Conventions Related to Armed Conflicts	1979
▶ Treaties relevant to Work Rights and Child Labour³	
▶ ILO Convention 182 on the Elimination of the Worst Forms of Child Labour	20 April 2000
▶ ILO Convention 138 on the Minimum Age for Admission to Employment and Work	23 March 1998

A number of commissions, task forces and initiatives have been established by the Government of Jordan (GoJ) focusing on the protection of children.⁴ As per Jordan's ratification of the CRC in 1991⁵, the GoJ is required to submit periodic reports to the Committee on the Rights of the Child (CRC Committee) on the status of child rights

² See here for a list of international human rights treaties and convention signed by [Jordan](#)

³ See the following link for a full list of [ILO Conventions ratified by Jordan](#)

⁴ For example, the National Council for Family Affairs (NCFA) and the National Center for Human Rights (NCHR). Article 30 of the Child Rights Law.

⁵ [Ratification Status of the Convention on the Rights of the Child](#) taken from the UN Treaty Body Database



(as set out in the CRC), and on the steps taken by Jordan towards the implementation of the CRC. The CRC's Optional Protocol on the Involvement of Children in Armed Conflict provides additional protection for children caught up in conflict, either as civilians or combatants. Further protection is afforded to children in armed conflicts through Common Article 3 to the Geneva Conventions (1949), which Jordan ratified in 1951 and is therefore legally bound by.

Jordan has not signed the 1951 Refugee Convention, or the 1967 Protocol relating to the Status of Refugees. Nor has it signed the 1954 Convention relating to the Status of Stateless Persons or the 1961 Convention on Reducing Statelessness.

2.2 Regional Agreements

Regional treaties can be a useful point of reference for the interpretation of human rights standards within a social or cultural context. Whilst some of these treaties are not formally binding on Jordan, they are relevant as reflecting some degree of regional, cultural and religious values and shared commitments and can be invoked in support of broader child rights arguments.

Regionally, the Arab Charter on Human Rights, as signed by Jordan in 2004, protects a wide range of human rights including those relevant to children. It protects the right to a legal identity⁶, to education⁷ and the right of everyone including youth to greater opportunities to develop their physical and mental abilities.⁸ The family is acknowledged as the fundamental unit of society and the State is obliged to ensure special protection for the family and children.⁹

The Cairo Declaration on Human Rights in Islam list a number of human rights that are applicable to everyone including children, which includes the prohibition on discrimination on the basis of the child's parent's or legal guardian's race, color, sex, language, religion, sect, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.¹⁰ The Declaration further notes the right to nurturing, raising, custodianship, and family protection of children, including "nursing, education as well as material, and moral care, on the part of his family, society and the State".¹¹

6 Article 22, [Arab Charter on Human Rights](#).

7 Article 41, [Arab Charter on Human Rights](#).

8 Article 39, [Arab Charter on Human Rights](#).

9 Article 33, [Arab Charter on Human Rights](#).

10 Article 9(a), [Cairo Declaration on Human Rights in Islam](#) (Cairo Declaration).

11 [Cairo Declaration Article 7\(a\)](#).



School in Rusaifa (Photo: Beate Simarud/NRC)



3. NATIONAL POLICY FRAMEWORK

The **national policy framework** covers the overall legislative and administrative structure put in place by the Government of Jordan to ensure the protection of children. This includes policies and commitments made by the government as well as government agencies responsible for implementing the protection of children's rights. The 2022 Child Rights Law is an integral part of the overall policy framework.

3.1 Government child rights frameworks and policies

Jordan's Child Rights Law notes the family unit as a foundation for a society and includes various provisions protecting the rights to parental care, support, guardianship and contact.¹²

The government has adopted various policies and programmes to promote the protection of child rights and combat abuse. This includes the National Framework to Combat Child Labour (NFCL), which involves systematic monitoring of child labour practices together with collective action by key stakeholders, mainly the ministries of Labour, Education and Social Development.¹³

3.2 National agencies or Ministries responsible for child welfare issues

The Ministry of Social Development has overall responsibility for issues of child welfare in Jordan. The National Council for Family Affairs (NCFA) has been established to contribute to the development of policies and strategies related to family, and to contribute to improving the quality of family life.¹⁴ It also supports the efforts of the various institutions and bodies in the public and private sectors on family related affairs and coordination and integration between these actors.¹⁵ It is responsible for follow-up on the national strategy adopted for early childhood development and work necessary to achieve special care for the rights of children.¹⁶

The National Center for Human Rights (NCHR) has a broad mandate covering implementation of human rights in Jordan but also conducts initiatives and projects in relation to children's rights, such as holding child's rights

12 See Articles 4-6 of the Child Rights Law.

13 ILO, [Moving Towards a Child Labour Free Jordan](#)

14 National Council for Family Affairs Law of 2001.

15 Article 4(d), National Council for Family Affairs Law of 2001.

16 Article 6, National Council for Family Affairs Law of 2001.



awareness workshops and lectures. The NCHR includes a Directorate for the groups most in need of protection. Within this Directorate there is a unit responsible for disabled persons, elderly persons, juveniles, and children.

The Jordan River Foundation is a charitable foundation that organises a wide range of child-focused programmes promoting empowerment, child safety and opportunities for growth.¹⁷

3.3 National Laws

The laws **most relevant to the legal protection of children in Jordan** are the following:

- **Jordanian Constitution of 1952.** The Constitution contains the right to the protection of childhood from abuse and exploitation.
- **Child Rights Law of 2022 (Law No. 17 of 2022).** This law provides an overall framework for child rights protection although details of specific areas of law, including implementation of rights, are set out in more specific legislation.
- **Personal Status Law (Law No. 15 of 2019).** The Personal Status Law is based on provisions of Islamic Sharia law and regulates family matters and domestic relations, primarily for Muslims. This law details requirements for marriage, divorce, alimony, guardianship, custody and inheritance related matters.
- **The Civil Status Law (Law No. 9 of 2001).** The Civil Status Law governs the registration of life events in Jordan and the processes for issuance of birth, marriage, death and divorce certificates, identity documents and family booklets.
- **Juvenile Law (Law No. 32 of 2014).** The Juvenile Law and related regulations cover most aspects of juvenile justice. This includes objectives of juvenile justice, child-specific institutions, collaboration among juvenile justice professionals, age of criminal responsibility, aspects of criminal proceedings rights of children at different stages of the juvenile justice process and sentencing, including custodial sentences and non-custodial alternatives.¹⁸
- **Law on Juvenile Probation (2006).** This law covers minor offences including inappropriate activities for children, such as prohibitions on consumption of alcohol, taking drugs, smoking, going to bars or night clubs or begging.
- **Nationality law (Law No. 6 of 1954).** The Nationality Law covers the acquisition of Jordanian nationality, nationality of dependents, naturalization and renunciation of nationality.
- **Public Health Law (Law No. 47 of 2008).** The law covers the provision of public health and other issues of health related to childcare and access to health services for children.
- **Education Law (Law No. 3 of 1994).** The Education Law covers the provision of primary and secondary education in Jordan.
- **Labour Law. (Law No. 8 of 1996).** In addition to setting out general work rights for working age children, the Labour Law contains certain protections in relation to age of employment of juveniles, prohibition of child labour, working conditions and protections for juveniles and provision of vocational training.
- **Vocational Training Law (1985).** The law covers vocational training for all persons in Jordan, including vocational training for persons under the age of 18.
- **Law of the National Council for Family Affairs (Law No. 27 of 2001).** This law establishes the National Council and sets out the role of the Council on family and children's issues.
- **Law of the National Centre for Human Rights (Law No. 51 of 2006).** The National Centre for Human Rights (NCHR) is responsible for protecting and promoting the principles of human rights and public freedoms throughout Jordan, including child rights.
- **Domestic Violence Protection Act (Law No. 15 of 2017).** This Act provides protection for victims of domestic violence including children.

17 [Jordan River Foundation](#)

18 UNICEF/National Council for Family Affairs - [Situation Analysis of Juvenile Justice System in Jordan](#), 2018.



3.4 Child Rights Law

The **Child Rights Law** (Law No 17 of 2022) is a law of particular relevance for the rights of children. It introduces a wide range of legislative protections for children, many of which reflect relevant provisions and State obligations in the CRC.

Under the law children are provided with all the rights contained in the law but only in a manner that does not conflict with public order, religious and social values, and any other relevant legislation. The aim is to ensure that the family can maintain its legal entity as a foundation for a society that is based on religion, morality, and patriotism.¹⁹

The law covers the right to life and dignity,²⁰ the right to birth registration, name, and lineage,²¹ to family care,²² to an adequate standard of living and protection from poverty,²³ freedom of expression and privacy,²⁴ protection from violence, abuse or exploitation,²⁵ health care,²⁶ education,²⁷ the right to social development,²⁸ legal assistance,²⁹ and alternative care for children.³⁰ The law also contains important rights and protections for children with disabilities.³¹

Whilst the Child Rights Law sets out the general principles and protections available to children in Jordan, other laws set out the specific rules, requirements and criteria for particular areas of law. For example, the Personal Status Law sets out in detail the rules governing family relations including marriage, guardianship, custody, paternity and inheritance rights whilst the Child Rights Law refers to overarching family rights, including those of parental care. The Child Rights Law sets out the right of children to legal assistance whilst the Juvenile Law sets out the procedural safeguards for children in the criminal justice system.

As such, the Child Rights Law is an important source of legal protection for children but must be read together with the more specific laws on certain thematic issues of law. This guide is structured around the key areas of law relevant to children. It references the specific applicable laws but also to the relevant, supplementary provisions of the Child Rights Law.

3.5 Principle of Non-Discrimination

Discrimination on the basis of race, language or religion between Jordanian nationals is prohibited under the Constitution.³² The Cairo Declaration on Human Rights in Islam, as signed by Jordan, prohibits discrimination on the basis of the race, color, sex, language, religion, sect, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.³³

19 Article 4, Child Rights Law.
20 Article 5, Child Rights Law.
21 Article 6, Child Rights Law.
22 Articles 5-6, 9, Child Rights Law.
23 Article 12, Child Rights Law.
24 Articles 7-8, Child Rights Law.
25 Articles 20-21, Child Rights Law.
26 Articles 10-11, Child Rights Law.
27 Articles 15-17, Child Rights Law.
28 Article 20, Child Rights Law.
29 Article 24, Child Rights Law.
30 Article 29, Child Rights Law.
31 Articles 25-28, Child Rights Law.
32 Article 6, Jordan Constitution.
33 Article 1(a), Cairo Declaration.



Baby Life (Photo: Hussein Amiri/NRC)

4. LEGAL CAPACITY OF CHILD



Children are acknowledged as having **different levels of legal capacity for different issues under the law**. **The age of full legal capacity is 18 years old** according to the civil law whilst children are accorded other rights from the age of 16, including the right to work, under specific laws³⁴.

4.1 Definition of Child

The Child Rights Law states that, subject to the provisions of the Personal Status Law, the Civil Law and any other special provisions stipulated in legislation, **the term 'child' shall mean anyone who is under 18 years of age**.³⁵ The Juvenile Law states that a juvenile is a person who has not completed 18 years of age.³⁶

4.2 Age of majority and capacity to take legal action

The **age of majority in Jordan is 18**. However, children from the age of seven are considered to have legal capacity to take action, provided that such legal actions are considered as an absolute benefit to the child.³⁷ This could include, for instance, spending pocket money on food or snacks. Lending money to someone else, however, might not be considered an absolute benefit. Jordanian law does not differentiate between males and females in determining the age of majority. There are no restrictions on the capacity of persons over 18 unless a court determines a person to be incompetent to govern his or her own affairs.³⁸

4.3 Age of criminal responsibility

The **age of criminal responsibility is 12 years** under the Juvenile Law (regardless of the type of offence).³⁹

34 See for example Article 119 of the Civil Law which specifies that persons who have completed 15 years of age (i.e. 16-year-olds) are considered to have partial competency to practice commercial business.

35 Article 2, Child Rights Law.

36 Article 2, Juvenile Law.

37 The Civil Law divides the types of legal actions into: (1) actions that are considered as an absolute benefit, (2) actions that are considered as an absolute harm, (3) and actions that can cause both benefits and harms.

38 Article 43, Civil Code.

39 Article 4(b), Juvenile Law.



However, a conviction of a juvenile does not constitute a criminal record and has no effect in cases where repetition of the criminal act can increase the sanction. Nevertheless, the Court has the right to check such records to specify any necessary procedures in a criminal case.



5. LEGAL IDENTITY, CIVIL STATUS AND REGISTRATION OF CHILDREN

All children must be registered from birth in Jordan, regardless of whether they are born inside or outside Jordan. Each Jordan citizen must be registered with the Civil Registry and the registration shall set out the citizen's national number, first and last name, father's name, mother's full name, place and date of birth, family status, religion, date of registration and digital address.

The right to birth registration and to a child's name are contained in the Child Rights Law.⁴⁰ The name of the child cannot be contrary to religious beliefs, social values or the public order or cause prejudice to that child or any sense of inferiority.⁴¹ To be legally registered the parents must be married, although there are certain provisions for children born out of wedlock. Children born of informal marriages can be registered once the marriage is registered. Children must also be registered in the Family Book and obtain a national ID card as of the age of 16. The Civil Status Law governs the registration of life events, such as birth, marriage and death, in Jordan as well as issuance of civil documentation through the Civil Registry.

5.1 Birth registration

5.1.1 Issuance of birth certificates

Children born in Jordan must be issued with a **birth notification** from the hospital/doctor/medical facility in which the child was born or from a registered midwife.⁴² The notification is a standard form and includes the child's name, parents' names, child's sex, place of birth and date of birth.⁴³ Under the Child Rights Law, civil status records, such as birth certificates, or reports issued by medical committees formed under the Medical Committee By-Laws are deemed evidence of the date of birth of a child.⁴⁴

A **birth certificate** must then be obtained from the Civil Status and Passports Department (CSPD).⁴⁵ Parents or legal guardians should obtain a birth certificate from any CSPD office within 30 days after birth.⁴⁶ If the birth certificate was not issued within 30 days a fine of 10 JOD shall be paid for late registration. If the child is not registered within 12 months of birth the parents must register a case before the competent court in order to issue its decision which will allow them to issue a birth certificate from the CSPD.⁴⁷

Persons responsible for notifying the CSPD about the birth of a child are (1) mother and father, (2) adult relatives until the 4th degree, (3) doctors and the directors of hospitals,⁴⁸ (4) certified midwives and (5) *mukhtars*.⁴⁹

40 Article 6, Child Rights Law.

41 Article 6(b), Child Rights Law.

42 Article 15, Civil Status Law.

43 See IHRC/NRC, [Registering Rights: Syrian refugees and the documentation of births, deaths and marriages in Jordan](#), October 2015.

44 Article 3, Child Rights Law.

45 Article 3, Civil Status Law.

46 Article 13, Civil Status Law.

47 See IHRC/NRC, [Registering Rights](#), p8.

48 Or directors of jails in the event the child was born in prison.

49 Article 14, Civil Status Law.



5.1.2 Births arising from informal marriages

According to Jordanian law, an informal marriage must be formalized in order for parents to be able to register any child of the marriage and issue a birth certificate. To **formalize the marriage**, the couple needs to approach the *Sharia* court and file a proof of marriage lawsuit. To **register the child**, the couple needs to file a proof of paternity lawsuit before the *Sharia* court. Both lawsuits can be filed at once in a combined proof of marriage and paternity lawsuit. Informal marriages conducted after 12 December 2018 are subject to a 1,000 JOD fine and imprisonment for up to six months. However, an amnesty issued in 2019 removed the criminal aspect of informal marriages which occurred prior to 12 December 2018.

Upon formalizing the marriage, the date of birth needs to be taken into consideration. If the birth occurred in the year since the date of registration of the birth incident, the court verdict shall be sufficient to prove the birth. If the birth occurred more than a year prior to the date of filing the lawsuit, the legal guardian shall file a lawsuit for births over one year before the competent court in order to be able to issue a birth certificate. Informal child marriages, namely those marriages conducted when one or both spouses are under the age of 18, are considered void.

However, the marriage can be ratified in the following cases:⁵⁰

- If the wife gave birth to a child.
- If the wife was pregnant.
- If both parties to the marriage were 18 years of age at the time the lawsuit for regularization of the marriage was filed.

5.1.3 Births out of marriage

Although such cases are very rare in Jordan, the Civil Status Law states that neither the mother's name, the father's name, or both names will be added to the birth certificate of a child born outside of marriage, except if one or both of them submits a written request to add his/her name, supported by a final court verdict.⁵¹

However, if the birth occurred in any type of health facility, or under the supervision of a legal midwife, the name of the mother shall be registered, and the Civil Registrar shall choose a father's name to be added. Where the father wishes to add his name to the birth certificate, a Proof of Paternity order should be issued by the *Sharia* court and submitted to the CSPD.

5.1.4 Process for obtaining a birth certificate

Documents required for issuance of a birth certificate are:

- Birth notification stamped and signed from the hospital, doctor, certified midwife, or mukhtar containing all required information.
- Valid family booklet in case the father is Jordanian.
- Proof of marriage (marriage contract, or a marriage ratification decision from *Sharia* court).

Foreign nationals, including refugees, must provide the following additional information:

- Identity document for the parents, such as passport or national ID card from their country of origin.
- Ministry of Interior (MoI) service card for Syrian refugees.
- Non-Syrian refugees must present their Asylum Seeker Certificate (ASC) and their national passport number.

50 Article 35, Personal Status Law.

51 Article 20, Civil Status Law.



5.2 Registration and Civil Documents

5.2.1 Issuance of Identity Cards and Family Booklets

Jordanians are issued a **national ID** at the age of 16.⁵² For Jordanian children under the age of 16, inclusion in the **Family Book** is sufficient until they reach the age of 16. Non-Jordanian children of Jordanian mothers should be listed in the Family Booklet issued by the CSPD.

5.2.2 Correcting civil status records

Magistrates' courts have jurisdiction to hear cases for **correction or cancellation of civil status records** in the official Registry of Incidents and Records of the Ministry of Health. They are also competent to consider cases relating to documenting birth and death, and to establish the details if the notification of birth or death happens after a delay of 12 months.⁵³

Correction or change of the official record can be relevant where incorrect information has been provided in birth, marriage or death registration such as wrong name, date of birth, place of birth or names of parents.⁵⁴ This can sometimes be relevant in cases of underage marriage in which incorrect information has been provided about the date of birth of a child of that marriage, or the parentage of the child, in order to obtain a birth certificate. It can also happen when incorrect information is provided in order to obtain a document.

Use of false or incorrect information can have long-term consequences and affect rights and entitlements, such as access to education and services. There are also criminal penalties for the provision of false or incorrect information when obtaining official documentation as well as for the issuance or use of false documents in Jordan including foreign documents. The Civil Status Law imposes a penalty of between one month to three years imprisonment for anyone responsible for the removal and distortion of evidence related to personal status.⁵⁵ This can include the provision of false information in a certified document or official document. The Penal Code provides criminal penalties for persons who knowingly use a false document as well as those who make a false document.⁵⁶

52 Article 38, Civil Status Law.

53 Articles 34-35, Civil Status Law.

54 See for example NRC/UNHCR Regional Policy Brief 'Fraudulent Documents and Syrian refugees in Iraq, Jordan and Lebanon', September 2021.

55 Article 49, Civil Status Law.

56 Articles 55-57, 261-267, Penal Code.



Birth Certificates (Photo: Abu Odeh/NRC)



Mohammed's ID Card (Photo: Tina Abu Hanna/NRC)



6. NATIONALITY AND NON-NATIONALS, INCLUDING FOREIGN RESIDENTS

6.1 Eligibility for Jordanian nationality

In accordance with the Nationality Act, **Jordanian nationality is predominantly determined by paternity** (*jus sanguinis*). Any person born to a father holding Jordanian nationality is deemed to be a Jordanian national.

Any person born in Jordan to unknown parents is deemed to be Jordanian national pending evidence to the contrary.⁵⁷

Passports

Regular passports can be issued to minor children under 16 years old as well as to children under guardianship provided that they are descended from a Jordanian father.⁵⁸

Children of Jordanian mothers

Whilst children of Jordanian mothers with non-Jordanian fathers are not eligible for Jordanian nationality, they are eligible for CSPD identification cards under certain conditions.⁵⁹ They are also eligible for annual residency, access to education in governmental schools at primary and secondary stage and access to public universities, access to governmental healthcare, work rights without the need for a work permit, investment, ownership, and can obtain a third-class driving license (private).

In order to access these entitlements, they must provide the following documents:

- The National Identity card of the mother.
- A certified copy of the marriage contract with the foreign spouse.
- An official document issued by the Follow-up and Inspection Department of the Residency and Borders Department proving the Jordanian mother's permanent residence for a period of five years in Jordan prior to the date of application.

57 Article 3 (5), Nationality Law.

58 Article 11, Jordanian Passport Law.

59 Cabinet Decision No. 6415 dated 9 of November 2014, Instructions for implementing the cabinet decision regarding granting facilities to children of Jordanian women married to non-Jordanians dated 31 December 2014.



- The child's birth certificate.
- A certified copy of the child's valid residency for those to whom the Residency and Foreigners' Affairs Law applies or to the rules relating to residents of the West Bank and Gaza Strip.⁶⁰

In practice there are inconsistencies with the issuance of identification cards and access to rights and services for children of Jordanian mothers, such as requiring permanent residence in Jordan.

6.2 Stateless Persons

Jordan is not a party to the 1954 Convention relating to the Status of Stateless Persons nor the 1961 Convention on the Reduction of Statelessness. There is no general law protecting stateless children.

Any person born in Jordan to a mother holding Jordanian nationality and to a father who is stateless, whose nationality is unknown, or who cannot establish the child's paternity, is deemed to be a Jordanian national.⁶¹

Children under 16 years of age who are refugees, stateless or who cannot obtain travel documents from their country may receive an 'international laissez-passer'.⁶²

6.3 Status of Palestinians in Jordan

Right to Nationality

Persons of Palestinian origin in Jordan can be categorized into four groups:

- Palestinians who came to Jordan from 1946 to 1954 (largely as a result of the 1948 conflict).⁶³
- 'West Bank displaced Palestinians of 1967' who fled or were expelled from the West Bank in 1967 following the Arab-Israeli war of 1967.
- 'ex-Gazans' who were displaced from the Gaza Strip also in 1967.
- 'West Bankers', namely Palestinians who resided in the West Bank since 31 July 1988. This followed the decision by the Jordanian government in 1988 to disengage from the West Bank and renounce any claims of sovereignty over the West Bank.⁶⁴

Only the first two categories of persons and their descendants are regarded as Jordanian citizens.

Starting in the 1990s, national ID numbers were issued for Jordanian citizens. The first two categories of Palestinians were given national ID numbers, whilst the last two categories of Palestinians do not have national ID numbers, even though some of them may hold temporary Jordanian passports. Palestinians with Jordanian nationality are granted access to all political and civil rights. Palestinian fathers with Jordanian nationality can pass their nationality to their children.

60 See Ministry of Interior regulation, [On Children of Jordanian Mothers Married to Non-Jordanians](#)

61 Article 3 (4), Nationality Law.

62 In accordance with Article 4(b) of the Residence and Foreigners' Affairs Law, such documents are to be provided by the country where the person is located at the time of request for such a document.

63 Persons who held Palestinian citizenship, excluding Jews, before 15 May 1948, and who usually resided in Jordan during the period between 20 December 1949 until 16 February 1954 are entitled to Jordanian nationality. See Article 3 of Nationality Law.

64 See [Disengagement Regulations for the Year 1988](#)



Palestinians entitled to temporary residency

In 1983, the Jordanian authorities introduced the **green** and **yellow** cards for Palestinians for the purpose of border crossings under the Ministry of Interior's control and its divisions, mainly the CSPD and the Department of Inspection. This system distinguished between Palestinians living in Jordan with a **yellow card**, from Palestinians living in the West Bank holding a **green card**. Yellow cards were granted to West Bank residents who had left the West Bank before 1 June 1983, and had permanent residence in Jordan, while green card holders were granted temporary stay in Jordan as visitors.

Although Palestinians who resided in Jordan prior to 1954 may be eligible for Jordanian nationality under the Nationality Law, other categories of Palestinians from the West Bank are eligible only for temporary passports valid for five years. In 1988 Jordan announced their political disengagement in the West Bank and East Bank. According to the Disengagement Instructions *"Every person residing in the West Bank before 31 July 1988 is considered a Palestinian citizen, not a Jordanian."*⁶⁵ Pursuant to Article 3 of the Instructions *"Residents of the occupied West Bank are given temporary passports valid for two years under the same documents that were approved by the Civil Status and General Passports Department before the decision to disengage the legal and administrative links with the West Bank."*⁶⁶

Two types of passports are issued by the Jordanian Civil Status Department, namely (1) the five-year permanent passport that holds the 10-digit serial national number of the Jordanian citizen which usually starts with a '9', and (2) the five-year temporary passports without a national number which begins with a 'T' issued to Palestinians crossing as green card holders and residing in the West Bank. Passports with a first digit '5' refers to stateless Palestinians from Gaza. Temporary passports do not denote Jordanian citizenship and are only valid as a travel documents.

Ex-Gazans in Jordan

Ex-Gazans who came to Jordan in the wake of the 1967 hostilities do not enjoy citizenship rights in Jordan but only residency rights.⁶⁷ As non-citizens, they do not have access to all the rights enjoyed by Jordanians and face legal restrictions in certain areas, such as the ability to work and own property. They are issued with a renewable two- or five-year Jordanian temporary passport which serves as both a residency and travel document. In addition, the Ministry of Interior issues white cards to Palestinians from Gaza Strip as an identification document. Children over the age of 16 years old may obtain such cards.

Palestinian Refugees from Syria (PRS) in Jordan

The status of Palestine Refugee children from Syria (PRS) will depend on what documents their parents hold, whether their parents entered before or after the entry ban imposed on Palestinians fleeing Syria and whether they entered Jordan regularly or irregularly.⁶⁸ Around 40 per cent of PRS are estimated to hold Jordanian citizenship and as such are recognized as Jordanian nationals. Another 30 per cent are estimated to have a temporary Jordanian Passport, whilst the remaining 30 per cent may hold several different documents, such as for example Syrian travel documents issued by the General Authority for Palestine Refugees (GAPAR).⁶⁹

Even if the family entered Jordan 'regularly' their status will depend upon whether they have been able to maintain residency requirements including renewal and associated costs under the Residence and Foreigners' Affairs Law. Documents held by PRS in Jordan include proof of Jordanian nationality, Palestinian Authority-issued documents or Syrian issued documents for Palestinian refugees. On account of the variables it can be challenging for PRS, including children of PRS, to obtain and maintain legal residency in Jordan.

65 Article 2, Disengagement Instructions of 1988.

66 Article 3, Disengagement Instructions of 1988.

67 UNRWA have registered 178,200 ex-Gazans in Jordan.

68 PRS who entered Jordan irregularly may be unable to secure an iqama (legal residency). If they entered Jordan irregularly after January 2013 or overstayed their residency permit they are considered 'illegal' by the Jordanian authorities.

69 Information supplied by UNRWA.



Palestinian refugees from Iraq (PRI)

Palestinian refugees from Iraq face challenges regularising their legal residency in Jordan and may also face difficulties in obtaining civil documents in Iraq such as birth certificates or marriage certificates. Without legal residency they are unable to access basic services, including education and health care, as well as essential goods.⁷⁰

6.4 Residency and Registration of foreign nationals, including refugees

Under the Residence and Foreigners Affairs Law all non-Jordanians must have a valid residency permit to reside in Jordan.⁷¹

A Proof of Registration (PoR) document is issued by UNHCR to Syrian refugees residing in camps, while an Asylum Seeker Certificate (ASC) is provided by UNHCR for refugees living outside the camps. The registry of refugees in Jordan is governed by the Ministry of Interior. Syrians with ASCs must obtain Ministry of Interior (MoI) cards to confirm their valid residency in the country. Such cards can be obtained from police stations upon presentation of the ASC card and confirmation of residency in the area, such as through a valid rent agreement or letter from UNHCR.

Several refugee camps, mainly accommodating Syrian refugees, also operate in the territory, managed by UNHCR in conjunction with Jordanian authorities. The Zaatari refugee camp, and the Azraq camps are under the joint administration of UNHCR and the Syrian Refugee Affairs Directorate (SRAD).

70 Information supplied by UNRWA.

71 Article 25, Residence and Foreigners Affairs Law.



At Home (Photo: Beate Simarud/NRC)



Syrian Family (Photo: Beate Simarud/NRC)



7. PERSONAL STATUS AND FAMILY RIGHTS

The right to family life is confirmed in various provisions of the Child Rights Law. Under the law every child has the right to a family of both parents and to parental care.⁷² Parents have primary responsibility for raising, guiding, and nurturing their children.⁷³

Jordan's **Personal Status Law** sets out the main rules, requirements, restrictions and responsibilities in relation to issues of family law affecting children. These include marriage, child maintenance, custody, guardianship, divorce and inheritance.

The Personal Status Law is based on principles of *Sharia* law. Matters not covered by the Personal Status Law are determined by reference to jurisprudence from the Islamic school of law most relevant to the issue.⁷⁴

Whilst non-Muslims, such as Christians, may apply their own religious laws in relation to marital issues, including divorce, child custody and maintenance through the ecclesiastical courts, *Sharia* courts have full jurisdiction over all Jordanians, especially if the dispute is between a Muslim and non-Muslim, on "matters relating to: legal guardianship, trusteeship, and legal representation; registration of deaths; legal capacity and mental maturity; missing persons; determination of paternity; and the maintenance of relatives."

Christians in Jordan are subject to the provisions of the Christian Sects Council Law.⁷⁵ Any matter that is not regulated in this law will be determined in accordance with the relevant provisions of the Personal Status Law.

72 Article 6(c), Child Rights Law

73 Article 5, Child Rights Law.

74 Article 323, Personal Status Law.

75 Christian Sects Council Law No. 28 of 2014.



7.1 Marriage

7.1.1 Age of Marriage, including Child Marriage

The **minimum age for marriage for both males and females is 18 years.**⁷⁶ However, the Personal Status Law allows the judge to approve marriage of persons who are less than 18 years old, provided that they are **at least 16 years old, the marriage is consensual, is based on freedom of choice,** and that **the marriage is in the best interest of the minor.**⁷⁷ The judge must also obtain the consent of the Chief Justice to the marriage.⁷⁸

The special instructions to grant marriage permission for those who have reached 16 and are below 18 years old,⁷⁹ specifies the main criteria for providing such permission as follows:

- The husband must be deemed appropriate to the wife.
- The judge should verify the consent and proper choice.
- The court should verify the necessity of the marriage and assess that it is in the best interest of the minor. This requires consideration of any benefits in the marriage as well or removing any harm from an underage marriage in the means that the court deems suitable.
- The age difference between the husband and the wife should not exceed 15 years.
- The husband should not be married.
- The marriage should not be a reason for quitting education.
- The husband must prove his ability to financially provide for his wife, pay the dowry (*mahr*), and prepare the house.
- A verified medical test certificate must be submitted.

Children under 18 and women who were not previously married and are over 18 years of age require a marriage guardian who must consent to the marriage on their behalf.

Children born in informal child marriages or marriages in which one of the parties are under 16 years old may still be registered once the informal marriage is registered, namely where:

- The child spouse is pregnant.
- A child is born of the child marriage.
- Both parties have reached the age of 18 at the time of registration of their previously informal marriage.

Underage sexual relations in the Jordanian law

In Jordanian law, engaging in sexual relations with a minor (an individual under the age of 18) is generally considered a criminal offense, as it is viewed as a form of violence against children and child exploitation and a violation of the minor's rights.

76 Article 10, Civil Code.

77 Article 10, Civil Code.

78 Article 10(b) of Personal Status Law, Article 10(b). See 'Special Instructions to Grant Marriage Permission for Those Who Have Reached 16 and Are Below 18 Years of Age No. 1 of 2017', issued by the Chief Justice under Article 10 of the Personal Status Law. The authors of [A Study on Early Marriage in Jordan](#), UNICEF, 2014, note at p 11, "The definition of 18 as the legal age for marriage in Jordan is undermined by an acceptance that special permission – very dependent on the interpretation/discretion of individual judges and reportedly not difficult to obtain – may be given for children as young as 15 to marry."

79 Special Instructions to Grant Marriage Permission for Those Who Have Reached 16 and Are Below 18 Years Old, No. 1 of 2017.



Jordan has laws in place to protect minors from sexual abuse, and individuals who engage in sexual activity with a minor may be subject to legal consequences.⁸⁰ However, there are no penalties for sexual relations in the course of marriage if all the legal and *Sharia* law requirements that qualify the marriage as valid are met, including a child marriage which is validly approved by the court, or an informal child marriage which is later validated.

Engaging in sexual activity with a woman (without her consent) or with someone under the age of 18 is typically considered a criminal offense.⁸¹ Sexual relations with a minor who is under the age of consent can result in criminal charges, including charges of sexual exploitation of a minor. The penalties for such offenses can include death penalty, imprisonment and fines. However, if the court finds that an informal marriage was conducted prior to sexual engagement, the criminal aspects of the action shall be annulled, provided that the other legal requirements are met.

7.1.2 Documents necessary for Marriage Registration

Documents necessary for a marriage are:

- Proof of identity for the bride and groom.
- Proof of identity for the bride's guardian and the two witnesses.
- Health certificate issued by Jordanian Ministry of Health verifying that the bride and groom are not carriers of thalassemia, a genetic disease.
- Petition for a marriage contract addressed to the court.

If either the bride or groom are foreigners, there is an additional requirement of an approval letter from the Jordanian Mol in Amman.⁸²

The court fees for a marriage range from JOD 25 to JOD80.⁸³ There are no fees associated with Mol approval or obtaining a health certificate.

7.1.3 Informal marriages

Marriages concluded in Jordan outside of *Sharia* courts, or the competent courts for non-Muslims, and without formal marriage registration (**informal marriages**) are illegal and are penalized under the law. The Personal Status Law states that the wife, husband, witnesses, and the *sheikh* who conducted an informal marriage must be fined JOD 200 per person. In practice, the person filing the proof of marriage lawsuit is normally responsible to pay the whole JOD 1,000), The penalty prescribed by the Jordanian Penal Code may also be imposed. This provides for a term of imprisonment of between one and six months for performing or assisting in performing an illegal marriage,⁸⁴ although in practice, imprisonment is very rare.

However, a couple who married informally in Jordan - typically, through a marriage officiated by a *sheikh* (a "*sheikh marriage*") – can legalise and register their marriage by obtaining a **marriage ratification certificate**. This is a formal confirmation of the existing marriage through the *Sharia* Court.

A JOD 1,000 fine must also be paid (formally the fine is split among the wife, husband, witnesses, and *sheikh* who married the couple).⁸⁵ On some occasions the Jordanian government has issued amnesties for the registration of informal marriages without the payment of fines.⁸⁶

80 See Articles 292-294, Penal Code.

81 Article 292, Penal Code.

82 See IHRC/NRC, Registering Rights, p10.

83 Article 23, Sharia Court Fees Regulation (No 61 of 2015). See also Registering Rights.

84 Article 279, Personal Status Law.

85 Article 36(c), Personal Status Law.

86 Amnesties were issued between 31 October to 31 December 2014 and 13 May to 13 July 2015. See IHRC/NRC, Registering Rights, p10.



If a girl marries informally between the ages of 16 and 18, the couple may face difficulties obtaining a marriage ratification certificate, depending on how the judge views their case. In accordance with the Special Instructions to Grant Marriage Permission for Those Who Have Reached 16 and Are Below 18 Years of Age noted earlier,⁸⁷ the judge must be satisfied certain conditions are met before approving such marriages.

Whilst marriages under the age of 16 are illegal in Jordan, the court may give permission to register such informal marriage in exceptional circumstances, such as when the spouse is pregnant, has had a child of the marriage or where both parties are over 18 at the time of registering the proof of marriage lawsuit.

7.1.4 Ratification of foreign marriages

Many Syrian refugees fled to Jordan without civil documents, such as marriage certificates. Others married informally in Syria without registering their marriage (informal marriages). Without proof of marriage, it is difficult to register births of children born in Jordan. In such cases Jordanian courts have the power to issue a **'marriage ratification certificate'** which confirms the existence of a foreign marriage for the purposes of Jordanian law. Birth certificates can be issued once a marriage ratification certificate is obtained.

To obtain a marriage ratification certificate, the couple has a choice to file either an application or a lawsuit in the Jordanian *Sharia* courts. However, applications for marriage ratification are currently suspended by *Sharia* Courts, and spouses can only file a proof of marriage lawsuit.

The requirements for a marriage ratification certificate are the same as for a marriage certificate. However, the court may impose additional conditions, such as requiring witnesses who were present at the *sheikh* marriage ceremony and sometimes the *sheikh* who officiated. If the requirements are met, the judge will issue the couple with a marriage ratification certificate.⁸⁸

7.2 Parental Responsibilities

Issues of **parental responsibility, legal guardianship, duties of care and custody of children** are closely linked in *Sharia* law and **clearly defined in the Personal Status Law**. The Child Rights Law confirms that parents have primary responsibility for raising and caring for their children.⁸⁹

Whilst both parents have responsibility for the upbringing of the child, the mother has a greater formal role under the concept of *'hadana'* in *Sharia* law which involves custody of the child and daily care and responsibility, including raising the child and attending to daily needs.⁹⁰ The *hadana* is always given to a female relative if the mother cannot perform this duty, such as the maternal grandmother, a sister, aunt or any viable female relative.⁹¹ After the age of 15, the child can choose with whom s/he wants to stay.⁹²

Legal guardianship or *'wilaya'* typically rests with the father.⁹³ The guardian is the legal representative of the child and is responsible for major life decisions as well as the child's legal status and financial affairs. The *wilaya* also guarantees the child's access to citizens' rights, such as a passport or enrolment in school. If the father cannot perform his duty under any circumstances, such as death or insanity, the *wilaya* shall pass to another male relative on the patrilineal side.⁹⁴

87 See section 7.1.1 on Age of Marriage, including Child Marriage.

88 See Registering Rights, p18.

89 Article 5, Child Rights Law.

90 Article 170, Personal Status Law notes the continuing role of custodianship for the mother, regardless of whether the marriage is ongoing, or in the case of divorce or separation.

91 Article 170, Personal Status Law.

92 Article 173, Personal Status Law.

93 The concept of *wilaya* is derived from *Sharia* law.

94 Article 223, Personal Status Law.



7.2.1 Guardianship of Children

The father, or the paternal grandfather in the absence of the father, has **legal guardianship** over children of the marriage as well as over any possessions of the child. Legal guardianship formally ends once a child turns 18. There are two types of guardianship, namely legal guardianship (*wilaya*) and appointed guardianship (*wisaya*).

Legal guardianship involves control over a child's education, medical treatment, career guidance, consent to marriage and any other affairs concerning the minor's interests. The law differentiates guardianship over the minor/person (*al-wilayat ala al-nafes*) and guardianship over the minor's property (*al-wilayat ala al-mal*). Under the Personal Status Law both types of guardianship are an agnatic right and derive from the father's side of the family.

Appointed guardianship (*wisaya*) applies in cases in which a guardian is appointed by the family or court. These are typically situations in which the father or paternal grandfather are not available or not considered suitable to act as guardian. For example, an appointed guardian may be organized by a father who is living overseas,⁹⁵ or through the court for a father who is in prison. Further, the father can appoint a guardian for an unborn child in situations of pregnancy and can relieve the guardian from his or her duties. The appointed guardian can be either a male or a female.

If the child does not have a guardian chosen by the father or by the paternal grandfather, a judge of the Sharia Court can appoint a guardian to manage the child affairs, taking into account the best interests of the child.⁹⁶ The judge appoints a temporary guardian for a particular task or for a specified period according to the child's need.⁹⁷

Any other person who wishes to become a guardian for the child must obtain a guardianship certificate from the *Sharia* Court. Such certificates are usually for a certain objective (such as representing the child in a proof of birth lawsuit in order to issue a birth certificate for him/her and in relation to financial affairs. Such temporary guardianship arrangements are usually very strict and for a certain period of time.

7.2.2 Custody

Issues of custody of the child are normally only relevant where the parents are separated or divorced, or the child is otherwise unable to live with their parents. In accordance with the Personal Status Law the mother is entitled to the custody and the upbringing of the child during the marriage and after any separation or divorce.⁹⁸ As noted above, custody relates to the duty to raise the child, while all legal decisions are governed by guardianship. The mother acts as the custodian of children of the marriage until they turn 15.⁹⁹ After that time the children can themselves decide if they wish to live with the mother or the father.

However, the judge can extend the mother's custody to the age of 18 if the child chooses to stay under the custody of the mother until he/she reaches the age of maturity which is 18 years.¹⁰⁰ The custody of the mother is extended if the child is sick and must be taken care of by a female unless otherwise required by the child's interest.¹⁰¹ The mother is obligated to take custody when assigned to her. If she refuses the custody of her child, the judge must assign whoever is considered more reliable than she is.¹⁰² If the child is not in the mother's custody, the existing custodian will remain custodian until the child turns ten years.¹⁰³

95 Article 230(1), Personal Status Law.
96 Article 230(2), Personal Status Law.
97 Article 230(3), Personal Status Law.
98 Article 170, Personal Status Law.
99 Article 173, Personal Status Law.
100 Article 175, Personal Status Law.
101 Article 173, Personal Status Law.
102 Article 173, Personal Status Law.
103 Article 173, Personal Status Law.



The right of the mother's *hadana* can be taken from her if she remarries someone who is not a *mahram*¹⁰⁴ to her child, if she does not guarantee the child's religious and moral maintenance, if she's an apostate, or if her misconduct is proven.¹⁰⁵ If a mother wants to remarry without losing the custody of her child, she may marry a *mahram* to her child, which can include one of the uncles or brothers of her former husband's family

If the identity of the child is known, the father is Muslim, and they are not under their mother's physical custody for any reason, they are placed, by order of priority, into their maternal grandmother's custody, their paternal grandmother's custody or their father's custody. If none of these options are suitable, the court will decide the most reliable relative to whom to transfer custody.¹⁰⁶ In this case, the child can only be placed under the custody of a relative who is a '*mahram*' to the child, namely someone with whom marriage is not a possibility under *Sharia*.¹⁰⁷ If the child is not in his or her mother's custody, then the custody of the custodian continues until the child turns ten years.¹⁰⁸

In order to act as custodian, the person must be of sound mind, mature, free from serious infectious diseases, capable of raising and caring for the health, safety and morals of the child. The child must not be kept in an unwelcoming household or live with an individual who abuses them. Custody is forfeited if one of the conditions required for the custodian is not fulfilled or if the new custodian resides with a person who cannot be considered a suitable custodian due to his or her behaviour, apostasy or serious infectious disease.¹⁰⁹

7.3 Paternity of Children

A marriage certificate or family book is necessary for the issuance of a birth certificate for a child.¹¹⁰ Paternity can be proven in exceptional cases other than marriage through the father's admittance, through evidence, and through scientific methods taking into consideration the provisions of proof of paternity based on the marriage.¹¹¹ A proof of paternity verdict is required from the *Sharia* Court in such cases.

Paternity can be established by marriage, acknowledgement (*iqrar*) or by evidence.¹¹² Children are presumed to be children of the marriage unless a court orders otherwise. Fathers are listed on the birth certificates in cases involving registered marriages. In unregistered or *urfi* marriages one of the spouses can apply to the court to register the marriage and establish parental affiliation, including paternity, of any children born of the marriage. The court decision can then be used to register the child at the Civil Status and Passport Department. However, in cases of children born out of wedlock the parent's names cannot be included on the birth certificate and the child is considered to be of unknown parentage (*majhul al-nasab*).¹¹³

In order to determine paternity by marriage the Personal Status Law uses a timeframe for the pregnancy. If the marriage took place at least six months prior to the birth of the child and not more than one year later,¹¹⁴ the marriage can be validated provided that the court is satisfied that physical contact between the spouses was possible during this period (i.e. that one of the spouses was not imprisoned or overseas).

Paternity can be denied by a husband by swearing an oath (*lian*) before a Sharia court judge denying paternity, but this is apparently rare. DNA evidence is now admissible for proving paternity (*nasab*) in cases that do not involve a dispute between spouses.

104 A *mahram* is a close male relative, such as spouse, father, brother, son, to whom marriage is prohibited.

105 In order to take a *hadana* from a mother in Jordan, the father usually claims that the mother has undertaken non-Islamic conduct (such as, friendship with men, immodest manner of dress, and inappropriate upbringing of their child).

106 Article 170, Personal Status Law.

107 Articles 230-244, Personal Status Law.

108 Article 173, Personal Status Law.

109 Articles 171-172, Personal Status Law.

110 Article 158, Personal Status Law.

111 Article 157, Personal Status Law.

112 Article 157, Personal Status Law.

113 Article 20, Civil Status Law.

114 Article 156, Personal Status Law.



Cases of paternity by acknowledgement include situations in which the father acknowledges paternity before the court or where the court accepts other forms of evidence to establish paternity. *Sharia* courts have wide discretion to determine such cases in the best interests of the child and can accept witness evidence of a persons' acknowledgement of paternity, including for example witness statements testifying to the fact that a father confirmed having sexual relations with the mother. Children can also make an acknowledgement of paternity, provided the alleged parent consents. Acknowledgement of paternity is possible where the child is of unknown parentage, and their age difference would allow the child to belong to the parent. *Sharia* courts have exclusive jurisdiction over cases involving parentage, including for Muslims and non-Muslims.

7.4 Maintenance

The father has a special responsibility to take care of the child's expenses, including educational and medical expenses. A father with sufficient financial means is obligated to pay for his children's education at all educational levels, including the preparatory year before the first grade and until the child obtains their undergraduate degree, provided that the child is qualified to learn. In the event of a dispute or lack of financial capacity by the father the court will determine the financial obligations of the father or guardian.

If the guardian chooses to educate the child in a private school, except for the preparatory year, he cannot withdraw the child from private education unless he becomes unable to pay the costs or has a legitimate justification.¹¹⁵ However, if the guardian proves that he is unable to pay the costs and wishes to withdraw his child from the private school, the person fostering the child may pay these expenses as a donation without having the right to demand payment of these expenses from the guardian or the child. The father is also obligated to pay for the medical expenses of his children.

If the father is not able to pay for the medical or education expenses of his children, and the mother has sufficient financial means and is able to do so, she is responsible. However, all these expenses shall be considered as debts and the father will have to repay her whenever he is able to do so. If the father and mother are both insolvent, then whoever pays for the medical or educational expenses of the children shall be repaid by the father as all the payments will be considered as debts owed by the father.¹¹⁶

A husband is obliged to provide **maintenance** to his wife (*nafaqa*) during the marriage and for a maximum period of one year after separation or divorce,¹¹⁷ unless the wife re-marries during this period. Pregnant women are also entitled to a pregnancy alimony which is known (*nafaqet hamel*). The alimony includes housing, clothing, food, medical care for the wife and children. If the husband fails to provide alimony, the wife can claim it through filing a lawsuit at the competent court.

If a wife is widowed, she is not permitted to remarry during the waiting period (*idda*) which is four months and ten days.¹¹⁸ Widowed women are entitled to remain in the marital home during the waiting (*idda*) period.

7.5 Divorce

Different types of **divorce** exist in the Personal Status Law. The husband has the unilateral right to initiate a divorce by verbally declaring *talaq* (divorce) three times,¹¹⁹ with waiting periods (*iddah*) between each declaration. After the third declaration, the divorce is irrevocable, and the spouses cannot remarry without an intervening marriage to another person.¹²⁰

115 Article 191, Personal Status Law.

116 Articles 190-194, Personal Status Law.

117 Article 152, Personal Status Law.

118 Article 146, Personal Status Law.

119 Article 83, Personal Status Law.

120 Articles 94 -95, Personal Status Law.



Divorce by mutual consent is known as (consensual *khul'*). If both spouses agree to divorce and the husband consents to it, the wife can obtain a divorce by relinquishing her financial rights, known as the *mahr*.¹²¹

If a husband refuses to grant a divorce, the wife can file a lawsuit in Jordanian courts requesting a judicial divorce (*faskh*), citing valid reasons such as cruelty or neglect.¹²²

The Personal Status Law specifies various grounds for divorce, including divorce without compensation, lack of financial provision, absence and desertion, default, and certain other grounds. In some cases, mediation and reconciliation attempts are encouraged before a divorce is granted.

After a divorce is initiated, there is a waiting period (*iddah*) during which time the wife cannot remarry. The length of the *iddah* period varies depending on the circumstances.¹²³

As for child custody, it is typically awarded to the mother during the child's early years (up to a certain age), after which custody may be transferred to the father.

It's important to note that non-Muslims in Jordan may have different divorce procedures governed by their respective religious communities or may choose to have their divorce proceedings governed by civil law.

7.6 Visitation rights

Children have the **right to contact with both parents**.¹²⁴ In situations of family separation, if the child in custody resides inside Jordan and has reached the age of seven, both the mother and father have the right of an overnight stay for five nights per month. If the child is under the age of seven, both the mother and the father or the paternal grandfather (in case the father is not present) have visitation rights once per week. Moreover, grandparents have the right to see the child once per month.¹²⁵

If the custodian and the child reside outside Jordan, the court may determine or modify the visitation rights at least once per year, provided that the court's decision does not prevent the person who has the right to see and visit the child from doing so at the child's place of residence.

If the child resides inside Jordan while the person who has visitation rights resides outside Jordan, the court may determine or modify the visitation timings whenever the visitor returns to Jordan. The person who is requesting visitation rights must agree with the custodian on the time, place and the means to do so. If they do not reach an agreement, the judge shall determine the time, place and means for the visitation arrangements while taking into account the statements of the parties.

The court decision for visitation rights includes an obligation to return the child to their custodian once the prescribed period is finished. At the request of the custodian, the court may prohibit the travel of the child in order to guarantee their rights. All court decisions must take into account the age and circumstances of the child having regard for their best interests along with the parties' interests.¹²⁶

121 Article 102, Personal Status Law.

122 Articles 122, 126, Personal Status Law.

123 Articles 147-148, Personal Status Law.

124 Article 9, Child Rights Law.

125 Article 181, Personal Status Law.

126 Article 181, Personal Status Law.



7.7 Travel with Children

If the child has Jordanian nationality, the custodian of the child may not reside with the child outside Jordan or travel with the child for the purpose of residency without the guardian's consent and provided that it is in the child's best interest. As the guardian is typically the father or a male relative of the father's family this means in practice that the mother as custodian cannot travel with the child without obtaining the consent of the father.

If the child's travel outside Jordan is for a legitimate, temporary purpose and the guardian does not agree, a judge may authorize the custodian to travel with the child if the child's interest is secured. However, the judge must clearly state the duration of the travel while ensuring sufficient guarantees to ensure the child's return after the travel ends, including the submission of a guarantee from a relative up to the fourth degree (the fourth degree being a child's cousins from both his/her father and mother's sides).

This relative may be imprisoned and prohibited from traveling outside Jordan if the custodian refuses to bring back the child. However, if the custodial father desires to reside with the child outside Jordan and the person entitled to custody refuses or forfeits her right to custody for any reason, the father may travel with the child after submitting the guarantees approved by the court.¹²⁷

7.8 Inheritance

The father, or the paternal grandfather,¹²⁸ acts as legal guardian for any possessions of the child, including **inheritance** (*al-wilayat ala al-mal*). This includes managing, saving or investing any possessions of the child under guardianship, including any funds or properties. However, the guardianship may be revoked if the legal guardian misuses the funds, there is a risk of the possessions being lost or the guardian is missing, imprisoned or arrested. In such cases a temporary guardian may be appointed. Nor may the legal guardian donate, invest in or sell the properties of the child without a court order.¹²⁹

Whilst females are still only able to inherit half of the male share, recent changes to inheritance law in the Personal Status Law have increased equality between male and female siblings, particularly in relation to direct inheritance from paternal or maternal grandparents, the circumstances in which women can inherit from relatives and the size of the share they can receive in certain circumstances.

7.9 Children of unknown parentage

The Ministry of Social Development is the responsible authority in Jordan for child welfare, including for organising legal guardianship for unaccompanied minors. Legal guardians must be appointed for individual unaccompanied minors. In the absence of the father and paternal grandfather, the guardian shall be whomever the Sharia Court appoints as a guardian.¹³⁰

Adoption is not legal under Sharia Law. However, Jordanian law allows a certain form of adoption for Jordanians that resembles fostering, known as '*ihtidan*'.¹³¹ In this case, the child keeps their original name and does not adopt that of his/her new 'parents'/sponsors. There is no such prohibition on adoption under Christian family law. However, fostering according to Jordanian law is restricted to certain conditions that shall be met before applying for a fostering application.¹³²

127 Articles.176-177, Personal Status Law.

128 Article 223, Personal Status Law.

129 Article 124, Civil Code.

130 Article 223, Personal Status Law.

131 Foster Care Regulation No. 5216 of 2013.

132 Article 3, Foster Care Regulation No. 5216 of 2013.



For Jordanian families in Jordan wishing to assume custody of a child of unknown parentage, an application may be submitted to the Ministry of Social Development. The Ministry will conduct an assessment, review the documentation and make a decision on the suitability of the arrangements:

- **Custody inside Jordan:** For Jordanian families or families with a Jordanian husband, an application may be submitted to the Ministry of Social Development branch with jurisdiction in their place of residence, where all the procedures and required documents will be performed and given to the Ministry to make a decision in accordance with the relevant conditions.
- **Custody outside Jordan:** Families living outside Jordan may submit a request to the Jordanian embassy in their country, where all the procedures and required documents will be performed and sent for the decision to be made by the Ministry of Social Development.

7.10 Alternative care arrangements

Any child, who is temporarily or permanently deprived of a normal family environment, is entitled to **special care** under Jordanian law.¹³³ In coordination with the competent authorities, the Ministry of Social Development is responsible for taking the necessary measures to ensure children's right to special care under the law, provided that the best interest of the child is taken into account. Any such arrangements are subject to court decisions made in respect of the child and their family.¹³⁴

133 Article 13, Child Rights Law.

134 Article 13, Child Rights Law.



Child in Zaatari (Photo: Beate Simarud/NRC)



Camp Playground (Photo: Beate Simarud/NRC)

8. RIGHTS TO HEALTH, EDUCATION, SOCIAL WELFARE AND OTHER RIGHTS



Every child in Jordan is entitled to an **adequate standard of living and protection against poverty**. This includes the rights to **health, education and social care**.¹³⁵ Whilst parents have the primary role in ensuring the full development of the child, the Ministry of Social Development is obliged to develop the necessary policies and programmes to ensure the right of children to social care and create the conditions whereby the right to health and education of children are guaranteed.¹³⁶

8.1 Right to Health

8.1.1 Health Care Services and Entitlements for Children

The Child Rights Law confirms the right of children in Jordan to free preliminary health services.¹³⁷ Children not covered under health insurance schemes shall be provided with health services in emergency life threatening situations.¹³⁸

The Government maintains overall responsibility for developing and implementing comprehensive policies and programs to improve health services for children as well as the allocation of sufficient resources for healthcare services.¹³⁹ In particular, the Ministry of Health has a number of specific responsibilities in relation to ensuring that every child in Jordan is enjoying the highest attainable standard of health. These include:

- developing preventive basic healthcare and health education and instruction.
- ensuring that parents, children, and caregivers are informed about child health and nutrition as well as the advantages of breastfeeding.
- preventing infectious, dangerous, and chronic diseases with the consent of the child's parents.
- ensuring the child's right to a safe, healthy, clean, and sustainable environment.
- developing programs and policies to raise awareness and provide guidance on health aspects related to the child and the surrounding environment.

135 Article 12, Child Rights Law.

136 Article 12(a), Child Rights Law.

137 Article 10(a), Child Rights Law.

138 Article 10(b), Child Rights Law.

139 Article 10(c), Child Rights Law.



- developing special programs to train child health workers.
- preventing practices that may be harmful to the health of children.
- identifying specialized centres that provide services for the treatment and rehabilitation of children with addiction to drugs, psychotropic substances, or volatile substances, as much as possible.¹⁴⁰

In order to access public healthcare facilities, Jordanians require a health insurance card issued by the Ministry of Health.¹⁴¹ Those with private insurance will also need to present a health insurance card issued by the insurer. Jordanians without a health insurance card must pay for their medication privately or seek services from charitable organisations.

Syrian refugee families can obtain service cards issued by the Ministry of Interior (MOI), which are required for access to government services, healthcare and education. In order to obtain an MOI card, Syrian refugee children must have proof of identity, such as a birth certificate, a Syrian family book with their name or a Syrian passport. They also require an ASC, proof of address and a health certificate (if over the age of 12). Without MOI cards and/or ASCs, Syrian refugee children cannot access public healthcare. In some cases, lack of a MOI card can affect access to humanitarian assistance.

For non-Syrian refugees a personal identification number (on the passport) and an ASC or refugee certificate are required in order to access health care services.¹⁴² Refugees must present an ASC (for all nationalities) and a MOI card (for Syrian refugees only) to receive care at the non-insured Jordanian rate at public health centres and governmental hospitals.¹⁴³

Maternal and child health care services are available free of charge for all refugees with an Asylum Seeker or Refugee Certificate (for all nationalities) and MOI card (for Syrian refugees only).¹⁴⁴ The National Program of Vaccination provides all vaccines free of charge to all children, regardless of their nationality.¹⁴⁵

UNRWA provides health services to registered Palestine refugees in Jordan who are not Jordanian nationals through their health care clinics.¹⁴⁶ Ex-Gazan children under the age of six receive free healthcare in public hospitals.

8.1.2 Children with Disabilities

The Child Rights Law introduces important new rights and protections for **children with disabilities**. Authorities are obliged to take measures to ensure the social and educational development of children with disabilities and to maximize their opportunities for development and inclusion.

As well as the right to receive public education and to be enrolled in educational institutions, the Ministry of Education and the competent authorities, including schools and educational providers are required to make reasonable accommodations for children with disabilities and ensure the accessibility of facilities and services.¹⁴⁷ This requires institutions to take proactive and reasonable measures to ensure that education is available to children with disabilities at an appropriate level considering the extent of their disability.

140 Article 11, Child Rights Law.

141 Article 9, Civil Health Insurance Regulation No. 83 of 2004.

142 The MoI announced by decision dated 19 December 2021 that ASCs and MOI cards are considered valid by default until June of 2022 regardless of their expiration date.

143 UNHCR Jordan, [Health Information: Refugees of All Nationalities](#).

144 UNHCR Jordan, [Health Information: Refugees of All Nationalities](#).

145 UNHCR Jordan, [Health Information: Refugees of All Nationalities](#).

146 UNRWA, [Health Care in Jordan](#).

147 Article 25(a), Child Rights Law.



However, if it's not possible to enroll a child with disabilities in public institutions on account of their level of disability, the Ministry of Education and the competent authorities are obliged to establish special schools or institutions that are within easy reach and are tailored to the needs of the children with disabilities. The academic curricula in such schools must be related to the general education system but adjusted to the special needs of the children.¹⁴⁸

In Jordan, both Jordanian and non-Jordanian children with disabilities, are entitled to certain services and protections under the Disabilities Law. This law is aimed at promoting the rights and well-being of individuals with disabilities, including children.¹⁴⁹

Services and entitlements available to children with disabilities under the Disabilities Law include the following:

➤ **Education:**

- **Inclusive Education:** The Disabilities Law promotes inclusive education, ensuring that children with disabilities have the right to attend mainstream schools alongside their peers. Schools are required to make reasonable accommodations to support students with disabilities.
- **Special Education:** Jordan provides specialized education services and schools for children with severe disabilities who may benefit from a more tailored educational approach.

➤ **Healthcare:**

Children with disabilities are entitled to healthcare services, including medical assessments, treatment, and rehabilitation, to address their specific needs. These services are often provided through public healthcare facilities.

➤ **Accessibility:**

The law mandates that public buildings, transportation, and other facilities be made accessible to individuals with disabilities, including children. This includes provisions for ramps, elevators, and accessible restrooms.

➤ **Employment and Vocational Training:**

As children with disabilities transition into adulthood, they are entitled to vocational training and employment opportunities. Employers are obliged to hire individuals with disabilities and provide reasonable adjustments in the workplace.

➤ **Social Services:**

Children with disabilities may be eligible for various social services and financial support through the Ministry of Social Development. This can include financial assistance, aids and appliances, and other forms of support to improve their quality of life.

➤ **Legal Protections:**

The Disabilities Law establishes legal protections against discrimination and abuse of individuals with disabilities, including children. It also outlines penalties for those who violate the rights of individuals with disabilities.

➤ **Transportation:**

Special transportation services may be provided to children with disabilities to ensure they have access to education and healthcare facilities.

➤ **Community Involvement:**

The law encourages the active participation of individuals with disabilities in community life and decision-making processes, allowing children with disabilities to have a voice in matters that affect them.

148 Article 25, Child Rights Law.

149 However, as non-nationals, ex-Gazan children resident in Jordan are not provided with the same level of support and services provided to Jordanian individuals with disabilities and their families. This includes restrictions on financial assistance and access to rehabilitation and education programs.



Winter School (Photo: Tina Abu Hanna/NRC)

8.2 Right to Education

8.2.1 Basic Education and Compulsory School Enrolment

Education is compulsory in Jordan for all children from the ages of six (6) to sixteen (16) and parents and caregivers are obliged to enrol children in school.¹⁵⁰ The right to education for all children is guaranteed under the Child Rights Law.¹⁵¹ Students who go on to complete two (2) years of comprehensive secondary education receive a high school diploma and a school proficiency certificate.¹⁵²

UNRWA operate primary and secondary schools for registered Palestine refugees in Jordan.¹⁵³ Children with disabilities should be enrolled in public schools and institutions where possible. Educational institutions are required to make reasonable efforts to accommodate the special needs of such children. Where this is not possible, special schools or institutions should be established which are accessible and tailored to their needs of children with disabilities.¹⁵⁴

8.2.2 Documents necessary for school registration

Documents required for enrolment in school in Jordan include a:

- passport or family book.
- birth certificate.
- previous school transcripts (if applicable).
- residency card.¹⁵⁵
- MOI card from the district of residence (for Syrian children).¹⁵⁶

The Ministry of Education maintains updated procedures for admission and transfer of Jordanian and non-Jordanian students at school enrollment time.

150 Article 15(b), Child Rights Law.

151 Article 15(a), Child Rights Law.

152 Article 29, Education Law.

153 UNRWA, [Education in Jordan](#)

154 Article 25, Child Rights Law.

155 UNICEF [Jordan: Country Report on Out-of-School Children](#), 2014.

156 Brian Stauffer/HRW, ["I want to Continue to Study" Barriers to Secondary Education for Syrian Refugee Children in Jordan](#), Human Rights Watch, 2020; Al Abed, Mahmoud, [Jordan allows Syrian children with no documents to join school](#), The Jordan Times, 2017. On 7 September 2021, the documentation requirements were waived for the first semester of the academic year 2021-2022. However, students have to rectify their legal status and provide necessary documents by the end of the second semester.



Based on a waiver that is issued by the Prime Minister on a yearly basis,¹⁵⁷ in the absence of documentation certifying their previous schooling and a birth certificate, children are placed in school according to their perceived age.¹⁵⁸ This is based on a waiver issued by the Prime Minister on an annual basis.

8.2.3 Educational requirements, standards and duty of care

The Ministry of Education as well as individual educational institutions have certain obligations to ensure the right to education for children under the law.

The Ministry of Education is obliged to:

- provide appropriate facilities for children across educational institutions, including electronic means of learning.¹⁵⁹
- develop child-oriented materials and programs in accessible formats for children with disabilities.¹⁶⁰
- prevent children from dropping out of school.
- provide a high-quality system of education and allocate a sufficient number of teachers and counselors across educational institutions, and ensure that their performance, efficiency, and capabilities are improved and enhanced.
- provide awareness-raising programs on the child's growth, health, physical and psychological developments and ensure that children receive the right health education at all educational levels according to the age and maturity of the child and in a manner consistent with religious and social values.
- protect the child from the use of narcotics, psychotropic substances, and stimulants, including tobacco and alcohol, and raise awareness of the effects that may result from the addiction of the child or those around them to such substances.¹⁶¹
- identify any reporting mechanisms for cases of physical or humiliating punishments and any cases of bullying that may take place within the educational institutions, ensure the correct implementation and take any appropriate disciplinary and legal actions in relation to issues of bullying and mistreatment, including for children, parents and caregivers.¹⁶²

Educational institutions must:

- maintain the dignity of the child and prohibit all forms of violence at school, including physical or disrespectful punishment and all forms of bullying.
- allow the child, parents, or the caregiver to participate in making decisions related to the education system and the child's academic status.¹⁶³
- make reasonable accommodation for the needs of children with disabilities and ensure access to the school and facilities.¹⁶⁴

157 Prime Ministers Decision No. 14/11/1/48143 dated 31 of August 2023.

158 Stauffer, Brian/HRW "I want to Continue to Study": Barriers to Secondary Education for Syrian Refugee Children in Jordan.

159 Article 15(c), Child Rights Law.

160 Article 28(c), Child Rights Law.

161 Article 16(a-d), Child Rights Law.

162 Article 17(a1,b), Child Rights Law.

163 Article 17(a1,2), Child Rights Law.

164 Article 26, Child Rights Law. Where this is not possible on account of the level of disability of the child, the Ministry of Education is required to establish special schools catering to their needs.



8.2.4 Educational entitlements for Palestinian children

Admission to Jordanian public and private schools for Palestinians who do not hold Jordanian nationality is subject to the following:

- Palestinian students from the West Bank are permitted to study in Jordanian schools after obtaining approval from the Follow-up and Inspection Department / Ministry of Interior.
- Children of Palestine Liberation Organization (PLO) workers residing Jordan, who do not hold family reunification¹⁶⁵ and who do not have Bridges Statistical cards are permitted to study in Jordanian schools after obtaining approval from the Follow-up and Inspection Department.¹⁶⁶
- Children of Palestinian passport holders, family unification, and blue card holders are permitted to study in Jordanian schools after obtaining approval from the Department of Palestinian Affairs.¹⁶⁷
- Children of Gazans and ex-Gazans residing in Jordan since 1967, and who hold temporary Jordanian passports for a period of two or five years, are permitted to study in Jordanian schools, without the need for any approvals.

8.3 Right to Social Welfare and Assistance

The Jordanian government provides social assistance to Jordanian families through various ministries, with a significant focus on poverty alleviation and social welfare. The Ministry of Social Development plays a central role in this effort, but other ministries also contribute to addressing the diverse needs of Jordanian families. Social assistance provided includes the following:

Ministry of Social Development (MoSD):

Cash Transfer Programs: MoSD administers various cash transfer programs aimed at supporting vulnerable families. These programs include the National Aid Fund (NAF) and the Takaful program, which provide direct financial assistance to low-income households.

Social Protection Programs: MoSD implements social protection programs that offer a range of services, such as vocational training, educational support, and healthcare services, to improve the overall well-being of families in need.

Child Welfare: The ministry is responsible for child protection and welfare, addressing issues such as child abuse, neglect, and exploitation. It provides assistance to families in crisis situations to ensure the safety and well-being of children.

Disability Support: MoSD also provides support and services to individuals with disabilities and their families, including financial assistance and access to rehabilitation and education programs.

Ministry of Health (MoH):

The MoH offers healthcare services, including free or subsidized medical care, to Jordanian families through various public health facilities and hospitals.

165 Family reunification entitles Palestinians to an ID. This was originally an orange card issued by Israel but was replaced after the Oslo Accords by a green card issued by the Palestinian Authority. Information provided by UNRWA.

166 Bridge Statistical Cards are the yellow, green, and blue cards issued for Palestinians necessary to cross the Allenby Bridge.

167 Blue card holders are Palestinians with Jerusalem IDs.



Ministry of Education (MoE):

The MoE is responsible for providing educational opportunities to Jordanian children. It offers free public education and scholarships to eligible students.

Ministry of Labor (MoL):

MoL oversees labor-related policies and programs, including job placement services, vocational training, and employment opportunities. Under the Child Rights Law, children are entitled to their own share of any pensions or financial benefits owing to them in accordance with the relevant law.¹⁶⁸

Social Assistance provided for refugees by UN agencies:

Refugees must have an Asylum Seeker or a Refugee Certificate to access UNHCR services and aid from humanitarian agencies. UNHCR provide cash assistance to vulnerable families, based on eligibility criteria, as well as a range of other social protection services.¹⁶⁹

UNRWA provides social assistance services to Palestine refugees in Jordan through its Relief and Social Assistance (RSS) programme. This includes Social Safety-Net (SSN) assistance in the form of quarterly cash payments for particularly vulnerable Palestine refugees and selective cash assistance in the form of one-time cash grants for basic household needs or in family emergencies.¹⁷⁰ UNRWA staff, including social workers and community liaison staff, also provide a range of other social services and programmes, including referrals, for registered Palestine refugees.

8.4 Right to Freedom of Expression and Association

The Child Rights Law explicitly provides children in Jordan with the right to freedom of expression, both in their personal life and in legal or administrative proceedings which affect them. Under the law, children have the freedom to express their opinion in accordance with public order and morals, provided that their opinions are taken with due consideration according to the age and maturity of the child.¹⁷¹ However, such rights are subject to other laws in force in the country.¹⁷² This includes the right of authorities to adopt policies and take measures to prevent children from accessing any adult or mature content or being exposed to any cases of abuse or exploitation. Authorities are also entitled to seize, confiscate, destroy or ban any publications, books, records, photos, mini-films, or correspondence by any means as part of their right to prevent the dissemination of abusive or exploitative material.¹⁷³

Children also have the right to privacy under the law but with the qualification that the right to privacy is to be exercised with due regard to the rights and duties of the child's parents or trustees and in accordance with religious and social values and the relevant legislation.¹⁷⁴ Nevertheless, no-one may expose the child to any abusive interference or illegal decision affecting the child's life, family, or home or violate their honor or reputation.¹⁷⁵ As part of their right to freedom of expression and choice, children must also be provided with the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly or through a representative, in accordance with the procedural rules in force.¹⁷⁶ This reflects obligations on States under the Convention on the Rights of the Child.

168 Article 12(b), Child Rights Law.

169 UNHCR Jordan, [What We Do](#)

170 UNRWA, [Relief and Social Assistance Programme in Jordan](#)

171 Article 7(a), Child Rights Law.

172 Article 7, Child Rights Law.

173 Article 8(b), Child Rights Law.

174 Article 8(a), Child Rights Law.

175 Article 8(a), Child Rights Law.

176 Article 7(b), Child Rights Law.



8.5 Right to Social Development

The right to the **social development of the child** is established under the Child Rights Law. In furtherance of this rights, authorities are obliged to:

- provide public and safe gardens and places for children, within the possible resources.
- allow children to participate in determining and implementing recreational, cultural, artistic, and scientific programs.
- establish a proper basis for selecting and training workers who will carry out any recreational, cultural, artistic, and scientific activities involving children.

As a component of the right to social development, children are entitled to form associations and clubs for social and cultural activities and play games and sports, subject to any rules or restrictions set out in the law.¹⁷⁷

Children with disabilities are entitled to participate in public, social, educational, and cultural life and all other fields and authorities shall take the necessary measures and procedures to ensure that children with disabilities are fully integrated into society.¹⁷⁸ Workers dealing with children with disabilities must receive special training and authorities must take all the necessary measures to raise awareness of the rights of children with disabilities, including integration programs that are designed for such purposes.¹⁷⁹

177 Article 18(a), Child Rights Law.

178 Article 26, Child Rights Law.

179 Article 28, Child Rights Law.



Mohammed and Son (Photo: Beate Simarud/NRC)



Arabic Class (Photo: Tina Abu Hanna/NRC)

9. WORK RIGHTS AND CONDITIONS FOR CHILDREN



9.1 Working Age for Children

Children are permitted to work from the age of 16 years of age. The Labor Law prohibits employment of juveniles who have not completed sixteen years of age, except for the provision of vocational training.¹⁸⁰

9.2 Conditions and Restrictions on Work for Juveniles

No person under 18 shall be employed in dangerous or exhausting occupations or those harmful to health. The Minister shall specify these occupations after seeking the opinion of the competent authorities.¹⁸¹ Persons under 18 (juveniles) cannot be employed for more than six (6) hours a day or no more than four (4) hours successively without a break. They cannot be asked to work between 8 pm and 6 am, nor on religious feasts, public holidays or weekly holidays.¹⁸² Employers employing juveniles must ask for a copy of the birth certificate, a medical certificate declaring the juvenile's fitness to work and written consent from the juvenile's guardian. They must also keep a file with details of the juvenile's place of residence, date of his/her employment, the work for which he/she was employed, his/her wage, and leave taken and owing.

9.3 Special Conditions and Entitlements for Minors

The Ministry of Labor is obliged to carry out inspections on the implementation of the Labour law.¹⁸³ In order to ensure compliance with the law, the Ministry of Labor has created the Child Labor Inspection Department. Among its tasks is to ensure that private sector institutions comply with the provisions of the law through the intensification of periodic field inspection visits by labor inspectors, and the implementation of specialized inspection campaigns on some sectors in which there is child labor.¹⁸⁴

180 Article 73, Labour Law.

181 Article 74, Labour Law.

182 Article 75, Labour Law.

183 Article 5, Labour Law.

184 Ministry of Labour, Child Labour in Jordan



Children with disabilities are entitled to vocational training at the same training institutions and centres that are open for other children. In exceptional cases and given the nature of certain disabilities, authorities shall provide special vocational training programs in institutions or training centres that are tailored to the needs of children with disabilities and are within easy reach.¹⁸⁵

9.4 Employer Obligations to Minors

Both the Labor Law and the and Child Rights Law¹⁸⁶ prohibit **child labour**.¹⁸⁷ Penalties for violations are fines of between JOD 300-JOD 500, and in case of forced labor, the fine shall be between JOD 500 – JOD 1,000.¹⁸⁸ The penalty shall be doubled in case of repetition. The employer or the director or manager of the workplace shall be punished for any violations of the protections on juveniles in the workplace.¹⁸⁹

Other agencies with responsibility for protection of children from child labour practices include the Ministry of Labour,¹⁹⁰ the Ministry of Social Development¹⁹¹ and the Juvenile Police, which is specialized in juvenile affairs.¹⁹²

10. PROTECTIONS AGAINST ABUSE OF CHILDREN



The obligations on the State to **protect children from abuse and harm** are set out in the Child Rights Law as well as various provisions of the Penal Code and other laws and regulations. The Child Rights Law notes the right of every child in Jordan to be protected from all forms of violence, abuse, neglect, exploitation, physical, psychological or sexual abuse, or detention.¹⁹³ This protection is subject to the reasonable exercise of parental control and supervision over children.¹⁹⁴ The exposure of children to any forms of violence, abuse and exploitation is prohibited.¹⁹⁵

A range of government institutions, including the Ministry of Social Development, the Department of Family and Juvenile Protection and of the Jordanian police service are responsible for ensuring the protection of children in Jordan.¹⁹⁶ Providers of educational, health, and social services, labor inspectors, and anyone who is aware of cases of child abuse or exploitation as set out in the Child Rights Law, is required to notify the competent authorities of the allegation or incident of abuse.¹⁹⁷

10.1 Physical and Sexual Abuse

The Department of Juveniles and Protection under the Ministry of Social Development, and the Department of Family and Juvenile Protection under the Public Security Directorate handle reports of child abuse in Jordan.

185 Article 26, Child Rights Law.

186 Article 21, Child Rights Law.

187 Article 73, Labour Law.

188 Article 77, Labour Law.

189 Article 77, Labour Law with reference to Chapter 9 of the Labour Law which covers the protection of juveniles.

190 The Ministry of Labour are responsible for conducting workplace inspections to monitor compliance with the law. See Article 5, Labour Law.

191 Pursuant to Article 2, Juvenile Law.

192 Articles 33, 37, Juvenile Law.

193 Article 20, Child Rights Law.

194 Article 20, Child Rights Law.

195 Article 21(B), Child Rights Law.

196 See also Article 20, Child Rights Law.

197 Article 21(b), Child Rights Law.



The Family Protection Department is obliged to respond to every complaint or request for assistance or protection related to family violence (including child abuse) as quickly as possible.

Child abuse in this context includes any act or negligence, intentional or unintentional, that causes harm to the child's health, safety, psychological or physical development, dignity, or rights, including, but not limited to, physical abuse, psychological abuse, sexual abuse, neglect, maltreatment, exploitation, or any other act that jeopardizes the child's well-being.¹⁹⁸

Any public authority that receives such reports must refer them to the Family and Juvenile Protection Department to allow them to take the necessary measures. Mandatory reporting requirements for cases of child abuse extend to all health, educational and social service providers, whether in the public or private sector.¹⁹⁹

If the complaints are received from third parties other than the victim, the relevant authorities must obtain the consent of the victim in order to proceed with any complaint. However, such requirements do not exist when the victim is a minor. The Protection from Family Violence Act outlines the procedures that the Family and Juvenile Protection Department shall take when receiving a complaint or a report, which includes registering the complaint and the details of the incident in their records and taking the necessary measures to attend to any health issues which includes transfer to a health facility or another safe location as well as protecting witnesses.²⁰⁰

The Child Rights Law explicitly prohibits child abuse.²⁰¹ The Civil Service Regulations also prohibit any civil service employee from physically punishing any child and outlines the consequences for doing so.²⁰² Moreover, the Nurseries Bylaw prohibits physical, emotional and all forms of child abuse.²⁰³

The main crimes in the Jordanian Penal Law covering sexual abuse are the following:

- Rape of a minor between 15 and 18 years old which is punishable by 20 years of imprisonment.²⁰⁴
- Rape of a minor below 15 years old which is punishable by the death penalty.²⁰⁵
- Sexual intercourse with a minor between 15 and 18 years old which is punishable by 7 – 20 years of imprisonment.²⁰⁶
- Sexual intercourse with a minor between 12 and 15 years which is punishable by 15 - 20 years of imprisonment.²⁰⁷
- Sexual intercourse with a minor below 12 years old which is punishable by the death penalty.²⁰⁸

10.2 Neglect

In accordance with the Child Rights Law, every child is entitled to be provided with sufficient care and live in an environment where he or she is properly nurtured and in which human dignity is respected, with parents being primarily responsible for raising, guiding, and nurturing their child to ensure their development.²⁰⁹

198 Article 20, Child Rights Law.

199 Articles 4, 6(A), Protection from Family Violence Law No. 15 of 2017.

200 Articles 6(B), Protection from Family Violence Law.

201 Article 44, Child Rights Law.

202 Articles 68, 141, 148, Civil Service Regulations.

203 Article 31, Nurseries Bylaw No. 77 of 2018.

204 Article 292, Penal Code.

205 Article 292, Penal Code.

206 Article 294, Penal Code.

207 Article 294, Penal Code.

208 Article 294, Penal Code.

209 Article 5(b), Child Rights Law.



The law contains a detailed description of what constitutes **neglect of children** which prohibits the following treatment:

Neglecting the child, whether by their parents or the caregivers, deserting the child without any justified reason, or by leaving them unaccompanied, refusing to take in a child when a custody decision is issued or refraining from providing them a child with necessary medications, or cutting food.²¹⁰

10.3 Trafficking of Children

Crimes of human **trafficking, prostitution and pornography** are prohibited under the law.²¹¹ The National Committee for the Prevention of Human Trafficking is the body responsible for child trafficking in Jordan.²¹² The Anti-Human Trafficking Law outlines the roles and responsibilities of the National Committee, the scope of human trafficking crimes, penalties and punishments for individuals and corporations, the procedures that the authorities shall take when taking the victim in custody, the victim's rights, protection of witnesses, and the financial assistance to victims.

10.4 Exploitation of Children, including Economic Exploitation of Children

The social objective of protecting children from exploitation is achieved through various pieces of legislation:

- The **Child Rights Law** prohibits any forms of human trafficking, prostitution, exploitation, pornography, or any other forms of sexual abuse against children.²¹³
- The **Protection Against Family Violence Act** protects children who are subjected to abuse from their parents, relatives (up to fourth degree relatives), in-laws and children in adopted households.
- The **Labour Law** prohibits the employment of children under the age of 16 in any form of employment and prohibits the employment of children under the age of 18 in a dangerous occupation.²¹⁴
- The economic exploitation of children, including forced labour or begging, are prohibited under the **Child Rights Law**.²¹⁵
- The **Penal Code** prohibits consensual adultery with a minor.²¹⁶
- The **Cyber Crime Law** increases the penalties for cyber-crime offences if the acts include pornographic acts or related to the sexual exploitation of a person who has not completed eighteen years of age.²¹⁷

10.5 Economic Exploitation of Children

Jordan has ratified the Optional Protocol to the Convention of the Rights of the Child on the Involvement of Children in Armed Conflict. The protocol obliges states to prevent the recruitment of persons under the age of eighteen to armed groups. It also requires States to take all necessary measures to make effective the prevention of child recruitment to armed groups.²¹⁸

210 Article 21(3), Child Rights Law.

211 Article 21(2), Child Rights Law.

212 Article 4, Anti-Human Trafficking Law No. of 2009.

213 Article 21(2), Child Rights Law.

214 Articles 73, 81, Labour Law.

215 Article 21(3), Child Rights Law.

216 Articles 292-294, Penal Code.

217 Article 13, Cyber Crime Law.

218 Sommerfelt and Taylor, [The big dilemma of small soldiers: recruiting children to the war in Syria](#), NOREF, February 2015.



10.5.1 Mandatory reporting requirements

Under Jordanian law, anyone with knowledge of certain offences, such as terrorist activities, is obliged to report them to authorities. This includes reporting the involvement of minors in such activities. The Prevention of Terrorism Law 2006 provides that every person who has knowledge related to the existence of a terrorist plot or has access to information related to a terrorist activity inside Jordan or against its citizens or its interests abroad must inform the Public Prosecutor or the security services.²¹⁹ Joining or attempting to join either an armed group or terrorist organization is criminalised under the Prevention of Terrorism Law.²²⁰

The Prevention of Terrorism Law provides that people who do not report terrorist activity shall be imprisoned for a minimum of three months and a maximum of three years. The punishment is doubled if the person in question is a public servant.²²¹ According to the UN UNODC, Handbook on Children Recruited and Exploited by Terrorist and Violent Extremist Groups, children and staff who report terrorist activities should be provided with prompt assistance and should be protected and rewarded.²²² There is no provision penalizing interacting with people with former associations with armed or terrorist groups. The major risk is being prosecuted for failure to report in contravention with Article 5 of the Terrorism Law.

10.6 Mandatory Reporting of child abuse

There are **mandatory reporting requirements for child abuse and gender-based violence**. These were implemented under the National Framework for Family Protection against Violence, which identified types of violence including driving a person to suicide.²²³

Certain agencies and persons involved in helping professions (teachers, social workers and health staff) must report actual or suspected child abuse to the Family and Juvenile Protection Department of the Public Security Directorate. Public officials are required to report misdemeanours and felonies under the Penal Code.²²⁴ Providers of educational, health, and social services, labor inspectors, and anyone who is aware of cases of child abuse is required to notify the competent authorities.²²⁵ This includes cases of physical or sexual abuse, exploitation of children, forced labour, neglect, human trafficking, prostitution or involvement of children in pornography.²²⁶ In order to facilitate reporting of abuse, persons who report such allegations in good faith are not to be prosecuted.²²⁷ All persons must help children seeking them out in order to report such incidents of abuse.²²⁸

In cases of gender-based violence, Ministry of Health Internal Protocols exist which require reporting in cases of attempted suicides (to the Family and Juvenile Protection Department and to the Ministry of Health Family Protection Committee).²²⁹

219 Article 5 of Anti-Terrorism Law. Under Article 2 of the Law, a terrorist act is defined as “any deliberate act, threat thereof, or abstention from an act, regardless of its motives, purposes, or means, which is intended to carry out an individual or collective criminal project that endangers the safety of society and its security, or causes discord if it disrupts public order, spreads terror among people, intimidates them, endangers their lives, damages the environment, public or private properties, international or diplomatic missions, occupies any of them, seizes them, endangers national or economic resources, or compels a legitimate authority or international or regional organization to perform an act or abstain from it or obstructs the application of the constitution, laws, or regulations.”

220 Article 3(c), Anti-Terrorism Law.

221 Article 7, Anti-Terrorism Act.

222 Articles 38, 40, Convention on the Rights of the Child. See also Chapter 3, UNDOC, [Handbook on Children Recruited and Exploited by Terrorist and Violent Extremist Groups: The Role of the Justice System](#), 2017.

223 UNICEF, [Final Report: Comprehensive evaluation of the UNICEF-supported specialised child protection case management response in Jordan 2013-2017](#), 28 September 2018; Standard Operating Procedure Task Force, [Inter-Agency Emergency Standard Operating Procedures for Prevention of and Response to Gender-Based Violence and Child Protection in Jordan](#), 2013, (Inter-Agency SOPs) pp12-13.

224 UNICEF Final Report, p42.

225 Article 21(b), Child Rights Law.

226 Article 21(a), Child Rights Law.

227 Article 22(b), Child Rights Law.

228 Article 22(a), Child Rights Law.

229 Interagency SOPs, 29.

10.7 Responses to Youth Suicide

Jordan's National Mental Health Policy of 2011 cites suicide as a 'priority condition.'²³⁰ In 2017, the Public Security Department started a suicide prevention hotline.²³¹ This came about as a result of a rise in suicides and suicide attempts in Jordan, especially among young people. Various Ministry of Health policy initiatives relate to mental health although they do not directly address or specify suicide.²³²

There are no domestic laws specifically criminalizing suicide in the case of children. However, the Penal Code provides the following:

- whoever incites a person to commit suicide or assists them in any of the ways stipulated in Article 80 of the Penal Code shall be punished by temporary detention.
- if the person does not commit suicide but attempts to do so, then the penalty shall be imprisonment from three months to two years, which is extended up to three years if it results in a permanent disability or harm.²³³

There are laws that dictate voluntary and involuntary admission to psychiatric hospitals. Under the Public Health Law patients that present a danger to themselves must be admitted.²³⁴

230 [The Hashemite Kingdom of Jordan National Mental Health Policy](#), 2011, p42.

231 Sawsan Tabazah, [Police Launches Suicide Hotline as Numbers Rise](#), The Jordan Times, October 2017.

232 These include the Ministry of Health Strategic Plan (2018-2022), Health Sector Reform (2018-2022), National Strategy for Health Sector in Jordan (2016-2020), National Mental Health and Substance Use Action Plan (2018-2021).

233 Article 339, Penal Code.

234 Article 14(a2), Public Health Law No. 47 of 2008; Walid Sarhan et al., "Mental health law in Jordan," *International Psychiatry*, Vol. 10, 2013, p91.



Wall Art (Photo: Beate Simarud/NRC)



Kids in Camps (Photo: Hussein Amiri/NRC)

11. JUVENILE JUSTICE



The **Juvenile Law, Penal Code and Child Rights Law** contain specific provisions and protections for children in conflict with the law. The principles underpinning the Juvenile law are those of prevention of criminal behaviour and rehabilitation and re-integration of juveniles who have committed crimes.²³⁵ As a general protective measure, authorities are required to take preventive and educational measures to prevent children from committing crimes as well as protect them from the risks of electronic crimes. Juveniles who are charged with a crime are entitled to be respected and to be informed of their legal rights in a language they understand according to their age.²³⁶ They have the right to legal assistance.²³⁷

A wide range of actors and agencies are responsible for different aspects of juvenile justice in Jordan including:²³⁸

- The Family and Juvenile Protection Department (PSD) who have responsibility for dealing with juveniles in conflict with the law, and minors who are considered to be in need of protection.²³⁹
- Magistrates Court who have responsibility for misdemeanours and crimes of less than two years imprisonment.²⁴⁰
- Juvenile Court of First Instance (Juvenile Court) who have responsibility for misdemeanours and crimes of more than two years imprisonment.²⁴¹
- The Office for Behaviour Monitoring (Probation Service) within the Ministry of Social Development.²⁴²
- Juvenile Rehabilitation Institutions who are responsible for the reform, education and rehabilitation of convicted juveniles.²⁴³
- Juvenile Welfare Centres who provide care and protection to juveniles who cannot be cared for within their family environment.

235 See for example, Article 23, Child Rights Law.

236 Article 23(b), Child Rights Law.

237 Article 24, Child Rights Law.

238 See UNICEF, Situation Analysis of Juvenile Justice in Jordan, for a detailed analysis.

239 Article 3(a), Juvenile Law.

240 Article 15(d), Juvenile Law.

241 Article 15(e), Juvenile Law.

242 Article 15(a), Juvenile Law.

243 Article 2, Juvenile Law.



11.1 Age of Criminal Responsibility

The age of criminal responsibility is twelve years old under the Juvenile Law (regardless of the type of offence).²⁴⁴ Provisions in the Penal Code that apply to repeated offences do not apply to juveniles and judges may review any restrictions placed on the juvenile and make appropriate adjustments.²⁴⁵

11.2 Special Procedures for Dealing with Juvenile Offenders

All children have the right to legal assistance in relation to criminal proceedings. This covers legal advice and legal representation before any security centres, public prosecution departments and courts, including the execution judge.²⁴⁶

Special procedures and rights for juveniles include the following:

- juveniles detained for a misdemeanour must be released on bail or a cash or personal bond unless this would be against the best interests of the juvenile.²⁴⁷
- juveniles detained for a criminal offense, can be released on bail or a cash or personal bond if the circumstances of the case or the situation of the juvenile requires it.²⁴⁸
- juveniles may only be arrested or placed in a juvenile facility if there is a decision from a competent judicial authority to do so.²⁴⁹
- courts must appoint a lawyer for the juvenile if they do not have a lawyer or cannot appoint one.²⁵⁰
- the lawyer for the juvenile must be present at all stages of investigation and trial.²⁵¹
- upon the initiation of the investigation, a probation officer must submit a detailed report on the conditions of the juvenile's circumstances.²⁵²
- the court must explain the charge against the juvenile at the start of trial and shall ask him or her about the charges in simple language which they understand.²⁵³
- juveniles may not be tried unless a parent, a guardian, or a custodian is summoned to be present (note: the Law does not specify whether parents or guardians should be present during interviews).²⁵⁴
- procedures and trials of juveniles are confidential.²⁵⁵
- court proceedings may not be postponed for more than seven days.²⁵⁶
- courts must adjudicate cases within three months from the date of their receipt, which is extended to six months for cases of felonies.²⁵⁷
- measures taken against juveniles cannot disrupt their education.²⁵⁸

244 Article 4(b), Juvenile Law.

245 Articles 4(g-h), Juvenile Law.

246 Article 24 of Child Rights Law.

247 Article 9(a) of Juvenile Law.

248 Article 9(b) of Juvenile Law.

249 Article 8 of the Juvenile Law.

250 Article 21(a) of the Juvenile Law.

251 Article 21(b) of the Juvenile Law.

252 Article 11 of the Juvenile Law.

253 Article 22 of Juvenile Law.

254 Article 22(a) of the Juvenile Law.

255 Articles 14(a), 17 of the Juvenile Law.

256 Article 20(a) of the Juvenile Law.

257 Article 20(b) of the Juvenile Law.

258 Article 4(e) of the Juvenile Law.



- juveniles may not be sentenced to death or hard labour.²⁵⁹
- juveniles cannot be restricted, isolated, or be subject to any force unless they are violent.²⁶⁰
- supervisory authorities must provide juveniles with proper medical care, regardless of the type of illness or disease.²⁶¹
- juveniles may not be mixed with adults who have been charged with or convicted of crimes.²⁶²

Different penalties are applicable for different categories of criminal offences and are dependent upon the age of the juvenile as follows. **Felonies** are serious offences and are defined as every criminal act where the penalty for such acts is punishable by either the death penalty, life imprisonment, temporary imprisonment.²⁶³ **Misdemeanours** are less serious offences and are defined as every criminal act where the penalty for such act is imprisonment for a period of between one week and three years and a fine between five JOD and 200 JOD.²⁶⁴

The following table highlights differences in punishment, depending on the age of the juvenile offender.²⁶⁵

Original Punishment for adults	Juvenile between 15 and 18 years	Juvenile Below 15 years
Felony that requires the death penalty	8 – 12 years in a Juvenile Rehabilitation Home	6 - 10 years in a Juvenile Rehabilitation Home
Felony that requires a life sentence of hard labour	5 - 10 years in a Juvenile Rehabilitation Home	3 - 8 years in a Juvenile Rehabilitation Home
Felony that requires temporary hard labour or detention	3 - 5 years in a Juvenile Rehabilitation Home	1 - 3 years in a Juvenile Rehabilitation Home
Misdemeanour that requires imprisonment	One third of the period stipulated in the Penal Code	Alternative procedures specified in article 24 of the Juvenile Law

11.3 Juvenile Courts

Cases of juvenile offenders are heard by a special **Juvenile Court**.²⁶⁶ No juvenile can be tried except before the competent Juvenile Courts and in accordance with the provisions of this the Juvenile Law.²⁶⁷ Where there is no Juvenile Court, cases of children in conflict with the law are handled by the normal Criminal Courts and dealt with by specialist child-judges.²⁶⁸

Execution judges are responsible for monitoring the implementation of any arrangement or measure to which the juvenile has been convicted.²⁶⁹

259 Article 4(c) of the Juvenile Law.
 260 Article 4(d) of the Juvenile Law.
 261 Article 4(f) of the Juvenile Law.
 262 Article 5, 42 of the Juvenile Law.
 263 Article 14, Penal Code.
 264 Article 15, Penal Code.
 265 See Articles 25-26, Juvenile Law.
 266 Article 15, Juvenile Law.
 267 Articles 2, 15, Juvenile Law.
 268 Article 15(b), Juvenile law. See also UNICEF Final Report, p45.
 269 Article 29, Juvenile Law.



11.4 Reform and Care Measures for Juveniles

A key principle of the Juvenile Law is rehabilitation and re-integration of juvenile offenders. Various non-custodial alternatives to imprisonment are available for juveniles convicted of crimes. These include; censure and reprimand, return to the family's custody, community service, vocational training, rehabilitation programmes or commitments to undertake certain actions or not to take certain other actions.²⁷⁰

If a juvenile is sentenced to a period of imprisonment, they will be sent to a Juvenile Rehabilitation Institute. These are institutions established under law for the reform, education and rehabilitation of juveniles.²⁷¹ There are a number of situations in the law in which children considered to be in need of care and protection can be transferred from the criminal justice into Juvenile Welfare Institutions.²⁷²

Behavior Monitors play a key role in making recommendations to justice actors about appropriate care and reform measures for juveniles. At the beginning of the criminal investigation they are required to submit to the prosecutor a detailed written report, including information concerning the conditions of the juvenile and his or her family, the physical, social and environmental circumstances under which they have been reared, as well as his or her educational background.²⁷³

When deciding on reform measures the court must consider the best interest of the juvenile, the basis of the Behavior Monitor's report and the statements provided in the criminal case. The court must also respect the rights of the juvenile and consider means of reforming and integrating them back into society.²⁷⁴

The Ministry of Social Development is responsible for providing children placed in juvenile homes with well-balanced meals, appropriate preventive and curative care, basic education, psychosocial and social support as well as developing reintegration programs, and allocating the necessary facilities. including the provision of reasonable accommodations for children with disabilities. An adequate level of health and hygiene must be maintained in juvenile homes and special accommodation centres.²⁷⁵

11.5 Police Special Procedures

Juvenile Police Departments (JPD) have been established within police stations in Jordan to deal with juveniles in conflict with the law.²⁷⁶ These specialized departments deal with all offences committed by juveniles with the exception of drug offences, sexual and domestic offences and serious crimes such as murder or terrorism.²⁷⁷

Depending on the nature and seriousness of the offence, the police have the power to recommend settlement and resolution of the case outside of judicial proceedings. Cases eligible for settlement include those of violations and misdemeanors punishable by less than two years imprisonment, cases dependent on a complaint of the injured party and cases where both parties agree to settlement of the issue.²⁷⁸

Cases that cannot be resolved by the Juvenile Police Department can be referred to the Settlement Courts. In 2021, the Juvenile Police Department was merged with the Family Protection Police Department.

270 Article 24, Juvenile Law.

271 Article 2, Juvenile Law.

272 Articles 33-34, Juvenile Law.

273 Article 11, Juvenile Law.

274 Article 18, Juvenile Law.

275 Article 29, Child Rights Law.

276 Articles 2, 15, Juvenile Law.

277 UNICEF, Final Report, p43.

278 Article 13, Juvenile Law.



11.6 Detention of Children

Juveniles cannot be detained except by a decision authorising their detention issued by a competent court.²⁷⁹

There are certain restrictions on the detention of juveniles under the law:

- If a juvenile is arrested for a misdemeanour, they must be released in exchange for a bond of financial guarantee or a cash guarantee that guarantees their presence for the course of the investigation.²⁸⁰
- A juvenile arrested for a criminal offence, depending on the circumstances of the case, may be released in exchange for a legal or financial bail bond that guarantees their presence for the course of the investigation.²⁸¹
- Any detention period may be renewed only once and the Juvenile Rehabilitation Institute must be informed of the renewal in writing.²⁸²
- Juveniles arrested for misdemeanours or felonies can only reside in the Juvenile Rehabilitation Institute for a maximum of ten days.²⁸³

Judges may release a convicted juvenile if, upon speaking with the director of the rehabilitation home, the offender meets the following conditions:

- they are of good conduct.
- they have completed at least one third of their sentence.
- their release does not endanger their life or safety.
- they are not convicted of a crime punishable by death or fifteen years or more of hard labour.²⁸⁴

Some reports indicate the de facto migration-related detention of children in Jordanian refugee camps.²⁸⁵ However, there are no criminal law regulations on the issue that detail the lawfulness of this detention or the process for release.

11.7 Mandatory Reporting of criminal offences by juveniles

The Juvenile Law imposes the obligations to report on juveniles who are considered as in need of protection, including juveniles who are alleged to have breached the law in relation to certain crimes such as gambling or prostitution. According to the Law, everyone who works in health, educational, or social facilities is required to report on juveniles who commit such acts.²⁸⁶

The difference between mandatory reporting of criminal offences and mandatory reporting of child abuse should be noted. These are completely separate issues. In one case the child is the alleged perpetrator and in the other the child is the alleged victim, although children may be both perpetrators and victims at the same time and there are issues of criminal liability and capacity. Different procedures and legal consequences are applicable for each.

279 Article 8, Juvenile Law.

280 Article 9(a), Juvenile Law.

281 Article 9(b), Juvenile Law.

282 Article 9(c), Juvenile Law.

283 Article 9(d), Juvenile Law.

284 Article 32(a), Juvenile Law.

285 See paragraph 2.6, Global Detention Project, [Jordan Immigration Detention Profile](#), July 2020.

286 Article 36, Juvenile Law.



Maryam (Photo: Hussein Amiri/NRC)



12. SELECT BIBLIOGRAPHY

- ✓ Global Detention Project, [Jordan Immigration Detention Profile](#), July 2020.
- ✓ NRC/ISI, [Understanding Statelessness in the Syria Refugee Context](#), 2016.
- ✓ NRC/UNHCR, [Guidance Note on Documents Requested for School Enrollment and National Exams in the Syrian Arab Republic](#), May 2018.
- ✓ IHRC/NRC, [Registering Rights: Syrian refugees and the documentation of births, deaths and marriages in Jordan](#), October 2015.
- ✓ Standard Operating Procedure Task Force, [Inter-Agency Emergency Standard Operating Procedures for Prevention of and Response to Gender-Based Violence and Child Protection in Jordan](#), 2013.
- ✓ Brian Stauffer/HRW, ["I want to Continue to Study" Barriers to Secondary Education for Syrian Refugee Children in Jordan](#), 2020.
- ✓ UNICEF/NCFA, [Situation Analysis of Juvenile Justice in Jordan](#), 2018.
- ✓ UNICEF, [A Study on Early Marriage in Jordan](#), 2014.
- ✓ UNICEF, [Final Report: Comprehensive evaluation of the UNICEF-supported specialised child protection case management response in Jordan 2013-2017](#), 28 September 2018.



Happy Kids (Photo: Beate Simarud/NRC)



LEGAL GUIDE TO CHILD'S RIGHTS IN JORDAN

