



# Empowering Care Leavers in Jordan.

7 March 2017

—



**USAID**  
FROM THE AMERICAN PEOPLE

KING HUSSEIN FOUNDATION  
مؤسسة الحسين  
مركز المعلومات والبحوث  
INFORMATION AND RESEARCH CENTER



**fhi360**  
THE SCIENCE OF IMPROVING LIVES

# Table of Contents.

<b>Acronyms and Abbreviations</b>	<b>4</b>
<b>Executive Summary</b>	<b>5</b>
<b>Chapter 1 / Introduction</b>	<b>6</b>
1.1 Structure of the Report	6
<b>Chapter Two / Literature Review</b>	<b>8</b>
2.1 Introduction	8
2.2 Terminology used in Literature	8
2.3 Available Statistics in Literature	9
2.4 Quality of Residential Care Homes in Jordan	9
2.5 Impacts of Transitioning out of Care on YDFT	11
2.6 Forms and Areas of Stigmatization	12
2.7 Sub Groups: Additional Challenges	12
2.8 Key Findings of Literature Review	13
2.9 Literature Review Conclusions	13
<b>Chapter Three / Legislative Review</b>	<b>14</b>
3.1 Introduction	14
3.2 Defining the term 'Deprived of Family Ties'	14
3.3 The position of International Human Rights Law towards those deprived of family ties	15
3.4 Jordan's Adherence to the Principles of the Convention on the Rights of the Child	21
3.4.1 Improvements in Jordan	21
3.4.2 Local Initiatives in Jordan	23
3.5 Legal Status of Individuals Deprived of Family Ties in Jordanian Legislation	23
3.6 Legislative Review Conclusions	28

<b>Chapter Four / Media Review</b>	<b>30</b>
<b>4.1</b> Introduction	30
<b>4.2</b> Methodology	30
<b>4.3</b> Findings	31
<b>4.3.1</b> 2007-2009	31
<b>4.3.2</b> 2010-2012	32
<b>4.3.3</b> 2013-2014	32
<b>4.3.4</b> 2015	33
<b>4.4</b> Media Review Conclusions	34

## Table of Figures.

---

<b>Figure 1 /</b> Findings on Quality of Residential Care Homes	<b>10</b>
<b>Figure 2 /</b> Negative process of poor education & employment	<b>11</b>
<b>Figure 3 /</b> Reporting Process of the Committee on the Rights of the Child	<b>15</b>

# Acronyms & Abbreviations

---

**CDFT**

Children Deprived of Family Ties

**CPC**

Child Protection Committee

**CRC**

Convention on the Rights of the Child

**EDC**

Early Childhood Development

**IRCKHF**

Information and Research Center – King Hussein Foundation

**MOSD**

Ministry of Social Development

**UNICEF**

United Nations Children Fund

**YDFT**

Youth Deprived of Family Ties

# Executive Summary.

---

The Information and Research Center- King Hussein Foundation (IRCKHF), with the support of a Democracy and Governance Grant from FHI 360 and USAID, is engaged in a project aimed at improving the lives of youth deprived of family ties in Jordan.

The project aims at identifying and reducing the legal and social inequalities and discrimination faced by youth deprived of family ties in Jordan who are or have been residents of care centers, and providing care leavers with a support system to allow for a smooth transition from alternative care to independence.

In this volume of the research, IRCKHF provides a review of literature, legislation, strategies & best practices, and media coverage surrounding youth deprived of family ties in Jordan as well as relevant international treaties and conventions.

The literature review provides an introductory review of youth and children deprived of family ties, develops academic, governmental, and non-governmental reports using different terminology and categories to describe children deprived of family ties. Unfortunately, it is difficult to obtain a clear picture on the number of children and youth deprived of family ties because the official categories and definitions of children in this situation are also inconsistent.

The quality of care received by these children, as well as the qualifications and skills they leave with greatly impact the quality of their lives after care. The assumption that these youth can shift to a state of complete independence after leaving care is decidedly unrealistic. Once the youth leave with low educational qualifications and no life skills, they tend to remain trapped in a cycle of low qualifications, poor employment conditions and low quality of life. The family unit is the cornerstone of a collective society in Jordan. The lack of family support and protection is the root cause of many problems and stigma facing the youth deprived of family ties.

As for the legislative review, there is a variety of relevant legislative documents concerning those deprived of family ties. The first part of this review addresses the subject from the juvenile criminal justice angle, as is the case for the Juvenile Law. The second part examines the role that regulations and instructions issued by the Ministry of Social Affairs and Labor Law play in providing protection and care for the families deprived of support. The third part deals with the rights of those deprived of family ties in terms of the Personal Status Law, Nationality Law and Civil Law.

It is noted that there is a contradiction in the special conditions placed upon those individuals responsible for fostering juveniles deprived of family ties. Many experts also believe that the placement instructions deprive many families of the right to foster, which deprives many juveniles of a normal family environment to live in.

The Guidelines for the Alternative Care of Children were designed to enhance the implementation of the CRC. Their goals reflect their use and utility to Jordan; the first goal emphasizes the family unit to be the best environment in which a child can grow, as well as their recognition of Kafala (sponsorship) as an accepted form of alternative care. The second goal emphasizes the need for appropriate alternative care until a permanent solution is reached. The third and fourth goals aim to assist governments in the implementation of the CRC by guiding their policies and decisions in the public and private sectors.

While Jordan has made some considerable improvements in light of recommendations made by the CRC throughout the years, many issues still unsolved. While multiple strategies and plans have been put into place, some of them have yet to be implemented. Other strategies and plans were well structured, yet there have been no public reports of their implementation or accomplishment, making it hard to judge their efficiency, strengths, and possible areas of improvement. As such, we recommend that such plans and strategies include a system to monitor, evaluate, and assess their progress in the future.

Additionally, it is necessary that we recognize the discrimination resulting from the use of terminology like ‘illegitimate, foundlings, and of unknown lineage’ in Jordanian legislature. While the use of such terminology is not intended to deny any individual his/her right, it certainly does contribute to the spread of a social stigma that is harmful to them on a social level.

The presence of such terminology in formal institutions of the state also encourages its spread and use throughout all levels of society, such spread is most notable in the terminology used by various media outlets in their coverage of this issue throughout the years. This report found a remarkable increase in media coverage of issues pertaining to children deprived of family ties. Over time, media outlets have intensified their coverage related to orphans. Newspapers like Al-Ghad have championed this issue and increased public awareness of the state of children deprived of family ties in society.

This report represents the first volume of this project and lays down a basis for the forthcoming work, and identifies the social and legal discrimination faced by youth deprived of family ties in the country. As such, this volume provides an overview of the environment where these youth grow up. This includes the social and institutional aspect of family care and after care for children deprived of family ties as well as the evolution of media coverage of this issue. The next volume explores the findings of the primary research on the subject which will shed more light on this subject-matter issue with a hope to improve the lives of children deprived of family ties in Jordan.

# Chapter 1

# Introduction

---

With the support of a Democracy and Governance Grant from FHI360 and USAID, the Information and Research Center – King Hussein Foundation (IRCKHF) was given the opportunity to continue its work of researching and advocating the rights of children in Jordan.

In 2013, IRCKHF participated in the Children’s Rights Committee’s Review of Jordan in the pre-sessional working group reviewing the State’s progress in upholding their agreement to the Convention on the Rights of the Child (CRC). While it is apparent that many developments took place in the protection of the rights of children in Jordan, however, there are forms of discrimination still need to be addressed, including gender stereotypes, the right to nationality, and specific issues for children in alternative care.

There is no doubt that orphans have captured the country’s attention since the establishment of Jordan as a state. His Majesty the Late King Hussein established Jordan’s first care center, known as the al-Hussein Social Center, in 1953 – less than one year after HM’s inauguration. In the 1980’s King Hussein designated one of his palaces to become a care center, re-emphasizing HM’s commitment to serving orphans and children in alternative care. Under this orphan label, there are also ‘categories’ of children that are often included in the government’s definition of orphans, including children born out of wedlock: children of either an ‘unknown origin’ or who were completely abandoned by their caretakers and often unofficially referred to as ‘children of sin.’ Often, children from broken families and those born out of incest are also grouped under this category. Many children deprived of family ties are forced to embrace such labels as their new identity, preventing them from full inclusion in the Jordanian society.

Children and youth deprived of family ties are highly stigmatized in Jordan. In a country where the basic unit is that of the family, and is therefore highly reliant on family ties in order to trace the lines of patrilineal citizenship, “orphans in Jordan are expected to survive and thrive within citizenship structures that assume the centrality of family while they are not part of families,” resulting in their social alienation and exclusion. While living in alternative care is a very challenging experience in the lives of those deprived of family ties, there are other equally challenging

circumstances facing those individuals. Upon turning 18, many of those residing in care institutions are left on their own and forced to integrate into society without an appropriate support network which many of them desperately need due to their lack of certain social skills.

Building on IRCKHF experience in research and advocacy on behalf of the rights of children and youth in Jordan and the region, this project was designed to address the discrimination and challenges facing this vulnerable group of youth, and more specifically, after they leave the protection of alternative care. The goal of this project is to identify and reduce the legal and social inequalities and discrimination faced by youth deprived of family ties in Jordan who are or have been residents of care centers, and provide care leavers with a support system that allows for a smooth transition from alternative care to independence. The objectives are:

- i.** Identify the most salient forms of discrimination faced by youth deprived of family ties in Jordan, whether social, legal, or other.
- ii.** Create a network of civil society organizations to provide services for care leavers in Jordan by building their capacities in order to continue and improve their services through inter-organizational cooperation as well as coordination with the Ministry of Social Development.
- iii.** Reduce the stigma and discrimination orphans face by raising awareness and advocating for their legal and social rights so that care leavers can fully integrate into society.
- iv.** Develop an evidence-based draft of the national strategy and policy recommendations on alternative care in order to resolve the issues and obstacles faced by care leavers in Jordan.

## 1.1 Structure of the Report

In order to get an understanding of and identify the various forms of discrimination youth deprived of family ties face, it is necessary to first examine the alternative care system, the guidelines of this system, and the information available about it as covered by the literature, legislation and media. For this reason the following volume is divided as follows:



### **a.Literature Review**

The literature review is based on a desk review of all previous researches conducted on children and youth deprived of family ties and care leavers in Jordan. It looks at academic, governmental, and non-governmental reports, but is primarily based on two academic papers by Dr. Rawan Ibrahim and Ms. Hind Farahat, as they are the most prominent research publications with regard to this group of youth in Jordan that were obtainable at the time of writing this report. The section also explores the terminology used in literature, as well as the different challenges faced by children and youth deprived of family ties (in and out of care). This will provide an academic basis for the information available on this issue. It will also guide the subsequent phases of the research by providing a deeper understanding of the problems and aspects of discrimination that those deprived of family ties experience in Jordan, as well as the sources of such problems.

### **b.Legislative Review**

This section explores the formal network of institutions relevant to the topic of those deprived of family ties. It aims at providing overview of relevant legislation in Jordan concerned with this category, as well as conventions, treaties, and guidelines involving this category that are relevant to Jordanian context. Through such examination, the research will investigate the presence of any forms of discrimination that are formally instituted within Jordan. It also aims at exploring the strengths as well as possible areas of improvements in this context. This will inform the following phases of the project by identifying the targets for possible policy recommendations that would alleviate the hardships faced by care leavers. This section is based on the thorough review of articles within Jordanian laws, Jordan's position in compliance with the best-internationally-accepted practices, and multiple interviews with legal experts who have had relevant experiences in dealing with the category of those deprived of family ties (interview tool found in annex 1).

### **c.Media Review**

While the first section of the report aims to investigate dis-

crimination present within formal institutions of the legal framework, this section aims to gain a better understanding of relevance of this issue and the proliferation of discrimination against those deprived of family ties in society. The analysis of the media coverage is based on a review of content in 5 national newspapers (online), 17 local online news sites and 2 international news sites from January 2007 to March 2015. In order to analyze the content, our team searched the archives of these sites using different key words. The reached results were then analyzed in a way that examines the context in which the terminology was used. The selection of the sites was based on three papers that listed the most commonly visited newspapers and websites in Jordan. A total of 65 articles were found and reviewed. The results of the review are divided into three time periods: 2007-2009; 2010-2012; and 2013-2014. For each time period, two components are explored: type of coverage and terminology used.

### **d.The Research Design**

This section outlines the conceptual and technical design of the remaining research for this project. Having reviewed the existing information in the form of past research, the system as shaped by legislation and strategies, and its media coverage, the remainder of the project is outlined conceptually through the selection of the theoretical framework of identity theory, and sketched out technically in order to explain how the project goals and objectives will be achieved.

### **e.Conclusions and the Relevance of the Research**

This chapter will analyze all the conclusions and findings of the previous chapters of this volume. By linking all the findings together, the significance of this research -and that to be conducted in the coming phase- is realized, as well as the gaps within the existing information that need to be filled by this research in order to achieve the objectives of the project and the overall goal. Only then will the various forms of discrimination be identified, the stigma be reduced, and the role that civil society needs to play be understood. Finally, it will allow civil society to work with the Jordanian Ministry of Social Development in preparing those youth for a smoother transition after care and inclusion in the Jordanian society.

# Youth Deprived of Family Ties in Jordan: The Discrimination in the Name



As part of their duties as a State Party to the Convention on the Rights of the Child, Jordan periodically submits a State report to the Committee on the Rights of the Child (CRC) on the measures they have adopted, which give effect to the rights recognized by the Convention. A recurring point of disagreement between the CRC and Jordan is the use of classification in reference to those deprived of family ties. The following timeline summarizes the terminology used in Jordan's State reports and the relevant comments made by the CRC in their Concluding Observations:

## JORDAN:

Jordan signs CRC in 1990

Jordan ratifies the CRC by Royal Decree

Jordan submits their 1st report, referring to categories of children **'born out of wedlock'** as **'illegitimate'** and **'foundlings'**

Jordan's 2nd report: **'illegitimate'**, **'abnormal case'**, **'out of wedlock'**, **'foundlings'**, **'children of unknown parentage'**

Jordan's 3rd report: **'illegitimate'**, **'unknown parentage'**, **'out of wedlock'**

Jordan's combined 4th and 5th report: **'born out of wedlock'**, **'illegitimate'**, **'foundlings'** as the 3 categories defined by Ministry of Social Development for **'children of unknown parentage'**

Jordan's replies published, defending the State's classifications

1990

1991

1993

1994

1998

2000

2005

2006

2013

2014

## CRC:

CRC's 1st Concluding Observations: **'foundlings'**, **'illegitimate'** and **'recognized illegitimate'**, **'children of unknown parentage'**

CRC's 2nd Concluding Observations: further expression of their concern over discrimination against children **'born out of wedlock'**

CRC's 3rd Concluding Observations: "a classification of children as **'illegitimate'** is discriminatory and violates the principles and rights of the child enshrined in the convention"

CRC's combined 4th and 5th Concluding Observations: "concern about the de jure discrimination against children **'born out of wedlock'**"

## CRC Reporting Process

- 1: Submission of the State party report
- 2: Submission of NGO reports to CRC
- 3: The Pre- session meeting
- 4: The committee's list of issues
- 5: Submission of the State's written replies
- 6: The plenary session
- 7: Concluding Observations
- 8: Follow- up to Concluding Observations

Implementation Cycle

The Information and Research Center – King Hussein Foundation (IRCKHF) is identifying the discrimination faced by orphans deprived of family ties in Jordan. Through its research, the IRCKHF has identified that there is discrimination in the name by both the State of Jordan and the CRC. For more information about the project Empowering Care Leavers in Jordan: Youth Deprived of Family Ties, visit [www.irckhf.org](http://www.irckhf.org) or follow us on Facebook (IRCKHF) or Twitter (IRC\_KHF).

Designed by @Dukkan Fann



Disclaimer: This timeline is made possible by the generous support of the American people through a grant from the USAID Civic Initiatives Support Program implemented by FHI 360 with financing from the United States Agency for International Development (USAID). The contents are the responsibility of IRCKHF and do not necessarily reflect the views of USAID, the U.S. Government or FHI 360.



# Chapter 2

# Chapter 2

## Literature Review

### 2.1 Introduction

The aim of this literature review is to provide in-depth academic perspective on the issue of youth deprived of family ties in Jordan.

Children and youth deprived of family ties are a poorly researched group in Jordan; but are briefly touched upon in many reports. There are two research studies that provide thorough and in-depth insight into the experiences of these youth. The first is a 2010 PhD thesis by Dr. Rawan Ibrahim entitled 'Making the Transition from Residential Care to Adulthood: The Experience of Jordanian Care Leavers' and the second is a 2013 Masters dissertation by Hind Farahat entitled 'Orphaned Youth in Jordan: Constraints of Patriarchal Citizenship'.

Ibrahim's research had three objectives: to gain an in-depth understanding of care leaving experiences of a group of Jordanian care leavers; provide this group with a platform to voice their experiences; and to learn lessons from the experience of care leavers that would guide practice and policy. Her in-depth qualitative study was based on interviews with 42 care leavers (21 females and 21 males). The main selection criterion was a minimum of two-years in residential care as a teenager.

Farahat's study was also qualitative, and based on 14 interviews with officials, experts and youth. The research primarily aimed to investigate orphans' citizenship construction, especially for those from 'unknown families'. It also investigated the ways in which the lives of these orphans are impacted by citizenship status.

Here, it is important to clarify that while other sources of literature were heard of, most were inaccessible and unattainable by IRCKHF's researchers to be included in this review. Thus, highlighting the need for more accessibility to previously explored issues in research regarding this topic.

### 2.2 Terminology used in Literature

Different terms have been used by different authors and authorities to describe children and youth deprived of family ties. Commonly used terms include "orphaned," "illegitimate", "abandoned children", and children from 'unknown families or origin'.

Farahat stated that the term 'orphans' is used to refer to three categories of youth and children in the Jordanian context. The first are those whose one or both parents have passed away. The

second are those whose both parents are alive but are divorced and re-married and have no intention of raising their biological children within their new families. The third are children with no 'lawful lineage' whose both parents are unknown, or whose mother is known and father is not.

The National Council for Family Affairs (NCFA) used the term children of 'unknown origin' in a 2011 report, under a section on non-discrimination. The report explained that the protection by Jordanian legislation of this category of children is derived from the Islamic Sharia. The report sub-categorized children of 'unknown origin' into foundlings and children of known mothers and unknown fathers.

Ibrahim used the terms 'orphans', 'broken families' and 'unknown families' when providing statistics about children in care homes. One of the findings noted that the terms used to describe children deprived of family ties in society are discriminatory in and of themselves such as 'daughter/son of sin' and 'illegitimate child' which in everyday colloquial interactions are used to describe 'a person who is mean spirited or cruel'.

The Country Profile of Jordan in 2011 explains that different governmental departments and ministries use different definitions and criteria in their operations. For example, the Ministry of Social Development (MoSD) defines an orphan as 'any child whose mother and father are both deceased' while the Ministry of Awqaf and Islamic Affairs defines an orphan as 'any child whose father is no longer alive.' As a result, the report states that the number of children cared for in foster settings is difficult to determine.

The issue of inconsistent use of terminology is a complex one. As briefly stated before, there is no consensus on which children are included under each category within several governmental and legal institutions. Moreover, the lack of a consistent terminology further exacerbates the confusion facing authors, journalists and anyone who wishes to address the issue, not to mention the discriminatory nature of such classifications and the harm they inflict on those labeled this way. Later chapters of this research will also examine how such use of terminology is considered discriminatory by international standards.

As such, it is important to clarify the terminology that will be used in this report and throughout the project and what it signifies:

- Youth/Children Deprived of Family Ties (YDFT) or (CDFT): a

term used to refer to children under 18 years of age who for one reason or another do not receive care and support from parental or family figures. This includes youth who have lost one or both parents, as well as youth whose one or both parents are unknown. Reasons for using this term will be clarified in a later section of the volume.

- **Care Leavers:** Refers to youth who have spent a portion of their lives living in care homes, who upon reaching a certain age (usually 18 in Jordan) are discharged and expected to transition into a life of independence.

## 2.3 Available Statistics in Literature

The number of orphans reported varies from one study to another. The 2012 Population and Health Survey reported that the percentage of children in Jordan who have lost both parents was 0.1% and who have lost a single parent was 2.8%, both percentages amongst the lowest in the region. The 2011 Country Profile of Jordan reported that there were 1,300 orphans in Jordan in 2011, of whom half were abandoned.

More detailed numbers were presented in another 2011 report by the National Council for Family Affairs (NCFA). The report provided a cumulative number of children of 'unknown origin' in Jordan up until the year 2007. The total number was 70 and categorized as follows: 32 abandoned children, 3 children of incest, and 35 children whose mothers are known and fathers are not.

Ibrahim reported that the care homes sheltered an average of 1,105 young people every year over the years 1997 to 2007. In 2009, there were 935 children in care. 35% of those were orphans, 35% were from broken homes, and 30% came from unknown families.

## 2.4 Quality of Residential Care Homes in Jordan

Established in 1953, the first care home in Jordan was opened in order to cater to the increasing number of children who are colloquially referred to as children of 'unknown lineage'. Be-

tween 1953 and 2007, the number of homes increased to 29 and accepted children who suffered from neglect, abuse, and severe deprivation. During that time, a total of 11,058 children and young people were admitted to care, and in any given year there were between 811 to 1,234 children and youth in care. Today, there are 32 orphanages or care homes in Jordan according to the most recent number reported in a 2013 research paper.

Care homes are distributed throughout five governorates, most of which are in Amman and others in the north and south. They are segregated by age and gender, some housing both genders up to a certain age. The capacity of care homes differ: some are small in size and may serve up to 10 children while others are much larger accommodating up to 108 children.

An evaluation of the quality of residential care homes in Jordan by Allayan and UNICEF in 2002 found that while most homes met the basic material needs of children and youth, the majority lacked sufficient psychological aid, individualized care plans, and academic and vocational support. The follow up evaluation by Allayan in 2006 noted some but small overall improvements. Figure 1 demonstrates a summary of findings across time.

The Investigatory Committee report in 2012 found that some centers had acceptable infrastructure and premises while others did not. In general, care homes were characterized by an 'institutional' nature and lacked a family-like feel and environment. Surveillance cameras were found in the bedrooms in two centers, and this was reported as a violation of privacy and human rights. Furthermore, expired food and medicine were found in some centers.

The committee also found varying differences in the capacity and qualifications of these centers' managements. While some of them needed some capacity building, others were not qualified to manage at all. Additionally, it was found that the MoSD lacked the necessary mechanisms and procedures to refer children to care homes. In general, a lack of educational and extra-curricular activities was reported. Some beneficiaries were found to have learning difficulties. In one particular center, the committee found that girls have attempted suicide several times as a result of depression

---

Following the wide spread of a video that revealed abuse at disability centers over social media outlets, King Abdullah II of Jordan requested a full investigation on the status of all private and public centers. As a result, the MoSD appointed an independent investigatory committee in 2012 to evaluate the status of all centers including those offering care services to orphans, people with disabilities, juveniles, victims of violence and others. The committee visited 19 care homes in Amman, Irbid, Zarqa, and Salt. It evaluated the following five areas: physical environment, human resources, supervision and accountability, beneficiaries and legal framework.

# Figure 1

## Findings on Quality of Residential Care Homes

1989

SOS succeeding in meeting basic needs but not all psychological and emotional needs (Ahmad, S.)

SOS has required human resources and organizational structure and care givers scores varied from low to high (Hawash, K)

1989

Generally poor educational attainment (Attiyat, K.)

No organizational structure, job descriptions and care plans; children overprotected ; lack of individualized care; overcrowding and overcapacity; under resources in posts such as teachers and counsellors (ZENID, DFID & MoSD)

1989

Lack in educational & career guidance; low accedmic achievement; needs of children with learning disabilities unmet; no care plans and limited behavioural management plans; children's family history used by some staff to label them infront children (Allayan, K. & UNICEF)

Quality and range of services vary, basic needs are met (food, shelter, clothing); lack in provision of psychological, social and counselling support (NCFA & UNICEF)

1989

Institutionalization, lack of preperation, emotional and physical abuse, low educational achievement, lack of practical skills, less emphasis on emotional needs and support. (Ibrahim, R.)

Provision of basic needs; less emphasis on psychological and social counselling and recreational needs ( MANARA)

1989

Institutionalized nature, no proper infrastructure, expired food and medicine, lack of qualification of mannagement and care givers, lack of psychological and social support, low educational attainment, behavioural challenges, suicide attempts, no proper legal framework. (Investigatory Committee)

Health services are not efficiently provided; low quality of education; bad situation of care and upbringing in orphanages; claims of sexual assualt and abuse in orphanages (Farahat, H.)

## 2.5 Impacts of Transitioning out of Care on YDFT

Children and youth are allowed to stay in residential care homes until the age of 18, after which they graduate and leave the home. At the age of 18, the care system assumes that they are adults and expects them to 'shift from a status of full dependency on the state to a status of complete independency in a very short time.' The care system does not recognize the difficulties care leavers face when transitioning out of care into adulthood. It assumes this transition is easy and straightforward, underestimating the complexities of such a shift. Below are some factors which impact YDFT who are transitioning from care into adulthood:

### Initial pathways:

Ibrahim identifies different pathways available to young people discharged from care and adds that the most obvious factors that influence pathways include gender and whether the family is known or not. Pathways include going back to family including direct and extended family; marriage which is an option more common for females where their marriage is arranged while in care; single living where young people may choose to live on their own after leaving care; staying at the care home – a rare option where youth start working at the center; and finally homelessness where youth find no place to turn to or run away from their families. It is important to note that Ibrahim's research suggests that the females were more likely to go through homelessness after they are sent back to live with their families.

**Preparation:** Preparation for post care lives provided at homes mostly revolved around personal hygiene and cleanliness. Little

attention was given to other practical skills that are necessary for independent living such as public transport, budgeting and managing money, shopping and adapting to different living standards.

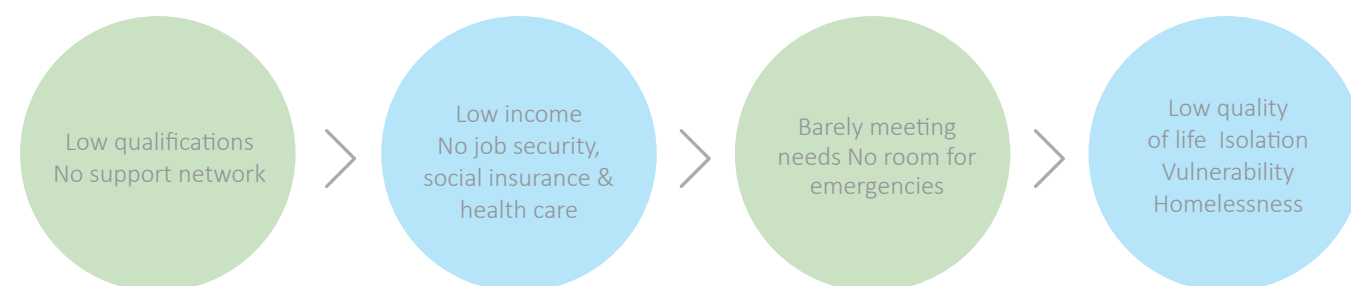
### Education:

Many youth leave care without proper academic qualifications making it difficult for them to pursue education and/or enter and survive a competitive labor market. Factors found to contribute to low academic achievement include the difficulty to adjust to new schools as a result of constant transition from one home to another, lack of awareness on the importance of education, lack of coordination between homes and schools, difficult school environment, and stigmatization at schools. On the other hand, factors found to contribute to a higher academic achievement included receiving a strong foundation of education, fewer changes of home and school, presence of caregivers and teachers who value education, and higher awareness on the importance of education.

### Employment and job opportunities:

This is directly linked to the academic qualifications that youth leave care with. Starting with no or low qualifications determines the job and income level that care leavers get. Low income and lack of job security result in a low quality of life, where care leavers live from month to month, struggling to pay for their accommodation and daily needs and have no room for any medical emergencies. This results in a negative process as illustrated in Figure 2.

**Figure 2** - Negative process of poor education & employment



**Identity and sense of belonging:** Ibrahim and Farahat emphasized that family represents power, agency and social capital and thereby once the youth leave care, they enter a world heavily constructed and governed by familial ties and so most of them feel astray and confused about where they stand in society. Such feelings in some cases result in a sense of loneliness and depression.



## 2.6 Forms and Areas of Stigmatization

Research shows that many care leavers report being treated unequally, differently and unfairly for having been children of care centers. The three forms of discrimination identified through Ibrahim and Farahat's research are:

**Labelling:** This involves being labeled as 'children of sin', 'illegitimate child', and 'daughter/son of sin'. In everyday language these labels are used to describe someone who is bad or evil.

**Warranting pity:** As care leavers have no family to protect or support them, they are often perceived as weak and incompetent individuals. This generated pity towards them and in some cases they were exempt from social rules and not held accountable for their actions.

**Exploitation:** Having no family to protect care leavers and back them up puts them at a disadvantage. This opens doors for different society members including employers, landlords, and colleagues to take advantage of care leavers and their situation. One example of this is financial exploitation by employers, and another, particularly for females is sexual exploitation by husbands. The fact that these care leavers are perceived to be weak and without protection, exacerbates the exploitation exercised against them.

Ibrahim shows that the common areas in life which care leavers experience such forms of stigmatization include accommodation, where landlords refuse to rent flats to care leavers because they fear their own reputation would be affected; employment where care leavers are exploited by employers such as having to work for accommodation or being paid paltry amounts and being abruptly let go; and finally relationships where care leavers also feel stigmatized in their relationships with their families or spouses.

## 2.7 Sub Groups: Additional Challenges

While all children and youth deprived of family ties face challenges in their different life stages, some sub-groups face additional challenges. The literature covers two of these sub-groups: children and youth from unknown families and females.

### i. Children and Youth from Unknown Families

**Distinguishable national numbers:** Both Ibrahim and Farahat stated that youth from unknown families have distinguishable national numbers. Farahat explained that all youth from unknown families she interviewed had IDs that start with '2000' and not their year of birth like other citizens. She added that when interviewing the Civil Status Passports Department, they denied this fact and assured her that this category has national numbers like all other Jordanian citizens. Ibrahim further explained that youth in her research from this category expressed feeling of embarrassment and anger when they had to present their Identification Cards in their everyday life. However it was

found that such numbers were product of a glitch in the computed system of the Department of Civil Status and Passports, and in July 2012, the MoSD and Ministry of Interior offered to issue new, nondiscriminatory ID numbers and that some youth managed to successfully change theirs.

**Family names:** A child is usually given four names upon registration; first name, father's name, grandfather's name, followed by a family name. Farahat explained that for children from unknown families, these four names are chosen randomly by the registrar, and the family name appears a normal noun. This is distinguishable as family names generally do not take the form of first names. She further explained that when these youth leave care homes and integrate with society, they find themselves unable to fit in. Ibrahim added that no effort is made to preserve family ties when children come from unknown families. She gave an example of three brothers who were never formally registered at birth, and after their father's death were admitted to care with different ID numbers and family names.

### ii. Females

**Family registry book:** As is customary in Jordan, the male head of the family is given a document known as a family booklet in which all family members are listed. Females are usually registered in their fathers' family booklets and later in their husbands' when they get married. According to Farahat, both males and females from unknown families are issued their own family booklets upon registration. This poses no problem for males, but seems very odd for females as it is a deviation from the norm.

**Marriage:** As mentioned in previous sections, marriage is one of the pathways available to females when they approach the end of their care experience. For the participants who took part in Ibrahim's research, marriage sometimes ends up in abuse and exploitation. The fact that these young women have no family support or protection increases the risk of abuse and exploitation. Farahat found that some of her research girls married to non-Jordanians. She explained that Jordanians usually marry from families known for their status and honor, and thereby foreigners who are looking for cheap marriage usually look for young women from unknown families. Women who get into such marriage are placed at a disadvantage; they are unable to pass their citizenship to their children, and lose them to the father in the case of divorce. This, as Farahat puts it, 'restricts their inclusion and access to a respectable social citizenship'.

**Employment:** Farahat explains that females face challenges accessing a labor market in which patriarchy heavily manifests itself. She states that upon leaving care, female orphans need to secure basic income and support themselves. Gendered jobs make it difficult for them to secure employment. One of the women she interviewed had to disguise her identity as a female in order to work in a gas station. She added that in many cases, women end up engaging in prostitution as a result of the desperation to secure food and shelter. This perpetuates the stigma

that females from unknown families face as being ‘repeaters of sin’.

## 2.8 Key Findings of Literature Review

- Different terminology and categories to describe children deprived of family ties are used in academic, governmental and non-governmental reports. The terminology differs in the Arabic and English languages. Terminology in Arabic, or translated into Arabic, seems to be more discriminatory. In one particular report by a royal NGO, the term ‘unknown origin’ – which was found by care leavers to be discriminatory and stigmatizing – was used under a section on non-discrimination.
- Aside from the issue of discrimination, different categories and definitions used in the operations of different ministries make it more challenging to get and conceptualize information on children and youth deprived of family ties.
- Statistics and numbers on children and youth deprived of family ties vary greatly in literature. Some are presented in percentages, while others in numbers. It is not clear from where some of the reports obtain these numbers. As official categories and definitions are also inconsistent, it is difficult to obtain a clear picture on the numbers of the different categories of children and youth deprived of family ties.
- The quality of care that children in care receive and the qualifications and skills that they leave with, greatly impact the quality of their lives post care.
- The different areas of the lives of care leavers are heavily intertwined, be it education, accommodation, employment and relationships. Once trapped in a negative cycle of low quality of life and poor circumstances, it is difficult to break out of it.
- In a society that is heavily constructed by family ties and status, the root cause of many problems and types of stigmatization that care leavers are faced with, is the lack of family support and protection.

## 2.9 Literature Review Conclusions

- The circumstances of care centers and the care that children and youth receive greatly impact their life after leaving care. The academic qualifications they leave with determine the jobs they land, which in turn impacts their source of income, accommodation and quality of life. The life skills (or lack of) that they leave care with impacts the way they manage all areas of their lives.
- Some of the pathways available to youth when they graduate from care expose them to high risks such as abuse, insecurity and homelessness. The assumption that these youth can shift to a state of complete independence after leaving care is unrealistic.
- Once the youth leave with low academic qualifications and

no life skills, they tend to get trapped in a cycle of low qualifications, poor employment conditions and low quality of life. With no or low academic qualifications, the youth end up working in the private sector, in jobs usually have no security, pay very little, and do not provide social security benefits or healthcare insurance. As a result, they end up living from month to month, barely meeting their daily and nutritional needs, and cannot afford any medical emergencies. This increases their vulnerability and chances of homelessness as well as leaves no financial resources to improve their academic qualifications. As a result, they remain trapped in this cycle.

# Chapter Three

## Legislative Review

---

### 3.1 Introduction

In Douglas North's 1990's *Institutions, Institutional Change and Economic Performance* he defines institutions as the "rules of the game" or "the humanly devised constraints." North's definition of institutions talks about their utility, such utility being that they govern human interaction. According to North, institutions fall into two distinct types that they can be categorized according to: formal institutions, which are mainly represented in formal legal rules; and informal institutions, which mainly relate to social norms. Understanding of the institutions that govern individuals deprived of family ties, means understanding the rules in which they operate within. While the role of informal institutions relating social culture and norm will be discussed in the theoretical framework, the following section will focus on the formal set of institutions or rules that relate to and govern the focus of this study. Divided into two sections, this chapter will discuss: firstly, the legislative framework governing the issue of those deprived of family ties in Jordan; and secondly, the conventions, guidelines and strategies concerning those deprived of family ties. The section will cover the following points:

- Determining what is meant by the term "deprived of family ties"
- The Position of International Law for Human Rights and International Conventions and Treaties
- Jordan's Adherence to the Principles of the Convention on the Rights of the Child
- Legal status of those deprived of family ties in Jordan
- Conclusions regarding legal and administrative organization for those deprived of family ties.

### 3.2 Defining the term 'Deprived of Family Ties'

For the purposes of this research, the term "deprived of family ties" covers juveniles who fall under the patronage of the Ministry of Social Development due to lack of proper family environment for a variety of reasons, and are known by the term of orphans in Jordan. Depending on the national legislations that deal with this issue, this paper will cover two groups:

1. 'Illegitimate' children: Children born out of wedlock which problematizes determining the lineage. Article 20 of the Civil Status Code has used the term "Illegitimate child", this group may be divided into the following three categories:

- Unknown lineage category: This term is given to a child whose

mother is known and father is unknown or lineage has not been substantiated to the father legally. Article 3 (4) of the Jordanian Nationality Law states that any person shall be deemed to be Jordanian nationals if born in the Hashemite Kingdom of Jordan "of a mother holding Jordanian nationality and of a father of unknown nationality or of a Stateless father or whose filiation is not established." While Article 160 of the Personal Status Law No. 36 of the year 2010 uses the term "Unknown Lineage" which tackled the question of proving the baby's paternal lineage by the father's recognition and acknowledgement, and Article 162 of the same Law prevented the substantiation of lineage by adoption even if the adoptee is of unknown lineage.

- 'Foundlings' (abandoned children): Children of unknown maternal and paternal lineage, Article 3 (5) of the Nationality Law asserted their right to obtain the Jordanian nationality as it states that any person shall be deemed to be Jordanian nationals if born in the Hashemite Kingdom of Jordan of unknown parents, as a foundling in the Kingdom shall be considered born in the Kingdom pending evidence to the contrary.

- Children of incest: Children born as a result of incest relations between brothers and sisters and siblings and father or mother. An issue criminalized in Articles 285 and 286 of the Jordanian Penal Code where Article 285 states Sexual intercourse between descendants and ancestors, whether they are legitimate or not, and between brothers and sisters, and half-brothers and half-sisters or whoever on their level of in-laws, whoever commits such acts, he / she shall be punished by temporary imprisonment with hard labor for a period no less than seven years

Here, it should be noted that the Universal Declaration of Human Rights used the term "born in or out of wedlock" in Article 25(2).

2. 'Legitimate' children: Children who were born within wedlock, but lost family care because of family disputes or family violence, neglect or abuse by the parents, or the abandonment by the parents of their children. It also includes cases of divorce and multiple marriages and emigration of the supporter or the death of the parents, and sometimes includes the difficult economic situation that some families suffer from, among other causes.

It should be noted that the Convention on the Rights of the Child for the year 1989 used the term "the temporarily or permanently deprived of their family environment" in Article 20 of the Convention to refer to the above categories. However,

the Committee on the Rights of the Child used the term “children and youth deprived of family care”. This term includes many groups that go beyond the focus of this study, such as those who lost their parents due to wars or natural disasters, children who arrive to countries as unaccompanied refugees, those who live and work for long periods away from home and those engaged in armed conflict.

### 3.3 The position of International Human Rights Law towards those deprived of family ties

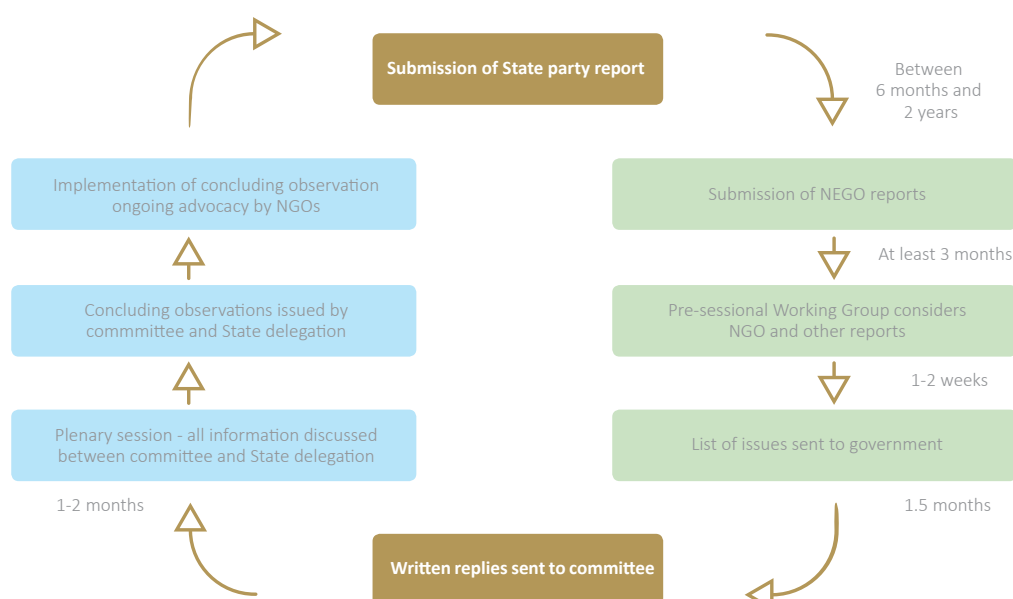
General International Human Rights Law sets a series of obligations upon states, including the need to respect human rights and fundamental freedoms according to the United Nations Charter and international conventions on human rights that brought these rights from the circle of domestic law to the international level with all resulting consequences. Since Jordan is party to the international conventions, this section will refer to the most important obligations according to these duly ratified conventions:

#### I. Convention on The Rights of the Child of 1989

The Convention on the Rights of the Child (CRC) is considered the first international treaty that legally obliges party states to incorporate the full series of human rights, i.e. civil and political rights, as well as cultural, social and economic rights for the purposes of emphasizing the fundamental rights of the child. The Convention defines the child as every human being below the age of eighteen. The Convention obliges party states in accordance to international law to ensure that all children without discrimination take advantage of all protection measures and procedures, to enable them to access education and health care, and to expand their opportunities to achieve the maximum of their abilities, knowledge and skills. By consent to bind, national governments have committed themselves to protect and ensure the rights of children, and agreed to take responsibility for this commitment before the international community.

The vision of the CRC considers them as independent individuals belonging to a family and a community enjoying rights and duties appropriate to their age and stage of development. Reporting to the CRC is a cyclical procedure presented below in Figure 3.

**Figure 3** - Reporting Process of the Committee on the Rights of the Child



The Government of Jordan has submitted national reports on the implementation of the CRC in 1993, 1998, 2005, and most recently combined the fourth and fifth reports into one which was submitted in 2013.

Since ratifying the CRC, the Government of Jordan has maintained three reservations to articles 14, 20, and 21 of the CRC, one of which is “the reservation to the provision on adoption,” noting that children in Jordan “retain the right to benefit from the alternative family care under the Islamic system of kafalah and fostering arrangements established in accordance with the Sharia.”

In the 1999 State report, the focus on children of unknown parentage was with regard to their registration and therefore names, or rather, the ‘difficulty’ of registration and names when the child is said to be ‘illegitimate.’

**31.** Difficulty arises in the abnormal case of illegitimate children who, by law, must assume the patronymic of their father. According to Article 20 of the Civil Status Act: “If the child is illegitimate, the name of the child’s father and/or mother shall not be entered in the register of births if they submit a written request to that effect or if such is required under the terms of a court order. The registrar must choose names for the child’s parents and any registration of birth in a manner contrary to the provisions of this article shall be deemed null and void in regard to the name of the father or mother.”

**32.** This article clearly shows that, in the case of an illegitimate child (a child born out of wedlock), the civil registrar chooses a name for the child, i.e. a name for the child’s parents if they do not wish their names to be registered, and submits a written request to that effect or if such is required under the terms of a court order. Any registration that is effected without due regard for the above is null and void as far as the names of the mother and father are concerned. However, Article 21 stipulates that one or both of the parents may contact the registrar and inform him of his, her or their true names, provided that this is done by means of a written declaration signed by the declarant and attested by two known witnesses in accordance with the provisions concerning proof of parentage as set forth in the relevant legislation.

**33.** Article 22 of the Jordanian Civil Status Act stipulates as follows: “Before the registration of the birth of an illegitimate child the identity of one or both of whose real parents has not been disclosed, one or both of the parents may present themselves before the registrar and acknowledge the child by means of a written declaration attested by two known witnesses in accordance with the provisions concerning proof of parentage as set forth in the relevant legislation.” However, by way of exception to the preceding articles, the registrar must not record the name

of the father and/or the mother, even if requested to do so, in the following cases:

- (a)** The names of the parents must not be recorded if they are within the degree of kinship that precludes marriage;
- (b)** The mother’s name must not be recorded if she is married and the child was not fathered by her husband.

However the Committee for the Rights of the Child wrote in its 2006 conclusions and recommendations to the state that the term “illegitimate” was discriminatory and in violation to the CRC:

**29.** While noting that Article 6 of the Jordanian Constitution contains the principle of equality of all Jordanians before the law and that some law provisions emphasize the principle of non-discrimination, the Committee is deeply concerned at de jure discrimination against children of Jordanian mothers on account of their father’s non-Jordanian nationality and children born out of wedlock, as well as de facto discrimination against children living in extreme poverty and children living in the remote areas of the country. The Committee is of the view that, in general, a classification of children as “illegitimate” is discriminatory and violates the principles and rights of the child enshrined in the Convention.

**30.** The Committee recommends that the State party make greater efforts to ensure that all children within its jurisdiction enjoy all the rights enshrined in the Convention without discrimination, in accordance with Article 2, by effectively implementing the existing laws that guarantee the principle of non-discrimination. The Committee also recommends that the State party abolish the discriminatory classification of children as “illegitimate” and adopt a proactive and comprehensive strategy to eliminate de facto discrimination on any grounds and against all vulnerable groups of children, and prioritize social and health services and equal opportunities to education for children belonging to the most vulnerable groups.

In later reports by the State, the focus tends to be with regard to citizenship and alternative care. In Section (A) on Non-discrimination, Articles 24-29 focus on how the Government of Jordan handles issues with regard to ‘children of unknown parentage.’

**24.** With regard to the Committee’s recommendation in paragraph 30 of the concluding observations concerning children born outside of wedlock, in accordance with the above mentioned law, the Department of Civil Status and Passports registers births of Jordanian nationals in Jordan and abroad and of foreign nationals born in Jordanian territory. It also issues birth certificates: children have a natural right to a name. To ensure that people do not suffer because of their name as they are growing up, the law prohibits the registration of children’s



names that are incompatible with respect for religious and social values and with the maintenance of public order. In order to safeguard children's identity, the Law states that when a birth is reported full information must be supplied about the child's sex and name and the parents' names, nationality, place of residence, occupation, and religion. The Department issues identity cards to minors after obtaining the guardian's consent.

**25.** Under the above-mentioned Law, children born out of wedlock may be registered at any time without reference to any statutory time limits for birth registration. Children born outside of wedlock are recognized as persons before the Law. The Department registers their names on the civil register and issues them with national identity numbers. It adds their names to the family register and issues them with identity cards and passports. There is nothing distinctive about the national identity numbers that they are given. The numbers do not contain any elements suggesting that they were born out of wedlock. In 2002, the legislature introduced an amendment to the Personal Status Code granting the departmental committee responsible for correcting names the power to correct the name of a child born outside of wedlock or a foundling.

**26.** Under Jordanian Law, rights provided for in the Sharia are extended to children of unknown parentage, and such children are entitled to protection, care and education, among other rights. Thus, children of unknown parentage enjoy rights afforded under the Sharia, such as the right to maintenance,

the right to own property, the right to receive care, the right to education and health and also the right to inherit, if the identity of one of the parents is known. These children are deemed to have full capacity, even when they are in the womb. According to the Sharia, a child's filiation may be established according to criteria that are very straightforward, easy to meet and formulated in such a way as to protect children's rights. No one may deny a child's filiation once it has been established.

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

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

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

**(i)** Proof of marriage;

**(ii)** Acknowledgement of paternity;

**(iii)** An evidentiary document;

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

Year	Number of founding children	Number of children whose mothers identity is unknown	Number of children fostered and entrusted to foster families	Remake
2007	2007	2007	2007	
2008	2008	2008	2008	
2009	2009	2009	2009	
2010	2010	2010	2010	

Source: Ministry of Social Development

On 'civil rights and freedoms' in the State report, the Government of Jordan stated that when both parents are unknown, the child is assumed to have been born in Jordan and therefore granted Jordanian citizenship:

**56.** The Nationality Act of 1954, as amended, includes provisions on reducing cases of statelessness and dual citizenship. ....The Act provides that a person of unknown parentage who is born in Jordan shall be deemed to be a Jordanian citizen. Foundlings are deemed to have been born in Jordan, unless there is evidence to the contrary...

**In Articles 104-108 on 'social reintegration, the Government of Jordan reported the following in 2013:**

**104.** In a circular issued in 2000, the Ministry of Social Development defined three categories of children of unknown parent-

**age:** foundlings whose parentage is unknown; victims of lascivious conduct, meaning children conceived as a result of sexual intercourse between individuals who are close blood relations; and illegitimate children whose mothers' identity is known, that is children conceived as a result of illicit sexual relations where one or both of the parties has been sanctioned by a court for their conduct. Normally, there are disputes over the parentage of these children.

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

Article 106 illustrated through the table below "the number of children of unknown parentage who had been identified as of **2007**. The figures are taken from the records of the Al-Hussein Social Institute."

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

Source: Ministry of Social Development, 2008.

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

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

The majority of civil society information provided to the Committee for the Rights of the Child for State's CRC review was contributed by IRCKHF. IRCKHF not only submitted a report but also participated in the pre-sessional working group of the commit-

tee, both in cooperation with other civil society organizations. The issue of children in alternative care, and specifically those of unknown parentage, was a matter of discussion with the committee prior to their meeting with the Government of Jordan in 2014.

**In fact, the Committee emphasized the issue in Article 16, under Section (B) on General Principles: Non-discrimination in their concluding observations in June 2014:**

**15.** The Committee reiterates its concern about de jure discrimination against children born to a Jordanian mother and a non-Jordanian father, on the basis of the nationality of the father, and against children born out of wedlock. The Committee is also concerned about discrimination suffered by children of Palestinian origin, children with disabilities, children living in institutions, children living in extreme poverty and children in remote areas.

**16.** The Committee urges the State party to abolish the discriminatory classifications of children as "illegitimate" or "children victims of lascivious conduct" and to adopt a proactive and comprehensive strategy to eliminate de jure and de facto discrimination on any grounds and against all groups of children in marginalized or disadvantaged situations.

**Finally, with regard to ‘family environment and alternative care,’ the Committee stated the following in the concluding observations to the State in June 2014 with regard to children deprived of a family environment:**

**39.** The Committee welcomes the adoption of Regulation No. 49 of 2009 on the licensing and management of children’s homes, as well as the establishment of the first foster-care programme for children in the Zarqa governorate (When did this happen). The Committee is, however, concerned that the number of institutionalized children has not decreased over the reporting period and that children of unmarried mothers are often placed in institutions. The Committee is also concerned that the foster-care programme has still not been properly regulated, a situation which places children deprived of their family environment at risk of abuse and neglect.

**40.** Drawing the State party’s attention to the Guidelines for the Alternative Care of Children, the Committee recommends that the State party take active measures to accelerate the transition from institutionalization to family-based care for children and, to that end, strengthen efforts towards the establishment of a well-regulated system of foster care for children deprived of their families. **The State party should also:**

- (a)** Ensure that adequate human, technical and financial resources are allocated to alternative care centres and relevant child protection services, in order to facilitate the rehabilitation and social reintegration of children resident therein to the greatest extent possible;
- (b)** Provide unmarried mothers with support to enable them to take care of their children, and conduct awareness-raising campaigns to eliminate the stigma attached to out-of-wedlock pregnancy;
- (c)** Ensure adequate safeguards and clear criteria, based on the needs and the best interests of the child, for determining whether a child should be placed in alternative care;
- (d)** Ensure periodic review of the placement of children in foster care and in institutions, and monitor the quality of care therein, including by providing accessible channels for reporting, monitoring and remedying the maltreatment of children.

Based on these observations, IRCKHF proposed this project, as it is evident as concluded by the Committee for the Rights of the Child that there is a stigma against children born out-of-wedlock and that awareness raising is needed to eliminate it. Furthermore, a further work is needed with regard to the social integration of children from care centers into care leavers. And finally, the elimination of gender discrimination is an intersectional issue.

Jordan remains committed to the provisions of Article 20 (1) which states that a child who is either deprived temporarily or permanently from their family environment or who is not allowed to remain in that environment (i.e. it is in their best interest to leave) has the right to special protection and assis-

tance provided by the state. Paragraph (1) of Article 20 makes it the State’s responsibility and commitment to take affirmative actions in order to enable this group of children to enjoy their rights. Article 2 (1) is also of special importance as it reaffirms the principle of non-discrimination where it states that “States Party shall respect the rights set forth in the present Convention to each child within their jurisdiction without any kind of discrimination, regardless of the Child’s race or his parents or legal guardian, color or sex, language, religion, political or other national or ethnic origin, or social, or fortune, opinion, or disability, birth or other status”. In addition, it should be noted that there is an ongoing claim from civil society organizations of the need for the adoption of “Child Rights Act”, where a draft Child Rights Law was enacted based on the Convention on the Rights of the Child, and submitted to the Legislative and Opinion Bureau. The Council of Ministers has approved and forwarded it to the National Assembly in the year 2004, however, it has not seen the light since then.

The long-lasting and repeated points of concern in the CRC’s concluding observations throughout the years that are relevant to this research are most notably those concerning the discriminatory classification of some children deprived of parental care as “illegitimate” as a result of their conception outside the confines of a traditional marriage. Jordan has defended this classification in several instances, such as their most recent reply to the Committee’s List of Issues in 2014 by stating that: “the use of national legislature for the term of “illegitimate children” does not refer to illegal children, and doesn’t take away any of their established rights as children. Rather, it means that they were born as a result of a relation that is unaccepted in Islamic Jurisprudence (Sharia) between a mother and a father because it was a relationship outside the confines of a legal and Sharia accepted marriage. Those children enjoy the same civil rights as any child born within the confines of a legal marriage (page 10). However, The IRCKHF’s opinion is consistent with the Concluding Observations of the Committee which reiterated its concern regarding the problematic use of such classification and its discriminatory implications – even if unintended – to this category. While the de jure rights of this category are preserved within the realm of laws and legal codes, the de facto implications of such classification result in the social discrimination and alienation of those deprived of family ties in the realm of social interaction and procedures. The nature of such alienation will be further discussed in the Theoretical Framework section of this research.

However, it is worth noting that while CRC provided certain guidelines on maintaining the best interest of the child as well as other guiding principles to serve as guiding compass for states to adopt if they were to elevate the status of children, such guidelines and principles were not accompanied by implementation instructions. As such, three major guiding instructions based on the principles of CRC relating to the topic of this research were issued:

- The Guidelines for the Alternative Care of Children (2009)
- Child Protection Strategy 2013-2015: Children without Appropriate Care
- The Stockholm Declaration on Children and Residential Care

(2003)

## II. Guidelines for Alternative Care of Children (2009)

In 2009 the United Nations General Assembly formally endorsed the Guidelines for the Alternative Care of Children with a purpose of enhancing the implementation of the CRC regarding the protection of children deprived of parental care or at risk of being so. The Guidelines are a non-binding international instrument, meaning they comprise no obligations to the part of the States, but are merely an instrument to inform alternative care practices. The Guidelines have four objectives :

- To support efforts to keep children in the care of their families or take them back to them and if not possible, find permanent and suitable solutions including adoption and Kafala (sponsorship) in Islamic law;
- To ensure that until a permanent solution is found, the most appropriate form of alternative care is identified and provided;
- To encourage and assist governments in the implementation of the CRC and;
- To guide their policies and decisions in the public and private sectors.

Children without parental care are defined within the guidelines as “all children not in the overnight care of at least one of their parents, for whatever reason and under whatever circumstances.”

The strategies proposed forms of alternative care that exclude children who are in conflict with the law and thereby deprived of parental care and children who are adopted and thereby in parental care. Further detail on the definitions of the forms of care can be found in Annex 2. The Guidelines also highlight the importance of easing the transition from alternative care to independent living. They emphasize the need for the existence of a post-care support system. They call for:

- An emphasized need for individualized planning as well as the need to work with young persons to determine the best post care living environment for them.
- An appropriate support system to be in place for care leavers, which helps them resolve practical issues and provide psycho-social support, if necessary.

Implications for national policy derived from the Guidelines are outlined in ‘Moving Forward: Implementing the Guidelines’ as follows (Annex 3):

- National policy should ensure planning is in place for children leaving care;
- National policy should provide support to children leaving care; and
- National policy should provide aftercare support to young people

## III. Child Protection Strategy 2013-2015: Children without Appropriate Care

As an organization with an international scope of work that extends to the local Jordanian context Save the Children’s Child Protection Strategy is an important tool that could be utilized to guide the priorities of the Jordanian State with regard to Child’s Protection, in general, and is a highly beneficial source to this research in particular. The Strategy outlines key priorities for achievement by the year 2015. The goal of the strategy is that ‘all children thrive in a safe family environment and no child is placed in harmful institutions.’ Children without appropriate care are defined as:

Children who are not receiving suitable, continuous and quality care, nurture and guidance on a physical, emotional, social and psychological level from either their families or other primary carers who are meant to replace the family environment and are responsible for children’s wellbeing and development.

The strategy takes a multi-level approach (Global, Regional, Local), each of which detailing measures to be taken to fulfill the strategy’s goal. (See Annex 4 for Global and Regional Approaches)

Country Approaches include:

- Establishing or scaling up preventive interventions such as family support services designed to reduce unnecessary family separation and breakdown;
- Supporting efforts to reform a care system through the closure or transformation of existing child care institutions that are harmful or inappropriate;
- Developing and piloting models of alternative family or community-based care (including kinship care, foster care, independent living and adoption) as well as appropriate systems for gate keeping, regulation, monitoring and inspection;
- Researching the use of residential care and best practice in alternative forms of care and family support services, as well as discriminatory practices in the placement of children;
- Launching media campaigns on care issues, including care in humanitarian emergencies to raise public awareness and support for family and community-based care;
- Influencing and supporting governments to develop legislation, policies and practices in line with the Guidelines for the Alternative Care of Children;
- Contributing to research on issues on alternative care, making sure that children’s voices are heard.

## IV. Stockholm Declaration on Children and Residential Care (2003)

In 2003, the second international conference on Children and Residential Care was held in Stockholm. The Declaration was based on obligations resulting from the ratification of CRC, the obligations extending to multiple factions of each country included: civil society organizations, research centers, and human rights groups. The declaration highlighted the following obligations:

- Preventing children from being deprived of family care in the first case by fighting discrimination and by supporting ap-

appropriate family services;

- Resorting to institutional care only as a last resort and as a temporary response;
- Developing, financing, implementing and monitoring alternative systems of care based on the principles of providing children with a family environment;
- Regulating and monitoring any remaining institutions for children in public care in line with agreed international and national standards and the CRC;
- In all actions reflect the voice of youth and secure participation from the children and families concerned.

Based on the extension of obligations to multiple factions in countries, the declaration takes a multi-sectorial approach in which it recommends measures to be taken by different sectors as follows :

#### **Governments:**

- Restructure the system of public care in order to diminish the use of institutions, develop alternative care approaches and strengthen effective community-based preventive and protective social services;
- Strengthen the legislative framework, in line with the CRC, to ensure that the rights of all children deprived of family care, including those in prison, are fulfilled;
- Fight discrimination that brings children into public care – including gender, disability, ethnicity and HIV status of children or their family members;
- Adopt standards for public care and develop good monitoring procedures;
- Reallocate funds to prioritize preventive and alternative care services.

#### **Civil Society:**

- Assist in the development of strategies to de-institutionalize children and create alternatives;
- Promote the principle of non-discrimination, especially with regard to HIV-status, ethnicity and disability, among families, communities, care and service providers and governments;
- Mobilize communities to support families to prevent children from being deprived of family care;
- Push governments to fulfil their commitments under the CRC to children in public care;
- Transfer skills and experience to local partners and document and disseminate good practices;
- Create opportunities for child, youth and family participation in decision-making.

#### **Research Community:**

- Assist in creating systems for documentation and monitoring of children in public care;
- Find a system of common indicators for child placements;

- Carry out long-term studies on the consequences of different forms of public care for children as well as their economic and social cost

### **3.4 Jordan's Adherence to the Principles of the Convention on the Rights of the Child**

#### **3.4.1 Improvements in Jordan**

The government of Jordan has taken several steps to show its commitment to the implementation of the CRC and the protection and development of all children in Jordan. While some of these practices relate to all children, others are specific to children and youth deprived of family ties. The following are examples of such promising practices.

**Children and the Law:** Training courses have been held for Sharia judges, assistant judges and court officials countrywide. The courses provided detailed explanation of children's rights as outlined in the Jordanian Personal Status Code. The main topics discussed in the training sessions included, child

development, education, health care, custody, visiting rights, traveling with minors, and ensuring the best interests of the child.

The Juvenile Police Department was established in 2011 to provide young people in conflict with the law and children in need of protection and care with the best possible services; to help them stay away from crime; and to facilitate their rehabilitation and social reintegration.

**Children and Families:** The National Council for Family Affairs (NFCA) and the Greater Amman Municipality set up three family counseling offices in the capital governorate. The offices are located in Al Nuzhah, Sahab and Sweileh to advise the families on social, economic and legal problems. As part of a regional project led by Save the Children International and the European Commission, the Child Protection Committee (CPC) was established in East Amman in Marka in 2012. The CPC network has 11 members. It aims at supporting children who are victim of neglect, violence, and discrimination as well as children with disabilities. The CPC works on empowering those children to protect themselves from the risks they are at.

**Children and Youth Deprived of Family Ties:** The MoSD makes arrangements to ensure that children of 'unknown origin' are cared for by families in accordance with Child Welfare Regulation No. 34 of 1972. Article 3 of the regulation states that alternative or foster families and host institutions perform the regular duties that a family does under the supervision of the Ministry. They have to look after the health, safety, well-being and education of the children concerned and they are given the right to supervise over the children in the same way as parents would do for a period to be determined by the Minister or a court.

The "Foster Care Guidebook" was developed by NCFCA in partnership with the MoSD and Save the Children. This guidebook serves as a reference for families and institutions working with foster children and with the aim of informing foster families and raising their awareness on the rights of foster children and the available local resources and institutions that support foster care. The guidebook outlines best practices as well as success stories of foster families



and children.

Spearheaded by SOS Children's Villages International, a committee was formed to advocate for the rights of care leavers, mobilize resources and develop new post care organizations to offer housing, employment, education and psychological care. The committee includes academics and professionals.

The Aman Fund secures educational and vocational training scholarships for care leavers as well as career guidance, counseling and financial support. The Fund has an 'open door policy' to respond to the needs of care leavers and has successfully supported 1,700 young people.

### 3.4.2 Local Initiatives in Jordan

#### I. National Strategy for Care of Orphans (2011-2015)

This strategy was developed by the MoSD in collaboration with its partners from different sectors with the objectives of providing psychological, social, educational and economic support to orphan children living with foster and kin families and ensuring their best interests are met as well as providing social services to children in residential care and reintegrating them in society. The strategy's definition of orphans included those "of similar circumstances" without much detail on who they were.

According to information posted on the MoSD website, the mission of the strategy is to empower all orphans by providing them with necessary care services, reintegrating them in local communities and their kin families and/or alternative families. Furthermore, the strategy has four pillars: family care, institutional care, post-care and human resources capacity building. In 2011, the Minister of Social Development Wajih Azaizeh reported that the National Strategy for Orphans aims to provide various types of support for orphans including psychological, educational and economic support, promote their development, ensure their best interest, protect their rights, maximize their social participation and improve the quality of services to children who are in care centers. In addition, the strategy calls for building the capacity of people working with orphans, whether teachers, caregivers, health workers or social workers.

#### Expected outputs outlined in the strategy include:

- Caregivers who are satisfied with all forms of support given to orphaned children that they care for as well as children in care who are satisfied with the social services they receive in residential care;
- Orphans who are rehabilitated and socially integrated in society;
- Service providers who are satisfied with their jobs and place of work.

However, during the time of writing this research (March 2015), the strategy remains in draft form and in the last phases of obtaining the official approval for authorization and publication, as was noted by Mr. Mahmoud Al-Jbour, the director of the Child and Family Directorate at the MoSD in a meeting between IRCKHF and the MoSD. In March 2015, IRCKHF team conducted an interview with the official spokesman of the MoSD who reported that there is an updated version of the strategy with

an updated date ending in 2016 rather than 2015. The updated strategy includes two themes instead of the previous four, in which they integrated the institutional care and family-based alternative care themes. IRCKHF obtained a copy of the strategy but not the updated one. Unfortunately, the outdated version includes only the information mentioned above available on the MoSD's website.

Dr. Fawaz Al Ratrout – the MoSD's spokesman mentioned that the orphan in Sharia is a child who missed one or both of his parents, and of the age 15 and under. Thus, 'illegitimate' children are not orphans, but in the strategy and the MoSD work they considered all children without or deprived of parental care to be orphans if they are 18 and under. This was reiterated by Dr. Ahmad Alharasees who explained the use of 'youth deprived of family ties' as a term to describe all children under 18 who for any number of reasons are denied care by their immediate family and parents. Dr. Alharasees mentioned that while certain terms such as (youth whose mothers are known but father are unknown) are used, they are only used internally to differentiate between the categories.

#### II. Early Childhood Development (ECD) Strategy in Jordan (2000)

The meeting between IRCKHF and MoSD was held at the MoSD on Thursday, October 30, 2014. Attendees of the meeting included Dr. Aida Essaid and Mr. Ayed Tayyem from IRCKHF; Dr. Ahmad Abu-Haidar (Director of Policies); Mr. Mahmoud Al-Jbour (Director of Child and Family Directorate that includes the Post-Care Unit), and six other employees from the MoSD. The objective of the meeting was to introduce the project to the MoSD and discuss the development and the signing of a Memorandum of Understanding between the two parties.

Developed by the National Team for Early Childhood Development, a product of collaboration between United Nations Children Fund (UNICEF) and the NCFA. ECD explores 14 themes which cover various issues and dimensions relating to early childhood, out of which one, 'social defense', is highly relevant to this study as it mentions the category of children deprived of family ties.

#### In this theme the strategy outlines seven problems that exist in the Jordanian society of which three relate to this issue:

- Divorce was the most important cause of family disintegration.
- Street children, most of them male vendors, who were dealt with by social welfare institutions in 1999.
- Of all the children treated in social care institutions, 20% were victims of sexual abuse at that time.

ECD strategy in the field of social defense aims to:

- Develop the social services and facilities offered to children joining social, educational, and health care institutions, taking into consideration their developmental characteristics.
- Establish positive social upbringing patterns and humanistic approaches, especially when dealing with social problems

within the family or in care institutions, and developing appropriate guidance and preventive activities.

- Develop rehabilitation services and programs directed to children joining care institutions to help them adjust and integrate with their families and societies.

However, at the time of writing this report, no evidentiary document or report on the progress of this strategy and the means of implementation was found.

### III. The National Plan of Action for Children (2004-2013)

In November 2002, the NCFA, the Ministry of Planning and International Cooperation and UNICEF started the process of drafting a 10 year national plan for children for 2004-2013. The Plan defined children in need of protection as those deprived of parental care, addicted to narcotics and drugs, in conflict with the law, child laborers, neglected and abused, or victims of exploitation or of armed conflict.

Specifically looking at the category of children deprived of family ties, the Plan states that there is a clear shortage of comprehensive educational and social programs and individual child plans to cater for the psychological, social, recreational and education needs of children in institutions. Additionally, there is a clear need to improve the performance of caregivers and develop rehabilitation reintegration programs for these children.

The Plan aims to:

- Support programs to empower at risk families with coping mechanisms, with the objective of strengthening the capacity of these families to care for and protect their children;
- Improve the quality of educational, psychosocial and recreational services in institutions;
- Fulfill the rights of every child living in care institutions to develop and improve his/her abilities;
- Develop appropriate programs to support foster family systems to enable more children to grow up in a family environment.

However, while the date set for this plan has expired, no record of its accomplishment or method of implementation was found.

While the past section analyzes the status of those deprived of family ties in Jordan in light of International treaties and conventions (mainly manifested in the CRC), it is important to discuss the local legislature and provisions of the law that are concerned with this category, which will be the focus of the following section.

## 3.5 Legal Status of Individuals Deprived of Family Ties in Jordanian Legislation

### a. the Jordanian Constitution

Jordan's Constitution emphasizes the role of the family and

its protection as the basic cornerstone of society, in line with international covenants on human rights. In the amendments made to Article 6 in the year 2011 was the addition of Paragraph 4 stating: "family is the basis of society founded on religion, morality and patriotism, the law preserves its legal structure and strengthens its ties and values". The Constitution also emphasizes the protection and care of the child in Paragraph 5 of the same Article that stipulates, "The law protects motherhood and childhood and old age and sponsors youth and persons with disabilities and protects them from abuse and exploitation." The Constitution also touches on the protection of juveniles in labor legislations in Article 23 (2:d) through stating the determining conditions for the work of women and juveniles. Article 20 confirms that: "Elementary education shall be compulsory for Jordanians and free of charge in Government schools."

The principle of non-discrimination was referred to in Article 6 (1) which states, "Jordanians are equal before the law. There shall be no discrimination between them as regards to their rights and duties on grounds of race, language or religion." This article has already been criticized due to lack of coverage of "sex" as one of the reasons that attend discrimination in rights and duties, however, what flaws this Article is that it ignored many of the causes of discrimination cited by international conventions, such as discrimination based on place of birth, social origin and lineage. Additionally, the principles of non-discrimination in modern constitutions and international conventions are always stated as examples that aren't meant to be exclusive, which is done by the addition of the phrase "and any status or other reason," unlike the case of the Jordanian Constitution's text.

### b. Personal Status Law

Personal Status Law is of particular importance to children and youth of unknown lineage because it determines the ways that substantiate their lineage. The ways generally accepted to substantiate lineage are: a valid marriage, acknowledgement and evidence, each of which has its provisions and conditions. Further detail on substantiating lineage in the cases of children born out of wedlock and 'foundlings' as well as related issues can be found in Annex 5.

### c. Law on Protection against Family Violence

Family Protection Law No. 6 of the year 2008 was enacted in order to protect any person suffering from family violence. Article 3 of the Law defined the family members to include, in addition to parents, step children (from other 'legitimate' marriages'), grandparents, and aunts and uncles, as well as "a child, under the age of 18 in the custody of a foster family."

Article 11 gives the right to the director of the Family Protection Department or the Head of the Family Protection Section to take any of the measures provided for in the same Article as precautionary measure to ensure the safety of the injured and any family member.

This Law was criticized by a number of civil society organizations because the executive, legal and judicial authorities are unable to implement it, as well as the lack of activation of family recon-

ciliation committees.

#### d. Nationality Law

Article 3 (4) of the Nationality Law affirms the right of ‘children of unknown lineage’ and ‘foundlings’ to obtain Jordanian nationality as it stipulates “Any person born in the Hashemite Kingdom of Jordan of a mother holding Jordanian nationality and of a father of unknown nationality or of stateless father or whose filiation is not established.” In addition, Article 3 (5) states “Any person born in the Hashemite Kingdom of Jordan of unknown parents, as a foundling in the Kingdom shall be considered born in the Kingdom pending evidence to the contrary.”

#### e. Juvenile Law No. 32 of 2014

Jordan devoted a special law to prosecute juveniles for the particularity of their situation and young age, which justifies the development of special rules for them during the investigation and

---

Acknowledges when a person confesses to a right he owes to another. . Article 149 of the Personal Status Law states that acknowledging filiation, even on death bed, regarding an illegitimate child substantiates his/her lineage if the age difference between them is logical. The recognition of paternity or maternity by the illegitimate child substantiate his/her lineage if approved by the confessor and the age difference between them.

According to Hanafi School, the evidence accepted is the witness of two men or a man and two women, and as Jordanian law did not provide for this case, the Rajeh of the Hanafi School shall be considered.

See, for example, Al-Ghad newspaper, the non-application of the law and the fear of the procedures and destiny aggravate the “Family Violence”, February 15, 2014,

<http://www.alghad.com/articles/503323369534ff9d0ad337e41115540fc1ee57>

additional guarantees different from those provided to adults. The Law avoided many of the criticisms made to the previous laws and has taken into account the CRC .

The concern however remains in the powers granted to the juvenile court judge who delivers the juvenile to the person or family entrusted to undertake his upbringing. Article 2 of The Law defined the custodian as “any person or family entrusted with the care of a juvenile based on a decision issued by the competent court in accordance with the legislation in force.” This Law established the juvenile educational home , juvenile rehabilitation home and juvenile care home , and the categories of juveniles who may be admitted to care homes are outlined in Article 33 as follows:

- a. If they were under the care of an unqualified person, for accustomed crime or addiction to alcohol or narcotic drugs, psychotropic substances or moral decadence or sentenced for an indecent offense with any of his children or any of the juveniles whose care was entrusted to them.
- b. If they undertake work related to prostitution or debauchery, or moral corruption or gambling or any illegal acts, or serve those engaging in such acts or associate with infamous persons for their bad conduct, or are exploited by any of them, including acts of begging or panhandling.
- c. If they do not have a stable place to stay in or usually sleep in the streets.

d. If they have no legitimate way of living or did not have an entrusted breadwinner and the parents or one of them is dead, imprisoned or absent.

e. If they have bad behavior and are not under the authority of the father, guardian, custodian, or mother, as well as if the guardian was dead, absent or disqualified.

f. If they beg even if they cover it up by whatever means.

g. If they are street vendors or tamper with waste.

h. If they were intentionally harmed by their parents or one of them with forms of disciplinary measures exceeding those permitted by law and custom.

i. If they are exposed to a grave danger with impossibility to remain in the family.

j. If they are under twelve years of age and have committed a delict or a felony.

k. If they are juveniles working in violation of the legislation in force.

---

Examples include raising the age of criminal responsibility for juveniles from 7 to 12 years, the creation of a specialized police department qualified to handle juveniles, the allocation of public prosecution for juveniles, taking into account the child’s best interest, the expansion of inclusiveness of cases of juveniles in need of care and protection by including juvenile workers and juvenile delinquents under the age of criminal responsibility and consider those in need of care and protection.

Article 2 defines the juvenile educational home as the house established or approved for the education and rehabilitation of juveniles detainees in accordance with the provisions of this Law.

Article 2 defines the juvenile rehabilitation home as the house established or approved for the correction of juveniles sentenced and education and rehabilitation in accordance with the provisions of this Law.

Article 2 defines the juvenile care home as the house established or approved for the purposes of housing juveniles in need of protection or care, education and training.

In an interview with Judge Heba Almomani- Juvenile Court judge, she confirms that the Juvenile Law mentions persons in need of protection and care in Article (37) of the Law and the measures to be taken for the juveniles in need of the protection and care including placement with the appropriate family or suitable person. As for the conditions of the appropriate family or the suitable person has been identified by the Ministry of Social Development under placements instructions issued under the regulation of child care from birth until the age of eighteen issued under Article IV of the Ministry of Social Affairs and Labor Law. Since the Juvenile Law does not issue this regulation, the judge is not obliged to apply and bind and the judge can violate in line with the interests of the Child in need of protection and care. Since childcare regulation violates the Juvenile Law concerning the delimitation of duration of the juvenile placement with the appropriate family, the regulation empowers the Minister of the placement for a limited or unlimited period, while the Juvenile Law is committed to specify the duration. Additionally, with regards to regulations on the Ihtidan system and the alternative families program on which the Ministry of Social Develop-

ment has conducted and worked on recently, Judge Almomani has shown that these two regulations are not mentioned in the Juvenile Law, and gave flexibility to the judge, according to the text of the following Article “to place them with an appropriate family or a suitable person”. As for the measures taken by the juvenile court judge to approve the juvenile placement with the appropriate family, they are as follows:

First: The complete file of the child is transferred by the Ministry of Social Development to the juvenile court judge, who will examine the child’s file with the identity documents from the time the child was reported to the security center until arriving to the King Hussein Foundation.

Second: The probation officer shall conduct a domestic study on the family, prepare the probation report and require a study of the following aspects (the place of residence, the home situation, if it is leased or not, number of rooms, the nature of the family business, monthly income whether suitable or not, the absence of familial antecedence). Then the person in charge in the Family Protection Department conducts an interview with the family or custodial person to see the psychological and emotional behavior.

Third: The appropriate family or suitable person should have the following documents available: (identity card, income statement, absence of criminal record and medical report showing that he is not suffering from mental or contagious illness and provides eligibility for the childcare).

Fourth: The juvenile court judge meets the appropriate family and if all of the above conditions are available, he will issue a decision to place the child, specifying a term not exceeding five years.

With regard to follow up procedures, Judge Almomani confirms that the juvenile court judge issues a decision for the probation officer with the Ministry of Social Development to follow-up and supervise the child who was placed into an appropriate family. Also indicates that the Juvenile Law does not treat the issue of retrieving the child, if it appears that the foster family is not suitable for childcare because of the death of the nursing mother or disintegration of the family for example, or if the child has substantiated the lineage of his real family. With regard to Juvenile Law, Judge Heba Almomani has proposed the issuance of a regulation called “regulation of appropriate families”, explaining the definition of the appropriate person/ family, as well as to clarify the conditions of the appropriate family wishing to receive a child, and cases that enable the juvenile court to retrieve the child from the appropriate family.

In an interview with Ms. Hanan Badarin – The Head of the Foster Care Department – it was noted that the ministry has two programs to place children within appropriate families, these programs being: the foster care (Ihtidan) program, involving children whom both parents are unknown, and the Family Integration Program which was recently conceived by the ministry as children are placed within appropriate families, the goal of the second program being decreasing the number of children within care institutions and placing them within an

environment similar to that of a normal family. It is worth noting that the two categories are not treated in the same way, as children within the Family Integration program are placed within families in a temporary manner rather than a permanent one. Ms. Badarin notes that 52 children have benefited from this program since its initiation.

#### **f. Civil Status Code No. 9 of 2001**

Articles 19 and 20 A of the Civil Status Code refer to the registration mechanism of ‘foundlings’ and ‘illegitimate children’ respectively.

**Article 19** “A: Any person finding a newborn child should hand him/her to the police station in the city and to the village headman (Mukhtar) in villages where there is no police station. He should also indicate the time, place and circumstances in which he found the child with handing what he found on him of clothes and others. B: The police station or Mukhtar should organize minutes for the event showing the age of the child after consultation with the government doctor and distinctive marks on him/her to hand with the baby to one of the institutions or persons accredited by the Ministry of Social Development. This is done to report the event of birth to the Office Secretary for recording within the legal period prescribed after choosing pseudonyms suitable for the newborn and his parents. The state religion shall be the baby’s religion and if someone appears claiming the child lineage to him, after recording the birth event in the registry, and has submitted definitive court decision thereof, the child joins him and the names are changed accordingly.”

**Article 20 (A)** “if the baby is illegitimate, the birth registry does not mention the name of father or mother, or the name of both together only upon written request of them or from any of them supported by a definitive court decision). The Office Secretary have to choose a name for the parents, and is considered null and void all if the birth registration was contrary to the provisions of this Article with respect to mention of the father and mother name.”

Further detail on this issue can be found in Annex 6.

#### **g. National Center for Human Rights Law No. 51 of 2006**

The National Center for Human Rights has the power to visit correction and rehabilitation centers and detention centers. The center has already issued the first and second periodic report on the status of social defense institutions of juveniles in Jordan in 2004 and 2005 respectively. The two reports covered the environment of the centers concerned with juveniles, service facilities and equipment and the situation of juveniles in terms of services provided to them with regard to hygiene and health care and social and psychological care. A set of recommendations of the relevant authorities was adopted in order to improve it, but the center did not follow the issuance of such reports after 2005.

The Center also issued a report on juvenile criminal justice in 2013 which indicated the most important obstacles and challenges facing the private criminal justice system for juveniles, and subsequently made appropriate proposals to avoid them, including the introduction of alternatives to penalties depriving freedom. It should be noted that the Juvenile Law, which was



released in the year 2014, reflected some of these recommendations.

Finally, it should be noted that the National Center for Human Rights' annual report on the status of human rights in Jordan in 2013 devoted a paragraph about 'unknown lineage' situations and stated that there has been no significant changes to the cause of 'unknown lineage' children who are demanding the following rights:

1. Change the national number, which distinguishes them from the rest of the citizens (for those born before the year 2000)
2. Provide job opportunities to grant them a decent life
3. Provide adequate housing to protect them from homelessness
4. Provide health insurance
- h. Regulations and instructions relating to individuals deprived of family ties

Regulations and instructions relating to the issue of orphans were issued based on Article 4 of the Ministry of Social Affairs and Labor Law No. 14 in 1956. The MoSD is one of the ministries created under a law, rather than a regulation. The establishment of a ministry by a law constitutes a quasi-constitutionality because of the obvious violation to the provisions of Article 120 of the Constitution. It is worth noting that most regulations have passed the issuance date by more than thirty years and have not been adjusted to suit recent legal, economic and social developments. Perhaps the most prominent of these developments is Jordan's ratification of the Convention on the Rights of the Child in 1989.

#### **i. Regulation on childcare from birth until the age of eighteen years no. 34 of 1972**

This regulation aims to organize the issue of alternative and foster families indicating the terms of child placement in relevant institutions to provide care for children under the age of eighteen.

To view the full text of the report, see the following link:

[http://www.nchr.org.jo/Arabic/ModulesFiles/PublicationsFiles/Files\\_1.pdf](http://www.nchr.org.jo/Arabic/ModulesFiles/PublicationsFiles/Files_1.pdf) ; [http://www.nchr.org.jo/Arabic/ModulesFiles/PublicationsFiles/Files\\_2.pdf](http://www.nchr.org.jo/Arabic/ModulesFiles/PublicationsFiles/Files_2.pdf)

It is noted that the National Center issued 9 special reports concerning correction and detention centers, while only two reports concerning the juvenile care homes has been issued.

Article 2 of the regulation has defined the 'alternative family' and the 'foster family' as an adequate family other than the original family entrusted by the minister or the court, for a limited or unlimited period of time, to care for children under eighteen years of age in need of care and protection whether temporary or permanent. The regulation has defined 'foundation' as a state institution entrusted by the Minister of Social Development or the Juvenile Court to provide social, psychological, health, professional and educational attention and care for children who

are under the age of eighteen years because of their needs for such services.

According to Article 3, the alternative or foster family or institution is entrusted with the normal duties of the natural family under the supervision of the Ministry in terms of care for the child's health, safety and welfare and education of the person included in any of them. In addition, it has the right to act as the child's parents for the period of time determined by the Minister or the court. The regulation requires a social study to be conducted prior to placement of the child with alternative family, foster parents or institution to provide the necessary care. Article 5 stipulates that the alternative family should be of the same religion of the person placed, and in the absence of verification of the religion and sect of the child in need of care or custody shall be considered Muslim.

Finally, it should be noted that the regulation did not specify the categories of children that could benefit from this regulation, but left it to the discretion of the Minister of Social Development or Juvenile Court. The MoSD will provide at most five dinars as financial support to the alternative families and institutions undertaking the care of the child.

#### **j. Ihtidan instructions for the year 2013**

Ihtidan instructions were issued based on Article 3 of the Regulation on childcare from birth until the age of eighteen years No. 34 of 1972. Article 3 defines the unknown lineage child as "a child whose father or mother are unknown." The instructions outline the conditions of fostering and the cases in which the fostering process ends. These are listed in Annex 7.

It is noted that a Muslim family unable to have children could be eligible to foster. However, a man or woman are unable to in case of celibacy or divorce. Although Article 24 of the Juvenile Law authorized the court to hand over the juvenile to the person entrusted to undertake their upbringing or to a reliable family supporter who vows to do so after their approval, meaning that the Juvenile Law allowed the person, whether male or female, to provide care. With regard to the applicants' religious identities, we find that there is a conflict between these instructions and the regulation that issued these instructions thereunder.

#### **k. Licensing and management of the childcare residential homes regulation**

This regulation aims to state the licensing conditions and management of the childcare residential homes. In the event that these homes fail to care for the child, he/she will be transferred to live with any of his/her original family members, or any appropriate alternative family. The regulation outlines the different categories of residential care homes and the conditions under which children are accepted into care homes (see Annex 8).

Instructions have divided the childcare residential homes into four categories, namely:

- a. Temporary care home: a house that receives the child in need of temporary care and for emergency reasons for a period not exceeding three months renewed for one time by decision of the Minister. The child is returned to his/her original family after this period expires.



b. Family home: a house that receives the child up to the age of twelve, who was deprived of the care of his family of origin or alternative family.

c. Juvenile home: a house that receives the child of the age two to ten-year-old, who was deprived of the care of his family of origin or alternative family until the age of eighteen.

d. Therapeutic home: a house that receives the aggrieved or abused child, so as to provide him with specialized treatment services.

**According to the Article of this regulation, there are general acceptance conditions of the child in one of the care homes, namely:**

**1.** The need to use corporate social care services due to lack of any possibility of childcare by the original or an alternative family, and to ensure that the child belongs to one of the following categories:

- Orphans or deprived of parental care
- A child whose family suffers from family disintegration
- A child exposed to cases of abuse or violence
- A child of unknown lineage

**2.** The child's sex should be proportional with the sex of children in the house.

**3.** The child should have all necessary and suitable medical examinations for age, sex and the nature of the situation before they begin their stay in the care home.

**4.** The decision of attachment to the house by the Minister or by the competent court according to age group and social study, and according to the capacity of the house, including taking into account appropriate housing for children in critical ages.

**5.** The number of children in the family home should not exceed nine children.

**6.** To take into account in the process of transfer from one place to another the child's sex, age, degree of maturity, his own circumstances and any considerations determined by the Committee on case study to protect the child from exposure to exploitation.

**7.** To take into account the combination of natural brothers and sisters together within a single family home whenever possible.

**8.** To take into account the proper preparation of the child for each transition stage at least six months prior to the date of transition and to take into account the academic status of the child.

**9.** Provide educational opportunities and job training for young people who leave the house to help them achieve financial independence and total self-reliance, in collaboration with the Ministry.

In order to achieve their objectives, care homes working with orphans must provide suitable conditions for the growth of

the children in a safe family environment. They must also provide the children with moral and material support and support them in all things be they: living, social, health and professional, or educational and psychological, in order to become socially and emotionally able to learn and ensure that the child enjoys the rights established in the ratified national legislation and international conventions.

**Article 12** of the Regulation requires the provision of a range of general and special conditions to accept the child in foster care, including, for example, that the child belongs to the following categories: orphans or those deprived of parental care, children suffering from family disintegration, child subject to abuse or violence, unknown lineage. The number of children was also limited in one family home to nine children.

The Judge Suhair Tobasi – an appellate judge – explains that the Juvenile Law did not specify the conditions to be met to place the child with the appropriate family. So choosing the appropriate family falls within the discretionary powers of the juvenile judge, but it is recognized with Juvenile Court. The judge takes into account the conditions approved in the fostering regulations and prioritizes placing the child with alternative families of the child relatives. Judge Tobasi confirmed that she does so with the authority granted as a judge but with the necessity of the availability of conditions for the placement of the child with the appropriate family in the Juvenile Law as a minimum which is considered as a reference with Juvenile Court Judge.

In an interview with lawyer Christine Fdoul – National Center for Human Rights – she explained that there are many families who have submitted the fostering request and are still awaiting a reply, but at the same time there are many orphans in care homes who are not fostered yet, largely because the previously stated conditions are not homogenous. Some of these conditions must be amended, especially some of the more difficult ones, such as depriving a woman who is a widow the right to foster, in the event of the death of the husband. The condition of requiring the couple to have a common place of residence seemed strange to Ms. Fdoul. This would, for example, disqualify a family if the husband worked outside the country while his wife remained at home. As for the requirement that says that monthly income of the family has to be at least 500 dinars, this does not give the right of foster care to middle income families, given that the average family income in Jordan is less than 500 dinars. With regard to the inability of a couple to conceive, this condition prevents families with children to foster an orphan child.

The head of the Foster Care Department at the MoSD stated that there are currently 113 foster families (Ihtidan) at the MoSD who have been on the waiting list since the beginning of 2015. Ms. Hanan Badarin also noted that 47 children were placed with foster families in 2014, and that between its foundation in 1967 and 2014, 1,116 children have been placed with families within Jordan while 232 children were placed in families outside of Jordan between 1967 and 2013.

Dr. Alharasees - General Ifta Department, confirmed that the competent authorities should investigate the foster family and the main reason for fostering the child. With respect to the con-

ditions, Dr. Harasees has proposed taking into account that the fostered child should be less than two years of age to enable the foster women to breastfeed the child. Islam explains that if a woman breastfeeds a child five times, she becomes his mother in breastfeeding, and thus “Haram” (forbidden for the child to wed the breastfeeding mother): “if he would live with her until the age of 60,” Dr. Harasees said, “there would be no impediment”. In this way, many problems faced by foster families are dealt with when the child reaches puberty and so that the foster family and women are at ease when he grows up within legitimate constraints.

Regarding the procedures followed by the MoSD when families submit their foster applications, the head of the foster care department noted that the families’ files and profiles are referred to social researchers to audit the applications and ensure the validity of the submitted documents as well as their completion. After that, the families’ applications and files are presented to the “Family” and “Foster Care” committees. Following that, the families are assigned a serial number as they wait their turn. It is worth noting that the category of children deprived of family ties that qualifies for the foster care program are “foundlings” or children whom both parents are unknown. Other categories go through the “family integration” program. The head of the foster care department saw this to be one of the reasons why families applying to the foster care system have to wait for so long; the number of families who apply exceeds the number of children in that specific category.

When the child is placed with an appropriate family, the responsibility rests with the Ministry of Social Development and the Juvenile Judge. Judge Tobasi explains that at the beginning of the baby’s placement, the Juvenile Judge commissions a probation officer to pursue the child and family situation, where law obliges the judge to see the issued reports by the probation officer. With regard to monitoring care homes under the Juvenile Law, the Juvenile Judge is obliged to make field visits to care homes, correction homes, and juvenile homes every three months. Monitoring takes place by way of inspections and the study of children’s situation and making sure that they were entered legally with legal documents and submits the report to the competent authorities. Judge Tobasi clarifies that the child care houses fall under the authority of the Ministry of Social Development which is supposed to have administrative supervision as well. She considers that the decision to place the child with appropriate families is not easy for the Juvenile Judge and that they should not be rushed into the decision and must request all the evidence from the families to ensure the child’s safety in addition to their mental, health, and social wellbeing.

As for the challenges faced by foster families, lawyer Akif Maaytah explains that when the baby is placed in an appropriate family, the biological father and mother may appear later on with substantiated lineage and through formal legal proceedings, can claim the child back and restore him by an order of the compe-

tent authorities. According to Maaytah’s information, one such case has happened and the child was returned to the biological parents. Naturally, such cases are a psychological and social challenge to foster families and foster children.

#### I. Juvenile Aid Regulation

Juvenile Aid Regulation No. 48 of 1959 was issued under Article 4 of the Ministry of Social Development and Labor Law. The goal of the regulation is to provide cash and in-kind assistance from the funds allocated to the Ministry of Social Affairs budget by decision of the Minister. Article 4 of the regulation states that “the total cash assistance to be provided to any juvenile should not exceed three dinars per month”.

### 3.6. Legislative Review Conclusions

It can be concluded that there is a variety of relevant legislations for individuals deprived of family ties and some contradictions and gaps were found in them.

It was noted that there is a contradiction in the special conditions to place juveniles deprived of family ties with those responsible for fostering them. On one hand, we find that the foster instructions issued by the Ministry of Social Development developed a set of conditions for a family to place the child with. On the other hand, we find that the Juvenile Act grants discretion to the Juvenile Judge to place the juvenile with the person entrusted with vows of upbringing or to a reliable family. Many experts also believe that the placement instructions deprive many families of the right to foster, which deprives many juveniles deprived of family ties from a normal family environment to live in.

It was found that the National Centre for Human Rights did not exercise its supervisory authority over the Juvenile Care Homes, as is the case for correctional and rehabilitation centers. The periodic reports have stopped in the juvenile care homes; in 2000, only two reports were issued, while nine Special Reports focusing on the situation of correction and rehabilitation centers were issued. Knowing that care homes and correction and rehabilitation centers are considered closed places where possible human rights violations occur, the law gave the National Center the right to visit and inspect, especially since the residents are usually unable to report the violations they are exposed to in an effective manner.

Moreover, there is a distinct lack of independent reports dealing with the situation of the juvenile care homes and ensuring their suitability to provide services for which they are established, especially if we consider that the last report issued in this regard was in 2005. In order to fill the gap, it may be appropriate to enable community organizations or any independent bodies to inspect the situation of care homes and the residents therein.

Furthermore, while local independent bodies would help increase oversight over the situation of care homes and their

residents, other forms of assuring the quality of standards in institutions and the legal framework governing those deprived of family ties more generally can be achieved through periodic assessments made by international bodies, most notably, those resulting from Jordan's obligation to some international conventions and treaties most noted in the CRC.

While the CRC's ratification comprises certain obligations to ensure the fulfillment of its enshrined principles, it still lacks details regarding the implementation of such principles in certain instances. The translation of such principles into actions came in the form of recommendations in the CRC's concluding observations such as their recommendation to abolish the discriminatory classification of children as "illegitimate". However, such observations only treated certain instances and were limited in the scope of applying the overall principles of the Convention. The above section detailed three of the possible blueprints that Jordan can use to improve their approach in dealing with those deprived of family ties and give support. The three references took different approaches into dealing with the hardships faced by this category, but all of them based on the same principles of the CRC.

The Guidelines for the Alternative Care of Children were designed to enhance the implementation of the CRC. Their goals reflect their use and utility to Jordan; the first goal emphasizes that the family unit is the best environment in which a child can grow, as well as their recognition of Kafala (sponsorship) as an accepted form of alternative care as adoption is not permitted in Jordan. The second goal emphasizes the need for appropriate alternative care until a permanent solution is found. While the third and fourth goals aim to assist governments in the implementation of the CRC by guiding their policies and decisions in the public and private sectors. Furthermore, the guidelines aimed to highlight the importance of easing the transition of care leavers into independent living – a main focus of this research – and an issue that demands urgent intervention as reflected in the literature review.

The Child Protection Strategy 2013-2015: Children without Appropriate Care outlined priorities for the state to achieve by 2015 to ensure that all children thrive in a safe family environment and no child is placed in harmful institutions. While the state of safety in institutions has yet to be covered in the following phases of this research, reports of abuse in institutions that call for the formation of the royal investigative committee indicate that Jordan could benefit from this strategy. Furthermore, the strategy outlines different levels of approaches and measures to ensure the fulfillment of this goal that Jordan could benefit from its application, especially at the local level.

The Stockholm Declaration on Children and Residential Care had a multi-sectoral approach in ensuring countries party to the CRC had a detailed list of actions and measures to refer to in order to properly comply with their obligations to the CRC. The measures included recommended actions to be taken by

the government as well as other sectors such as civil society, and the research community, which IRCKHF agrees with and considers one of the reasons for conducting this research.

These three different blueprints would serve to better develop the way Jordan handles the issue of those deprived of family ties and support as well as their transition into post-care independence. However, it is important not to discredit the initiatives taken by Jordan over years to ease the strife of this category. It is equally important to acknowledge the improvements Jordan made over years in adhering to the CRC's principles and recommendations.

While Jordan has made some considerable improvements in light of recommendations made by the CRC throughout the years, many issues remain unsolved as noted in the previous International section of this chapter. Furthermore, while multiple strategies and plans were developed over years, some of them still need to be implemented even after the expiry of their initial placement date. Other strategies and plans were greatly structured but no reports of their implementation or accomplishment were made public making it hard to judge their efficiency, strengths, and possible areas of improvement. As such, it is recommended that such plans and strategies include a system of monitoring, evaluating, and assessing their progress in the future.

Most importantly, some of CRC very important recommendations were not addressed, most notably the discriminatory classification of certain children as illegitimate, and referring to others as foundlings or of unknown lineage; such categorization and classification was heavily used in Jordanian legislation and various articles of Jordanian law. While the discrimination resulting from the presence of such terminology in Jordanian legislature is not intended to take away any of the rights of the individuals labeled by it, it certainly does contribute to the spread of a social stigma that is harmful to them on a social level.

The presence of such terminology in the state institutions also encourages its spread and use among all levels of society, such spread is most notable in the terminology used by various media outlets in their coverage of this issue throughout the years. As such, the next chapter provides a review of the widespread use of discriminatory terminology that is thought to be benign by media outlets.

# Chapter Four

## Media Review

---

### 4.1 Introduction

One of the main influences that generally reinforces the system of traditions, beliefs or other in a given society is the media. The media can reinforce discriminations and stigmas already practiced within a society, justifying and re-emphasizing social order, and can contribute to fighting against such injustice. This section examines whether the media played a role in justifying existing social order by examining the trends of media coverage of children and youth deprived of family ties. It will further contribute to the identification of forms of discrimination, as well as assist in identifying areas needed to advocate for removing the stigma and discrimination towards orphans or youth deprived of family ties in Jordan. This chapter will also take into consideration certain important events and phenomena that may have influenced the way YDFT were portrayed by media outlets.

It is believed that the media coverage of YDFT is weak in Jordan, while the frequent initiatives from HM Late King Hussein ensured that orphans are in the news occasionally and continue to be in the consciousness and minds of the Jordanian society members. Nevertheless, did any of these stories include children of 'unknown lineage' or other children living in care centers in Jordan? This chapter examines the media coverage of children and youth 'born out of wedlock' – focusing on two specific labels, those of 'unknown lineage' and 'foundlings', all of whom reside in care centers, which includes examining further the terminologies used in describing the groups.

### 4.2 Methodology

The findings of this chapter are preliminary derived from a media review examining the topic of YDFT in the media and the approach in which it is covered. The assessment represents a point of departure allowing further monitoring of the news to theorize and rationalize the role of media in exacerbating the social injustice against those deprived of family care. It is important to note that to the best of the IRCKHF's knowledge, there have not been any studies that examine the role of the media with regards to social injustice against this category, except for a paper examining the news coverage of domestic violence conducted in 2006.

The chapter aims to examine the news coverage of children and youth deprived of family ties in Jordan, by collecting different articles from the main papers and electronic news sites in Jordan.

The papers include the most widely-read and respected papers; Al-Ghad, Ad-Dustour and Al-Rai, in addition to Al-Arab Al-Yawm, and Al-Sabeel. As a result of their significance, these news outlets have been used in several research papers examining media in Jordan such as "News Coverage of Jordanian Daily Papers for the topic of Domestic Abuse/Violence" conducted in 2006 and the "Structural Content Analysis of Daily Newspapers and News Agencies in Jordan" in 2005.

The news articles used in this media review were gathered from a Google search for words in Arabic that translate to 'orphans', 'children of unknown lineage', 'foundlings', 'children deprived of family care', 'broken families', 'children of incest' and other similar terminology that generated search results from the media. The period during which we conducted this research spanned from December 2007 to December 2014, with an added update of the early months of 2015, allowing measurement of several milestones in the category's media coverage in Jordan. Except for the period starting from January 2015, for each event, one article was selected that describes the events in greater detail as well as the article that was printed at the newspaper or news sites that is most well-known and had the maximum number of readers.

This period selected also happens to be the beginning of the period of the media's self-criticism in terms of news coverage in Jordan. The media's self-criticism in Jordan commenced in 2005 and was defined by the surfacing of articles criticizing media's performance proceeding Awatef Abdel Rahman's publication on the criticism theory in communications research. A few articles were published criticizing Jordan's media starting in 2007, such as an article titled: "Qatami: Jordanian Journalism Witnessed Major Transformation in the Second Half of the Twentieth Century" in addition to other studies such as "Daily Jordanian Media Coverage of Domestic Violence" in 2007. The period of media's self-criticism represents a turning point in the approach YDFT were covered by media, and specifically the study published on Domestic Violence in 2007.

In addition to the transformation and change in media coverage, this period represents a time of unrest and change in the region. From 2007-2008, Jordan witnessed a rise in oil prices and a rise in the prices of basic essentials including bread, which exaggerated the difficulties of living. The 'Arab Spring' that erupted in

2010 was another milestone that affected the whole region in general and Jordan in particular. It caused the initiation of different demonstrations across the country in 2011, including those seeking reforms within the Jordanian government. On the other hand, it created a huge influx of refugees into Jordan, straining Jordan's economy and depleting many of its resources.

The articles that were used for review comprised of 35 news articles and additional 33 articles used for validation of the trend and further background information, from newspapers and online news sites mentioned above. An additional 11 articles were added in 2015 as a continual update and monitoring to the coverage. During the three main phases, it was realized that there were three main incidents that the media covered, which are comprised of the general census in 2007, His Majesty King Abdullah's and Her Majesty Queen Rania's check-up visits in 2012, and finally the Ministry of Social Development (MoSD) effort to encourage marriage to orphans and children of unknown origin in 2013. It was noticed that there was a change in the media coverage with regard to the topic of YDFT through the three major events, and hence the analysis is divided into these three major events as a tool to analyze the media coverage.

#### The analysis of the different phases focused on:

- The topic of the article (progress made to help this category of people, children found, conventions etc.)
- The different terminology used to refer to CDFT and YDFT and the consistency of used terminology across different media platforms.

## 4.3 Findings

### 4.3.1 2007-2009

The 2007 census demonstrating an increase in the number of children of 'unknown lineage' in comparison with the 6 previous years

The news coverage in Jordan differentiates between children of unknown mothers and fathers or 'foundlings,' children of unknown fathers known as children of 'unknown lineage,' and children of known mothers and fathers known as 'orphans.'

Although the term 'orphans' often refers to children at care centers which includes all three categories of children mentioned above, in other instances in the Arabic media, the reference to orphans was limited to children of known fathers and mothers, while the other children were labeled differently in Arabic.

In the first period, seven articles were examined. The articles selected were those that highlighted the major events orphans went through during the years 2007-2009. Through the seven articles, it was noticed that media varied its coverage to both children of 'unknown lineage' and 'foundlings,' but with emphasis on 'foundlings' concluded through counting the number of times each label appeared. The label 'Foundlings' was used 42% of the times in articles referring to groups of children in care centers, while the rest of the labels varied between 'orphans' and children of 'unknown lineage'. Even the article titled "Experts asking for creating a national registration for children of 'unknown lineage'" from Ad-Dustour paper addressed mostly 'foundlings' instead.

The rise in prices was a major focus during this period, and especially at the early stages, reflecting and further setting a negative atmosphere. Coverage of YDFT reflected and carried over the negativity through focusing on the 'problems' and 'phenomena' that the society was going through. The Arabic word for phenomenon (ظاهرة – thahirah) appeared often in the news such as BBC-Aman's article and Al-Arabiyah. Additionally, the circumstances of the children were seen as a new phenomenon and were described with a negative connotation attaching the phenomena to words such as 'worry,' 'concern' or other negative feelings. At this point, the news was also reporting on government's actions addressing the new phenomena. Examining the reasoning was the primary focus rather than improving their treatment, from the government's perspective.

A unique article reported on requests to some improvements for these groups, which represented a rising voice. This rising voice was represented in Ad-Dustour paper reporting on experts requesting proper national registration for children of 'unknown lineage'. At this point, the news coverage was introducing the 'problem' of 'foundlings' appearing in society and viewing it as a detached phenomenon, rather than representing the perspective of the child and the problems that child faces. The descriptions were all from a governmental and societal points of view, including the article from Al-Ghad newspaper. AlGhad newspaper published an article de-



scribing the expansion of MoSD's services for teenage orphans.

Abeer Hisham Abu Touq was the first reporter to describe the effects on the children's lives. The societal view of 'foundlings' or children of 'unknown lineage' can result in destroying the children's lives due to the ill treatment received all around. This investigative article was the first of several that were published uncovering serious concerns that children at care centers face. During the period of 2009 – 2010, articles uncovering the mistreatments that orphans were exposed to, which include those with unknown parent or parents and those with known parents, were published. One of the articles reflected the wider reality of the region, and included the phrase, 'even the orphans are demonstrating' in its title. During that specific period, the problems of orphans in general started to uncover, building on the previous period, but expanding it to the target group facing the least criticism and the target group with guaranteed compassion from the society, the orphans. Al-Ghad published the famous investigative piece addressing the abuse and sexual harassments that take place in care centers, in addition to a follow-up article addressing the absence of protection from the government after the age of 18. In both articles the word orphans was used to refer to children of all three categories, while reference to the different groups was differentiated throughout the article. The reports provided accounts from the children themselves, giving the 'phenomenon' or 'problem' a new perspective. The new accounts gave orphans a new angle and new perspective in the eyes of society and intensified media's attention towards the circumstances of these children.

Therefore, this period represents the commencement of the intensified media coverage of YDFT, focusing on children of 'unknown parents' through the government's perspective, but still shows mixed views.

#### 4.3.2 2010-2012

The checkup visits of Royalty, and specifically HM King Abdallah and HM Queen Rania

The second period followed the eruptions of the Arab Spring. During this period, the focus of the media shifted to children of 'unknown lineage' rather than 'foundlings'. In the 10 articles reviewed for this period, the majority of the labels used for children were those of 'unknown lineage' representing 52% of the total labels, while the label for 'foundlings' dropped to 15%. This demonstrates a great shift in the interest of media in children of 'unknown lineage', while also increasing the interest in orphans, which rose to 33% of the total labels used. Other articles examined during the research phase also used the 'orphans' terminology and the 'unknown lineage' to disclose incidents of those vulnerable children.

At this point, the tone in the media coverage was leaning towards a 'revolutionary' tone, following the general feel in the region and unveiling the complications that children of 'unknown lineage' face. The 10 articles uncovered 'abnormalities' that surfaced in the Jordanian societies today, as stated by the media, and represented the phenomena in the eyes of the society. The

articles took two types of approaches: the first covered the act of finding 'foundlings' without adding analysis or investigations (and was the primary use of the term); the second approach went further into the analysis of the circumstances that orphans are facing, which include segregation and stigmas. These include disclosing the secret behind '000' IDs, revealing the use of children of 'unknown lineage' for testing, and informing with regard to their deprivation from basic family care. The visit of HM King Abdallah and HM Queen Rania, re-initiated attention to children living in care center's circumstances, and hence the articles which initiated attention on the media, through reporting on other stories and 'abnormalities' that orphans are witnessing.

The heavy usage of both labels 'orphans' and children of 'unknown lineage' varied in context. The use of the word 'orphans' since the period of 2009 was used to address the significance this part of their identity held their lives, hence ensuring people's attention. The term 'unknown lineage' was used to express isolated incidents or other significant concerns that sparked debates among the Jordanian society, mainly used for the child of unknown father and the shame around it. The highlight of coverage here was around addressing the 'abnormalities' that were experienced by this group or by societies caused by this group.

With the rise of tensions with the news coverage, there was a noticeable absence of reporting by the main newspapers, with the exception of Al-Ghad newspaper. Al-Ghad during this period covered two articles (out of 19 articles found online), both of which are significant articles unveiling major milestones and important matters in the lives of orphans. The first of which was the ID, while the second addressed the deprivation from parental care. Labels were minimized in both articles, to referring only once to 'unknown lineage' while otherwise addressing the family disintegration, ensuring that the reporting is objective and is clearly highlighting the significant phenomena rather than stressing the audience.

So yet again, Al-Ghad paper sheds the light and brings to the Jordanian audience and society important matters that affect orphan's lives. Although different from the previous period, which represented standard reporting with the absence of new incidents alarming or surprising incidents, the shift towards the label children of 'unknown lineage' can possibly be explained in the sense of labeling the 'problem' or 'phenomena' with societal understanding, social norms, and social order.

#### 4.3.3 2013-2014

Ministry of Social Development (MoSD) efforts to improve the lives of orphans and specifically marrying children of 'unknown lineage'

The third period spanned from January 2013 to December 2014. The phase began with absence of news coverage during the first 3 months: January – April 2013. The lack of news stories and media coverage was noticeable, but also unaccounted for. There was also a significant change in the tone of the media in this section, as it varied between uncovering further issues, debating



the causes of the 'phenomenon', distributing the blame and finally highlighting other achievements progressing the lives of orphans.

Eighteen articles were reviewed with the compilation of 21 other articles used for further validation of trends and background information. It is worth mentioning that it was easier to collect articles during this period for several reasons. The first of which is due to this period being recent, as well as the abundance of several news sources. It was also the period after the 'the revolutionary' approach which intensified the topic and debate, allowing different angles to be expressed.

With the diversification of the coverage in this period, several different labels were used to refer to children deprived of family care. Those labels include 'sons of sin,' 'illegitimate children,' 'incest children,' which represent only 10% of the labels used in the articles. The remaining labels were again similar to the second period. The highest number of labels used were those of 'unknown lineage' representing approximately 40% of the number of labels, and indicating the continued societal concern with the lineage, which can possibly be explained as a way to justify and re-emphasize existing societal order. Orphans also covered a high percentage representing 30% of coverage, while 'foundlings' represented 15% of the labels used. The rise in usage of the word orphans shows the mixed coverage and the effort to neutralize and reveal the positive feelings of society towards the target group again. Several articles articulated the government actions addressing the identified concerns, while others articulated visits. The coverage increased with the Pope's visit to Jordan where he met with orphans.

During this period, major newspapers have addressed and reported on orphans through different events, the main of which, as mentioned above, was the visit of the Pope. Ad-Dustour, Al-Rai, Al-Arab Al-Yawm and Al-Ghad all reported on stories during this period. Six articles were identified from Al-Ghad reporting on orphans, at least three of which were addressing incidents of finding babies or otherwise known as 'foundlings.' Through these articles, Al-Ghad newspaper, for the most part referred to the children as babies rather than any of the labels identified in other articles. This demonstrates the level of awareness and sensitivity of reporters and newspapers to the term's influence, and possibly an attempt to remove the stigma associated with these children by removing the negative labels. The other two articles, by Nadine Al-Nimri, are reporting on steps conducted by the MoSD tackling two topics, the first is caring for the teenage orphans, while the other is reporting on incidents of incest in care centers. The first article uses the label children of 'unknown lineage' once and 'orphans' once. Other references varied between 'teenage', 'children deprived of parental care' and 'family disintegration' or 'broken families'. The second article focuses on the concept of incest and avoids using other labels that criminalize the victim. Both articles increase in usage of the label 'child' and 'children'. The reporting by Nadine Al-Nimri on teenage

girls addressed sensitive female-specific topics using careful terminology and addressed the activities conducted by the MoSD. The increased reporting on activities of MoSD can be interpreted as a sign towards press limitation. Nevertheless, regardless of the reasoning, the third period has tied back to the first period in which it is addressing the issues from the government's perspective rather than the orphan's perspective.

#### 4.3.4 2015

Mixed reporting and shift in terminologies

2015 commenced with increasing articles on orphans, unveiling new information with regard to children deprived of parental care. Up until March 30, there were 11 articles identified from Al-Ghad newspaper, Ad-Dustour, Al-Rai, Jo24, and Al-Wakeel News. Five of which were from Al-Ghad newspaper demonstrating its continued interest in this issue.

The coverage during this period continued to provide mixed views, which included finding babies or 'foundlings,' actions conducted by MoSD, and further investigating the cases of children or youth deprived of parental care. There is a clear shift in terminology towards referring to the target group as 'children' or 'child' with about 65% of terminologies used as such. Labels such as 'victims of broken families' (3%) and 'children deprived of parental care' (4%) were increasing in use, adding the victimized feelings as possibly a way to alleviate the children from the blame given by the society, but again using the same social order in labeling the children. Additionally, the term 'orphans' was mainly limited to charity events, the term 'foundlings' was limited to newborns and babies found in public areas, while the term 'unknown lineage' decreased in use (5%), and shifted to 'unknown fathers' or 'unknown parents/ fathers and mothers' (6%).

On the other hand, new information based on further investigations and gathering of information was revealed. The two distinguished articles were connecting the children deprived of parental care, and specifically those 'born out of wedlock' – as referred to by the CRC – or those with 'unknown parents' as referred to in the articles, to migrant workers and people with disabilities. The first article, from Al-Ghad newspaper, looks at identifying the lineage of the child. So although the terminology has shifted, the stigma is still represented which is possibly contributing to maintaining and justifying the current social order and status quo. The second article, from Al-Rai describes the increased limitations for such children, but again attaching the child to another stigmatized group in society and hence continuing to somehow justify the social ways and attach the children to another stigma.

Therefore, this phase is unrevealing a different trend from the three phases and is witnessing increased media coverage. The coverage, although shifted in terminology, re-aligned itself with societal perceptions by noticing a clear trend in the terms used. Additionally, the articles attached the vulnerable group to other vulnerable groups in Jordan, which can play in enhancing the stigma towards children deprived of parental care. Nevertheless, it was clear that coverage during this period was mixed and covered different perspectives and events.

#### 4.4 Media Review Conclusions

There is a clear progression of events in terms of media coverage of YDFT. The past seven years have witnessed an increase in media reporting on issues related to orphans addressing orphans, children of 'unknown lineage' and 'foundlings'. This can be related to other reasons which include the increase of media outlets in Jordan in general, nevertheless, for this study we have looked at three periods of time and continue to review the fourth, which represents the concentration of media coverage of orphans which were identified as 2007-2008, 2011-2012, and 2013-2014, as well as reviewing articles from 2015. The four periods revolved around two types of incidents: government's census and the 'negative' result indicating an increase in children of unknown parent or parents, royal visits or other important figures, and finally actions taken by MoSD. The media was rarely interested in pursuing stories about orphans, and seldom covered events from the orphan's points of view. This changed during the second period in which media has continually unleashed the problems and social limitations that those children face, but with the continuation of phrasing the problem within social norms, shifting the labels from 'foundlings' to children of 'unknown lineage.' The children are provided with poor services and are unsupported by bodies to protect them. Additionally, they are subject to ill-treatment, sexual abuse and other forms of violence. The second period, which coincided with the Arab Spring allowed the media to disclose and uncover several of the hidden issues inside the care centers in Jordan.

The attention of the media reports began by reporting on 'foundlings' and moving towards children of 'unknown lineage' in the second period, with an attempt to neutralize reporting to 'orphans' towards the third period. Nevertheless, reporting for the third period continued to exceed reporting on orphans. The shift in usage of labels demonstrated the shift in interest by the media throughout the period, whether due to societal influence or due to governmental interest, but in both cases phrases the issue within social norms. The articles from 2015 demonstrate another shift in terminology and place the labels within social stereotypes. 'Foundlings' referred to babies found in public spaces, 'orphans' referred to them in charity events and children of 'unknown lineage' were those that were examined further. Otherwise during the four periods, the visits of different officials whether royalty or other were generally expressed as visits to orphans, while the mix of terms took place when addressing the

difficulties that orphans or society face. Nevertheless, there was a clear debate around the acceptance of children of 'unknown lineage' and hence several articles represented a defensive case.

But most importantly, as indicated before, there is a clear development in the media coverage towards the target group of interest that found through following Al-Ghad newspaper. Al-Ghad newspaper demonstrated clearly the strong cases addressed between and during the first two periods. Al-Ghad uncovered various important events to the Jordanian society and have addressed the topics quoting the different children, using the appropriate label but with carefulness and great sensitivity. Up until the end of 2014, Al-Ghad newspaper has continued to address sensitive topics, mostly through covering the activities conducted by MoSD. Additionally, there is a clear carefulness in the labels used to address the children in the last articles, attempting to shift the negative blame to victim, nevertheless, in both cases maintaining coverage within social norms and maintaining negativity. Moreover, it was noted that the media coverage was highly focused on those deprived of family ties under the age of 18, meaning those residing within forms of alternative care. This focus stands in stark contrast to the minimal amount of coverage this category received after reaching the age of eighteen and leaving such forms of alternative care.

Therefore, the media reemphasizes discrimination and stigmas already practiced within the society, justifying and maintaining social order, whether through the terminology used or the events covered. The social order maintained through the coverage does not mean lack of coverage of new information and further unveiling of findings, but rather maintaining the coverage and phrasing within social norms, and narration as such. Additionally, it can be argued that reporters were consciously aware of the sensitivity in reporting news on children deprived of parental care through following the flow of articles – especially the mainstream and important papers that include Ad-Dustour, Al-Rai, Al-Arab Al-Yawm and most importantly Al-Ghad. While they were engaged enough to continue their coverage of this topic, they were not yet aware enough to unify terminologies and challenge the social norms. Silence can be considered an encouragement of social injustice and discrimination towards children in care centers and for such reason, reporters are encouraged to uncover the stories, and unveil the truth in order to create change and possibly escape social norms.

# Chapter Five

## Research Design

---

### 3.1 Theoretical Framework

When researching issues of discrimination, or target groups that have a certain stigma placed over them, it is necessary to identify the types and sources of discrimination in order to be able to plan how to reduce and eliminate such discrimination. For this reason, the research design of this project not only looks into the self-perception of the target group, but also at the social context in the form of researching society's perceptions and attitudes toward them, as well as the legal or official aspects in order to determine whether or not the discrimination is embedded into the system or practices, intentionally or unintentionally.

However, the pool of this information needs to be organized into a theoretical framework in order to analyze the data, and apply it to a theory of change during the awareness raising phase and advocacy of the project. For this reason, prior to entering a theory of change plan (which most likely will only be started within the period of this Democracy and Governance Grant as it would take years to be able to evaluate any changes or impact), it became necessary to identify the most suitable theoretical framework for this research.

The research for this topic is based on existing literature and interviews, and different meetings with those who work or have researched youth deprived of family ties, who are living or have lived in care centers and are considered to be of unknown parentage, or literally in Arabic, of 'unknown origin.' As a result, this group of people has felt that they have been officially distinguished from the rest of Jordanian society, and discriminated against by the state. Both of these assumptions will be validated during the second phase of the project, but in order to analyze all the data, it is necessary to use a theoretical framework that takes into account the context of the social construction identities based on the components of one's individual identity versus the group's collective identity, the perception of the rest of soci-

ety or the other towards it, and the way the system has treated this group, as part of the goal of this project is to identify the various forms of discrimination faced by youth deprived of families.

There is no doubt that any theoretical framework must take into consideration the social context along with the construction of an individual's identity. As described in the literature and legislative reviews, a great deal of discrimination comes from the names itself, that of 'unknown origin' or in other words, the identity or lack of a known patrilineality. Therefore, when a child is deprived of family ties or care previous research has shown that they have been discriminated against by society, and have even been referred to with discriminatory labels such as 'children of sin' or even officially as 'illegitimate children' or 'children born out of wedlock', the former considered discriminatory by the international arena and the latter by the local, it is these social constructs that must be deconstructed and analyzed.

#### Firstly, identity can be defined as such:

- 'Identity' denotes the ways in which individuals and collectivities are distinguished in their relations with other individuals and collectivities.
- 'Identification' is the systematic establishment and signification, between individuals, between collectivities, and between individuals and collectivities, of relationships of similarity and difference.
- Taken – as they can only be – together, similarity and difference are the dynamic principles of identification, and are at the heart of the human world.

While the significance of the role of identity in the selection of a theoretical framework is evident, it is necessary to understand which is more applicable: Identity theory or versus social identity theory. This is a matter that continues to be debated by experts of both theories. Both identity theory and social iden-

tity theories are based on “the self-concept and on the nature of normative behavior,” and are very similar in the sense that “both address the social nature of self as constituted by society, and eschew perspectives that treat self as independent of and prior to society.” The difference though is that “identity theory is principally a micro-sociological theory that sets out to explain individuals’ role-related behaviors, while social identity theory is a social psychological theory that sets out to explain group processes and intergroup relations.” As their names indicate, the roots of the two are different, one comes from sociology while the other from psychology, even though “both theories place their major theoretical emphasis on multifaceted and dynamic self that mediates the relationship between social structure and individual behavior.” After conducting research on identity theory, it was found that the context of this research is better fitted to the discipline of social psychology, and within that, social identity theory when looking at the target group and society, and system justification theory in the review of the institutional discrimination.

Why is this a form of social psychology? Research and literature in social psychology of intergroup relations concentrate on “patterns of individual prejudices and discrimination and on the motivational sequences of interpersonal interaction....the common denominator of most of this work has been the stress on the intra-individual or interpersonal psychological processes leading to prejudiced attitudes or discriminatory behavior.”

“Social identity theory is intended to be a social psychological theory of intergroup relations, group processes, and the social self.” The leading authors of social identity theory, Henri Tajfel and John Turner proposed that there are three cognitive processes relevant to a person’s belonging to an ‘in-group’ or ‘out-group’, which as associated with the possible association of discrimination related to group membership.

Social Categorization is “the process of deciding which group you or “another person or persons” belongs to. At its most basic and non-involved level “any group will do” and no necessity is seen for conflict between groups.” Social Identification is “the processes by which you or “another person or persons” identify with an in-group more overtly. The norms and attitudes of other members within that group being seen as compatible with your own or worthy of emulation by yourself, or as compatible with those of “another person or persons” or seen as being by open to emulation by “another person or persons.” Social Comparison is one’s own “self-concept or the social concept of “another person or persons” becomes closely meshed in with perceptions of group membership. Self-esteem, or the estimate of “another person or persons” is enhanced or detracted from by perceptions of how in-groups and out-groups are held to behave or are held to be able to perform or to rate in society.”

The main idea of social identity theory is that “a social category (e.g., nationality, political affiliation, sports team) into which

one falls, and to which one feels one belongs, provides a definition of who one is in terms of the defining characteristics of the category- a self-definition that is part of the self-concept.” In other words, social identity theory is about becoming a part of a group, and how membership of the group constructs one’s identity, based on the boundaries set by other groups.

While the research will show to a certain extent the source and impact of the discrimination from each angle, social identity theory will show how they are related as “a central point of departure in the social identity theory approach is that the impact of social groups on the way people see themselves and others around them cannot be understood without taking into consideration the broader social context in which they function.”

Social identity theory deals with intergroup relations: “how people come to see themselves as members of one group/category (the in-group) in comparison with another (the out-group), and the consequences of this categorization, such as ethnocentrism. A social group is “a collection of individuals who perceive themselves to be members of the same social category, share some emotional involvement in this common definition of themselves, and achieve some degree of social consensus about the evaluation of their group and of their membership of it.”

An individual’s social identity, according to Tajfel and Turner, is derived from the following assumptions:

1. Individuals strive to maintain or enhance their self-esteem: they strive for a positive self-concept.
2. “Social groups or categories and the membership of them are associated with positive or negative connotations. Hence, social identity may be positive or negative according to the evaluations (which tend to be socially consensual, either within or across groups) of those groups that contribute to an individual’s social identity).”
3. “The evaluation of one’s own group is determined with reference to specific other groups through social comparisons in terms of value-laden attributes and characteristics. Positively discrepant comparisons in terms of in-group and out-group produce high prestige; negatively discrepant comparisons between in-group and out-group result in low prestige.”

As the literature and media coverage of youth deprived of family ties in Jordan has shown, the membership of this group is associated with a very negative connotation, especially for those ‘born out of wedlock’ who have been referred to as ‘children of sin’ amongst other things. A negative connotation however is also associated with other youth deprived of family care, such as those who are in care due to a broken family. Because the family is the basic unit in Jordan, both legally and socially, the lack of association with a family or ‘origin’ creates a negative social identity that has resulted in the formation of a negative social identity group, as the second assumption of Tajfel and Turner states.

**Based on the aforementioned assumptions, Tajfel and Turner have identified the following three principles for social identity theory:**

1. Individuals strive to achieve or maintain positive social identity.
2. Positive social identity is based to a large extent on favorable comparisons that can be made between the in-group and some relevant out-groups: the in-group must be perceived as positively differentiated or distinct from the relevant out-groups.
3. When social identity is unsatisfactory, individuals will strive either to leave their existing group and join some more positively distinct group and/or to make their existing group more positively distinct.

As these youth have a negative social identity, the participatory action research with the youth will need to determine whether or not they are striving to achieve a positive social identity, and how they have tried to do so. Another principle the research will explore is whether or not, as mentioned in the third principle of social identity theory, the individual youth try to leave their existing group, and try to become part of a more positively distinct group, which in this case would be the rest of the Jordanian society. The other matter to explore, again based on the third principle of social identity theory, is whether the youth prefer to remove themselves from this social identity group, or try to change the group's social identity to a positive rather than a negative one.

There are many variables that need to be considered according to social identity theory. For example, while "the most powerful causal factors determining a group's identity" is the consensual definition of others (in this case the other is the system and society), it is not enough. In fact, social identity theory assumes that the individuals of the group have "internalized their group membership as an aspect of their self-concept: they must be subjectively identified with the relevant in-group." In a group with a negative or stigmatized social identity it is understandable that the stigma or negative social connotation did not originate from the individuals themselves, however the impact of 'the other' is so powerful that the individuals of the in-group, in this case youth deprived of family care, have come to identify themselves by this stigma.

In reaction to this negative social identity, individual members may try to dissociate themselves from the group, which social identity theory describes as the concept of 'individual mobility' which entails a strategy or an attempt "to achieve upward social mobility, to pass from a lower – to a higher – status group." The main feature of social mobility, is that it is an individualistic approach, meaning that the individual sets to achieve a personal solution by dis-identifying themselves with the in-group, rather than find a group solution.

Another reaction that may occur by members of the in-group is 'social creativity,' meaning they may seek "positive distinctiveness for the in-group by redefining or altering the elements of the comparative situation." This does not necessarily mean that anything in the group's social position may change, however as the group's strategy may be to find a new dimension as a point of comparison between themselves and 'the other'. The group may also try to change the connotation of the values assigned to their social identity from being perceived as negative to positive instead. Or the group may try to change 'the other' out-group by choosing a new point of comparison. For example, in the case of youth deprived of family ties in Jordan another out-group may be that of orphans, who do not necessarily have a positive social connotation, but nor is it entirely negative. If 'social creativity' is the strategy used, by selecting to become known as orphans, society is then more obligated (whether by culture, traditions, or religion) to support the group, therefore changing the dimension of the group from negative to positive by way of obligation.

The last reaction according to social identity theory is that of 'social competition,' where "the group members may seek positive distinctiveness through direct competition with the out-group." However Tajfel and Turner have hypothesized that this strategy would actually "generate conflict and antagonism between subordinate and dominant groups." In other words, in the case of youth deprived of family care, this would mean changing being born out of wedlock or being a part of a broken family as a positive rather than a negative connotation, which would be unacceptable by Jordanian society, and as Tajfel and Turner have assumed, indeed generate great conflict as opposed to being a solution for the group's social identity.

Tajfel and Turner, considered experts of social identity theory, believe that "a status difference between groups does not reduce the meaningfulness of comparison between them providing that there is a perception that it can be changed." Therefore, it can be concluded that in order to reduce the stigma and negative connotation placed over this group in Jordanian society, the perception of both the system and society itself needs to be changed.

Based on the upcoming research with both the group amongst themselves, youth deprived of family care, and research with the rest of Jordanian society, it will be determined whether the youth upon becoming care leavers prefer to disassociate themselves from this social identity group (individual mobility), or to change the social identity of the group from a positive to a negative social connotation (social creativity). This will be incorporated into the research questions and data analysis in the action phase, and accordingly used to achieve the objectives of the overall project in the awareness and advocacy plans in reducing the stigma against this group, and enabling them to integrate into Jordanian society upon becoming care leavers.



Recommendations for next phase

- a. What are the attributes associated with this group of youth?
- b. Do they feel that they are members of a group that have a negative social identity?
- c. Does society perceive this group as having a negative social identity? Why? What does it have to do with the youth? The fact that they are born out of wedlock? Or that their patrilineage or both parents are unknown? Or other?
- d. Do youth deprived of family ties in Jordan strive to achieve or maintain a positive social identity? How so? By trying to disassociate themselves from this group? How do they try to socially identify themselves instead?

### 3.2 Research Limitations

It was planned that the data collection for this review would include interviews with the MoSD to document information that will feed into the different components of the review. Communication with the MoSD took longer than had been anticipated and it was found that no interviews were to take place prior a Memorandum of Understanding (MoU) is to be signed between the IRCKHF and the MoSD. The MoU has been signed but the delay affected the preparation of this review as follows:

Literature Review:

- The MoSD website mentions that the MoSD has recent research on this topic but is not available on the website. This team was unable to get this research to include in the literature review.
- The MoSD has a set of definitions of and related statistics on the different categories of children and youth without parental care. The team hoped to get the definitions and statistics in order to complement definitions and statistics mentioned in literature, but was unable to.
- The MoSD was unable to provide IRCKHF with a copy of the draft of the National Strategy for Orphans. While it was discussed through interviews, the actual document was not provided and therefore all of the references in it were also unavailable.

### 3.3 Ethical Considerations

Consent forms were used in the interviews with lawyers, judges and legal experts. The forms include an explanation of the project and its objectives and asked for the consent of participants to record and use the content of the interview in this review. The forms also gave the participants the option of stopping the interviews at any point, keeping their identities anonymous and were free to be selective about information. A copy of the consent form can be found in Annex 9.

## Chapter Six: Overall Conclusions

As stated previously, this volume of the research (the preparatory research) represents the first phase of the project. This volume represents that basis on which the following phases of the project will be built on. While each of the separate chapters provides its own findings, due to the extensive and rather large size of this volume, it would be helpful to summarize the main conclusions reached by the research team:

#### a. Terminology

The issue of terminology was perhaps the most prominent across the various sections of the research. As noted in the various Concluding Observations made by the CRC, the classification of children born out of wedlock in Jordan as 'illegitimate' is discriminatory in its own merits. The formal use of such terminology was illustrated to be widespread in various articles of Jordanian laws, procedures and practices as was demonstrated in the legislative review section, a practice that was contradictory to some of the most prominent international conventions at the heart of which was the guarantee of the best interest of the child. While the CRC prefers usage of 'born out of wedlock,' it should be noted that in Jordan and the Arab region this is also considered a discriminatory and stigmatized term. Additionally, as was demonstrated in the literature review and the theoretical



framework sections, reference to those deprived of family ties under the labels of “unknown lineage”, “foundlings” amongst others fails to take into consideration the social stigma resulting from using such terms within local Jordanian context.

Moreover, this system of classification was not a standardized one in various articles of legislature. Different governmental entities and laws used different classifications when referring to children deprived of family care. This caused a lot of confusion in addressing the various hardships, difficulties and forms of discrimination this category experiences in Jordanian society. The unstandardized use of a classification system is harmful for reasons other than the discrimination resulting from the terms used for this classification, it extends to societies perception of them as was demonstrated in the media review section and the media coverage of different categories of children deprived of family care. Such labels are assigned to children deprived of family care, a theme that would be explored in the following phase of this project, where the youth themselves will be asked how they identify themselves and how they would rather be referred to. This topic will also be discussed with policymakers and experts in a roundtable to ensure that it becomes a universally accepted term.

#### **b. Concept of Lineage and Patrilineality**

The review of previous literature and our reliance on our theoretical framework also conclude that a main feature of the Jordanian context which further complicates addressing the issue of those deprived of family care: the reliance and sole dependence on patrilineality as means of establishing lineage and therefore crucial features of one's identity. This dependence is evident in both formal and informal institutions in Jordan. The legislative review demonstrates how establishing one's lineage is mostly dependent on paternal lineage, as well as how matrilineality is considerably easier to establish in comparison to paternal lineage. While this feature highly defines the upbringing of the child from an early stage of his/her life due to legal implications such as the right of custody, it also extends to the informal/social context of Jordanian society.

As noted previously, the high dependence of Jordanian society on the notions of family relation as a means of validation for one's identity is a heavily patrilineal one. While no laws exist to intentionally discriminate against those deprived of paternal care, labelling them as ‘of unknown lineage’ and ‘foundlings’ defines them within their community as outcasts and sets them up to be alienated and excluded because they lack a key prerequisite for the full-integration into Jordanian identity: a father's family name.

#### **c. Weaknesses in Addressing the Issue of Those Deprived of Family Care**

The above two headlines of the conclusion section form the basis for this one. Various gaps in the manner the issue of those deprived of family ties is addressed by different factions

of Jordanian society. Following is a summary of such gaps uncovered by this research:

- While several initiatives have been taken by different entities of the Jordanian government to ease the hardships of children deprived of family ties, such initiatives had no evidentiary documents made to the public explaining how their goals would be implemented. This is exemplified by the difficulty the IRCKHF research team experienced in obtaining a copy of the national strategy for the care of orphans.
- While certain measures were meant to be taken to ensure the quality of treatment this category receives in official procedures, such measures were very late in implementation. An example of that was the manner in which the Juvenile Law was supposed to regulate the conditions and prerequisites of the foster system in Jordan but has not so far. Another example is the manner in which oversight authorities that the National Center for Human Rights and the Juvenile Court have over ensuring the quality of conditions of care homes, an authority that remains poorly exercised.
- The overall way of addressing the issue of children deprived of family care. While it is very important to guarantee the application of the best possible practices to meet the child's best interest during their time in alternative care, the sole focus on this issue conveys a reductive approach in addressing this issue, failing to take into consideration the social factors faced by these children especially after they leave care after the age of 18 with no system of support. This reductive approach is also evident in the media coverage of the issue, which focuses on the end results care leavers experience without much analysis of the underlying factors that lead to such hardship. An evidence of that is the high coverage the issue of triple zeros in identification numbers received, an issue that turned out to be an error in the computer system at the department of civil status and passports.

The above conclusions call for a clear need to redefine the approach Jordanian society as a whole adopts in addressing and regarding those deprived of family care. It calls for a more transparent process in which the public as well as the government apply a deeper understanding of the complexity of the issue of those deprived of family care, of the various forms of discrimination existing socially and legally within Jordan and the unintended effects it has on children of this category, as well as an understanding of why a support system upon them leaving care is necessary. The following volumes of this research project will aim to provide further information on the complexities of this topic, it will aim to engage the category of those deprived of family ties to factor in their opinion first-hand, it will bring back the topic to be open for public discourse via gauging society's perceptions on the subject as well as an awareness campaign, and last but not least, it will create a network of support for those leaving care that they can rely on in an effort to alleviate their strife.

# End Notes

## Literature Review

- Hind Farahat, Orphaned Youth in Jordan: Constraints of Patriarchal Citizenship, P. 16
  - Hind Farahat (2013), Orphaned Youth in Jordan: Constraints of Patriarchal Citizenship.
  - National Council for Family Affairs (2011), Fourth and Fifth Jordanian Reports on the Convention on the Rights of the Child.
  - Rawan Ibrahim (2010), Making the Transition from Residential Care to Adulthood: The Experience of Jordanian Care Leavers. P.249
  - Rawan Ibrahim (2010), Making the Transition from Residential Care to Adulthood: The Experience of Jordanian Care Leavers. P.249
  - Better Care Network (2012), Jordan Population and Family Health Survey 2012, draft.
  - MANARA Network for Child Rights (2011), Country Profile of Jordan.
  - National Council for Family Affairs (2011), Fourth and Fifth Jordanian Reports on the Convention on the Rights of the Child.
  - Rawan Ibrahim (2010), Making the Transition from Residential Care to Adulthood: The Experience of Jordanian Care Leavers. P.249
  - Ratrout, F. and Abu Sham, S. (2008) The Impact of being a Jordanian Female Care Leaver on Family Life. Cairo, Institute of Educational Studies: 174-213. Cited in Rawan Ibrahim (2010), Making the Transition from Residential Care to Adulthood: The Experience of Jordanian Care Leavers.
  - Hind Farahat (2013), Orphaned Youth in Jordan: Constraints of Patriarchal Citizenship.
  - Rawan Ibrahim (2010), Making the Transition from Residential Care to Adulthood: The Experience of Jordanian Care Leavers.
  - Rawan Ibrahim (2010), Making the Transition from Residential Care to Adulthood: The Experience of Jordanian Care Leavers.
  - Rawan Ibrahim (2010), Making the Transition from Residential Care to Adulthood: The Experience of Jordanian Care Leavers.
- Care to Adulthood: The Experience of Jordanian Care Leavers.
- Hind Farahat (2013), Orphaned Youth in Jordan: Constraints of Patriarchal Citizenship. P.?
  - Hind Farahat (2013), Orphaned Youth in Jordan: Constraints of Patriarchal Citizenship
  - Rawan Ibrahim (2010), Making the Transition from Residential Care to Adulthood: The Experience of Jordanian Care Leavers.
  - Hind Farahat (2013), Orphaned Youth in Jordan: Constraints of Patriarchal Citizenship.
  - United States Department of State – Bureau of Democracy, Human Rights and Labour (2012), Country Reports on Human Rights Practices for 2012.
  - Hind Farahat (2013), Orphaned Youth in Jordan: Constraints of Patriarchal Citizenship.
  - Rawan Ibrahim (2010), Making the Transition from Residential Care to Adulthood: The Experience of Jordanian Care Leavers.
  - Hind Farahat (2013), Orphaned Youth in Jordan: Constraints of Patriarchal Citizenship.
  - Hind Farahat (2013), Orphaned Youth in Jordan: Constraints of Patriarchal Citizenship
  - Hind Farahat (2013), Orphaned Youth in Jordan: Constraints of Patriarchal Citizenship
- Legislative Review
- North, Douglass C. (1990). Institutions, Institutional Change and Economic Performance. Cambridge: Cambridge University Press.
  - Article 1 of the Convention on the Rights of the Child
  - United Nations General Assembly (1989), Convention on the Rights of the Child
  - “Consideration of reports submitted by States parties under article 44 of the Convention: Combined fourth and fifth periodic reports of States parties due in 2011, Jordan,” CRC/C/JOR/4-5.
  - “Consideration of reports submitted by States parties under

article 44 of the Convention: Combined fourth and fifth periodic reports of States parties due in 2011, Jordan," CRC/C/JOR/4-5.

- United Nations General Assembly (2010), Guidelines for the Alternative Care of Children. I. 1.
- United Nations General Assembly (2010), Guidelines for the Alternative Care of Children. I. 2.
- United Nations General Assembly (2010), Guidelines for the Alternative Care of Children III. B. 29 a
- Cantwell, N.; Davidson, J.; Elsley, S.; Milligan, I.; Quinn, N. (2012). Moving Forward: Implementing the 'Guidelines for the Alternative Care of Children'. UK: Centre for Excellence for Looked After Children in Scotland.
- Cantwell, N.; Davidson, J.; Elsley, S.; Milligan, I.; Quinn, N. (2012). Moving Forward: Implementing the 'Guidelines for the Alternative Care of Children'. UK: Centre for Excellence for Looked After Children in Scotland.
- Save the Children (2013), Child Protection strategy 2013-2015: Children without Appropriate Care. P.4
- Save the Children (2013), Child Protection strategy 2013-2015: Children without Appropriate Care. P.4
- Stockholm Declaration on Children and Residential Care (2003)
- Stockholm Declaration on Children and Residential Care (2003)
- National Council for Family Affairs (2011), Fourth and Fifth Jordanian Reports on the Convention on the Rights of the Child.
- National Council for Family Affairs (2011), Fourth and Fifth Jordanian Reports on the Convention on the Rights of the Child.
- National Council for Family Affairs (2011), Fourth and Fifth Jordanian Reports on the Convention on the Rights of the Child.

- Save the Children International & UNHCR. Child Protection Committee Brochure.

- National Council for Family Affairs (2011), Fourth and Fifth Jordanian Reports on the Convention on the Rights of the Child.
- National Council for Family Affairs & Ministry of Social Development (2013), Foster Care Guidebook. Jordan
- Cantwell, N.; Davidson, J.; Elsley, S.; Milligan, I.; Quinn, N. (2012). Moving Forward: Implementing the 'Guidelines for the Alternative Care of Children'. UK: Centre for Excellence for Looked After Children in Scotland.
- Cantwell, N.; Davidson, J.; Elsley, S.; Milligan, I.; Quinn, N. (2012). Moving Forward: Implementing the 'Guidelines for the Alternative Care of Children'. UK: Centre for Excellence for Looked After Children in Scotland.
- Ministry of Social Development Website, Azayza: Ministry of Social Development Finishes Preparing Strategy for Orphans with Partners (Accessed on: 15 September 2014)
- Ministry of Social Development Website, Azayza: Ministry of Social Development Finishes Preparing Strategy for Orphans with Partners (Accessed on: 15 September 2014)
- Ministry of Social Development Website, Azayza: Ministry of Social Development Finishes Preparing Strategy for Orphans with Partners (Accessed on: 15 September 2014)
- National Center for Family Affairs & United Nations Children's Fund (2000), Early Childhood Development Strategy in Jordan
- National Center for Family Affairs & United Nations Children's Fund (2000), Early Childhood Development Strategy in Jordan
- United Nations Children's Fund (2004), The Jordanian National Action Plan for Children 2004-2013. Jordan
- United Nations Children's Fund (2004), The Jordanian National Action Plan for Children 2004-2013. Jordan
- National Center for Human Rights, the human rights situations in the Hashemite Kingdom of Jordan for the year 2013, p. 142

Licensing and management of the childcare residential homes regulation No. 49 for the year 2009 issued under Article 4 of the Ministry of Social Affairs and Labor Law No. 14 of 1956.

# Media Review

• Njadat, Ali. "News Coverage of Jordanian Daily Papers for the topic of Domestic Abuse/Violence". Yarmouk University, April ٢٠٠٦.

Ibid

المشرق للعلامي. "تحليل المضمون الهيكلية للصحف اليومية الأردنية ووكالة الأنباء". Sahafi, November, ٢٠٠٥.

• Abdel Rahman, Awatef. "النظرية النقدية". Dar Al-Fikr Al-Arabi, Cairo, ٢٠٠٢.

• Hatar, Saad. "قلق في الأردن من ظاهرة". BBC – Amman, January ٢٠٠٨, ١٨

• الحكومة الأردنية تشكل لجنة لدراسة "ظاهرة تنامي الأطفال اللقطة". Al-Arabiya, January ٢٠٠٨, ١١.

• Abu Touq, Abeer. "تأثير التخلي عن الأطفال مجهولي النسب على مستقبلهم.. سبع مؤسسات تقدم الخدمات الياوية لهم ومطالبات بتفعيل نظام الاحتضان بشكل أكبر". Ammoun, December ٢٠٠٨, ٢٥

• Abu Shreek. "حتى ايتام الاردن ومجهولي النسب يعتصمون في وجه الحكومة". Abu Shreek, ٢٠١٠.

• Al-Rawashdeh, Imad and Majdoline Allan. "تعذيب واعتداءات جنسية في دور". Al-Ghad, December ٢٨th, ٢٠٠٩.

• مئات الأيتام واليتيمات ضحايا غياب مظلة "حكومية بعد البلوغ". Al-Ghad, December ٢٨th, ٢٠٠٩.

• Al-Sheikh, Hanan. "قضية الرقم ٢٠٠٠". Al-Ghad, July ٧th, ٢٠١٢.

• Ghabayen, Amal. "استغلال مجهولي النسب لتجارب دوائية مقابل حفنة من الدنانير". JOF٤, December ٢٠th, ٢٠١٢.

• Kreishan, Hussein. "بركات: ٩٠٠ طفل محروم من العناية الأسرية في دور الرعاية الاجتماعية". Al-Ghad, April ٢٤th, ٢٠١٢.

ibid

• Al-Tamimi, Ahmad. "رضيع مُلقى أمام مسجد في إربد". Al-Ghad, June ١٨th, ٢٠١٤., Ashaibat, Mohammad. "رضيع مُلقى". Al-Ghad, September ٩th, ٢٠١٤. and Ghneimat, Talal. "رضيعة ملقاة أمام مسجد في ماركا". Al-Ghad, September ١٦th, ٢٠١٤.

• Al-Nimri, Nadine. "التنمية الاجتماعية". Al-Ghad, May ١٠th, ٢٠١٣.

• التنمية الاجتماعية: ٥ حالات سفاح ضد "قاصرات في دور الرعاية". Al-Ghad, September ١٣th, ٢٠١٣.

• Richard Jenkins. Social Identity, ٣rd edition, London and New York; Routledge Taylor and Francis Group (٢٠٠٨), p. ١٨.

• Michael Hogg, Debroah Terry, Katherine White. "A Tale of Two Theories: A Critical Comparison of Identity Theory with Social Identity Theory," Social Psychology Quarterly, Vol. ٥٨, No. ١٩٩٥) ٤, p. ٢٥٥.

• Michael Hogg, Debroah Terry, Katherine White. "A Tale of Two Theories: A Critical Comparison of Identity Theory with Social Identity Theory," Social Psychology Quarterly, Vol. ٥٨, No. ١٩٩٥) ٤, p. ٢٥٥.

• Michael Hogg, Debroah Terry, Katherine White. "A Tale of Two Theories: A Critical Comparison of Identity Theory with Social Identity Theory," Social Psychology Quarterly, Vol. ٥٨, No. ١٩٩٥) ٤, p. ٢٥٩.

• Henri Tajfel and John C. Turner, "The Social Identity Theory of Intergroup Behavior," in S. Worchel & W. G. Austin (Eds.), Psychology of Intergroup Relations (Chicago, IL: Nelson-Hall; ١٩٨٦).