

# Civil Protection for Underage Refugees in Jordanian Law

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The present research is concerned with civil protection for underage refugees in Jordanian law, given that the refugee issue has recently become the concern of a number of countries, especially in Jordan. The law has addressed many problems regarding protection for all age groups, whether through local laws, custom, or international organizations. The research presented the civil rights and freedoms surrounding the refugee child, bearing in mind that the underage child goes through different stages of life and has special treatment under human rights conventions. In addition, Jordanian law pledged under the Convention relating to the Status of Refugees in 1951, and this is considered the protection of refugees, especially children, on Jordanian territory. And the agreement was binding to preserve the refugee child and to clarify his rights and duties as he becomes on the land of the homeland, and through the study it becomes clear to us that the refugee of all ages is held accountable within the framework of local laws. The Convention aimed to preserve the refugee child and clarify his rights and duties. Through the present study, it becomes clear that refugees of all ages are held accountable within the framework of local laws.

**Key words:** *Civil protection, refugee, international organization.*

## Introduction

Governments usually guarantee the basic human rights and physical security of their citizens. However, this safety net disappears when people become refugees. Refugees are often in a very vulnerable situation, as they do not enjoy protection and security there. In many cases their own government is the source of the threat to them. The law guarantees the basic human rights of refugees, as it seeks to provide civil and physical protection and reduce the risk of violence. Besides, civil protection for people is to regulate relations between them and impose rules that contribute to the protection of their civil rights in the country without infringement. Although there is an international law regulating humanitarian legal provisions to protect the rights of refugees, there is no comprehensive and coherent international legal system for the protection

of refugee children. This is one of the most common problems facing the international community to confront the phenomenon of children's asylum and to provide effective protection mechanisms for that.

### **Significance of the Study:**

The importance of the present research stems from the fact that it deals with the civil rights and freedoms surrounding the refugee child in the eyes of Jordanian law. Besides, it presents the Convention on the Rights of the Child in general and the refugee child in particular. It also discusses some typical laws for child protection.

### **Problem of the Study:**

The Jordanian private law did not explicitly address certain issues such as the protection of the refugee child. It is also known that general laws such as public international law and international humanitarian law have given great importance to that protection. Moreover, refugee law is one of the branches of international law. In this context, Jordan has adopted international conventions and treaties that pertain to refugees. This has imbued special laws with the imposition of protection and the provisions of internal laws as well.

### **Topic One**

#### **The Concepts of Civil Protection and the Refugee Child**

##### **Section One: Definition of Research Terms**

1- The Child: The definition of the child in the Jordanian law and the Child Rights Law is consistent with its definition in the International Convention, which is being worked on by institutions working in family and child affairs. A child is defined in Article 2 of the Jordanian law as: "Anyone who has not reached the age of eighteen."

2- Underage Child: It is a legal term denoting a young child who has not reached the age of eighteen years old.

3- Child Protection: The right to be protected is clearly stated in the International Convention on the Rights of the Child. The convention states that all children have the right to be protected from violence, exploitation and abuse.

4- Distinguishing between a refugee and an immigrant:



\*Refugee: According to the 1951 Refugee Convention, a refugee is defined as a person “who is outside his country because of a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinions. And because of that fear, he lacks the ability to remain under the protection of his country, or he has no desire to do so”. (E-Newsletter July 11, (2016) p. 1.)

\*Immigrant: Although there is no legally agreed upon definition, the United Nations defines an immigrant as “a person who has lived in a foreign country for more than a year, regardless of the reasons, whether voluntary or involuntary, and regardless of the means used for immigration, whether legal or illegal.” However, the common use of the term includes specific types of short-term immigrants such as seasonal farm workers who travel for short periods to work growing and harvesting farm produce.( E-Newsletter July 11,( 2016) p. 2.)

5- Civil protection for the child: This refers to the legal protection from a human rights perspective, and it entitles him to health and educational care and to provide him with an appropriate environment and not employing him in stressful occupations. The Jordanian Labor Law emphasizes, in a special chapter, on legal protection for children.

## **Second Section: Civil rights, liberties and general principles**

### **\* Civil rights:**

It is the protection and privileges of the personal power of all citizens under the law. Civil rights are the rights granted by the country to all citizens within territorial borders, while natural or human rights refers to the rights that many scholars claim that individuals have natural or human rights by nature since their birth (Wikipedia, Civil Rights, 2021). As for the civil rights of the child in particular, Article 24 of the Rights of the Child states that children benefit, as individuals, from all civil rights. Some provisions of the Covenant have indicated that an underage child has greater protection than that enjoyed by an adult, and this is explicitly stipulated for all countries, for example: the right of an underage child to life indicates that it is forbidden to impose the death penalty on those under eighteen years old (University of Minnesota College of Law Library, General Comment No. 17 on Article 24 of the Committee on Civil and Political Rights at its thirty-fifth session for the year 1989, published on the website: “<http://hrlibrary.umn.edu/arabic/hrc-gc17.html>”, seen on 4/26/2021 pm).

In addition, the underage child enjoys special measures of protection because of his status as an underage child, and this requires the protection of the right of the underage child from discrimination on any basis such as sex, color, race, religion, national or social origin, wealth or lineage.

\* Scope of civil protection:

- 1- Damage to the life, health and physical safety of the child.
- 2- Damage to the mental or psychological integrity of the child.
- 3- Neglecting the child.
- 4- Depriving the child of basic education.
- 5- Kidnapping or selling a child.
- 6- Assisting in the economic exploitation of the child.
- 7- The failure to protect children who are victims of armed conflicts and other situations of turmoil and instability, such as refugee children.
- 8- Failure to protect children under judicial custody.

\*The Underage Child and Civil Liability: (Qasrfi, 2021)

The underage child goes through life stages in terms of civil and legal rights and obligations:

1- An undistinguished underage child is a child who has not reached the age of seven and all his actions are void.

2- Distinguished underage child is a child who has reached the age of seven and has not yet reached the age of eighteen, and whose beneficial actions are purely beneficial and correct. As for the harmful actions are considered void, and the circle between benefit and harm is dependent on the permission of the guardian or trustee, or dependent on his permission (the underage child) after he reaches the age of eighteen.

\*General principles : (Convention on the Rights of the Child, Committee on the Rights of the Child, consideration of reports submitted by states parties in accordance with Article 44 of the Convention, combined periodic reports of the fourth and fifth reports of states parties to be submitted in 2011, Jordan, August 6, 2012.)

- 1- Non-discrimination.
- 2- The right of the child to life, survival and development.
- 3- The best interests of the child.
- 4- Respecting the views of the child.

\* Protection of refugee children in the Child Model Law: (Matar, 2013, P.44).

1- Providing protection and appropriate humanitarian assistance, which includes food, water, shelter, medical and psychological care, and other health care, sanitation services, education and other necessary social services.

2- Inquiring about the child's parents if he is alone and helping him to reach his family and communicate with them.

3- Provide all necessary measures to protect the child.

4- Discrimination against refugee children is prohibited.

\*The rights of refugees in the Jordanian law:

Rights established under the Convention related to the Status of Refugees No. 429 of 1951:

- Many of the rights, to which Jordan is bound by as per this agreement, were received. The first of these rights was the non-discrimination between refugees on the Jordanian territory and the citizens of that country. This is what the Convention stipulates in Article (4), which states that (the Contracting States shall grant refugees within their territories treatment that provides them with at least the same care accorded to their own nationals in terms of the freedom to practice their religious rites and the freedom to provide religious education for their children).

- Jordan is committed to enabling refugees to own movable and real estate funds or conclude lease contracts, just like other foreigners residing on the Jordanian territory. The refugee has the same right to litigation just like the ordinary citizen. Besides, Jordan is committed to providing the refugees the right to engage in paid work and or the right to self-employment. They have the right to choose their place of residence and freedom of movement, provided that this is subject to any regulations applicable to foreigners in general in the same circumstances.

- The state may not impose on the refugees a tax, burden, or fee that is different or higher than that charged or that may be levied in similar cases.

## **Topic Two**

### **Protection of the refugee child in Jordanian law**

#### **First Section: The refugee child in Jordanian law**

\*The refugee child in Jordanian law:

The Hashemite Kingdom of Jordan still has reservations on Articles 14, 20, and 21, and in this regard, it does not confirm that the reservations made within the framework of the legal texts of the Convention do not affect the rights of the Jordanian child. It affirms the protection of the issue contained in the aforementioned texts through national legislation, particularly the Constitution. This is because the Jordanian constitution grants the right of freedom of thought, conscience and practice of religious rites, and that prohibiting a child from changing his religion is a form of protection granted by legislation to a child and in order to preserve the



legitimate rights granted to him religiously. On the other hand, the reservation on the text of adoption still exists, with an emphasis on preserving the rights of the child and the alternative family environment that is secured based on the Islamic sponsorship system and fostering in accordance with the provisions of Islamic law, including laying the foundations and controls for the process of incubation and sponsorship to ensure the provision of the greatest possible protection for the child. (Convention on the Rights of the Child, Committee on the Rights of the Child, Consideration of Reports Submitted by States Parties in accordance with Article 44 of the Convention, Combined Periodic Reports of the Fourth and Fifth Reports of States Parties due to be submitted in 2011, Jordan, August 6, 2012, p. 3.)

There are 3.8 million children under the age of 18 in Jordan, which is more than 40% of the population. Of these, nearly 30% are non-Jordanians - including many refugees from neighboring countries. Children in Jordan have specific rights under the United Nations (Convention on the Rights of the Child, which Jordan signed, in addition to the Jordanian constitution of 2016. UNICEF, Children in Jordan, website: <https://www.unicef.org/jordan/ar/Children-in-Jordan>, date viewed, website: 3/31/2021.)

This includes the right to survival, education, development, protection and participation. Jordan has made important steps since signing the Convention on the Rights of the Child. The Jordanian constitution dealt with the rights of the child as an integral part of the security of human rights in general, as Article (5) stated that the determination of Jordanian nationality by the provisions of the law. Moreover, the Hashemite leadership also placed children's rights issues alongside women's rights in order to take care of them, and considered violating those rights a red line. The year 2008 witnessed a number of legislative steps that contributed to providing special protection for children, in line with the provisions of the International Convention on the Rights of the Child, as the law comes as a response to the thrust of General Comment No. (19) on Article (23) of the International Covenant on Civil and Political Rights, which affirms the necessary protection for children.

\* Civil protection for a refugee child in the Jordanian law:

The concept of legal protection for the refugee child means those basic rights that must be protected for the benefit of the human being in peace and emergency situations. The government must protect the rights of its refugees as members of society. Therefore, the rules of child protection in national legislation apply to the refugee child. It includes the protection of the child, whether male or female, from all forms of violence, harm, inhumane treatment, physical, moral or sexual abuse, neglect or exploitation. It is obviously seen that the child suffers from this abuse. In this respect, the country provides protection and care for children affected by armed conflict. Since the child is an issue that has always preoccupied international organizations that have contributed to the development of a special law for the protection of children, civil child protection in Jordan can be summed up in providing all the basic rights necessary for him without discrimination. Many assistance and services have been provided to refugee families, as the family is the basic environment for the child. In this respect, the rights

of the Jordanian child are applicable to the refugee child; his right to education, his right to health services, his right to obtain a name, his right to nationality and settlement, his right to social care, security and protection from all forms of exploitation. The child was given a special right before the judiciary and legal protection, taking the interests of the child first, as well as taking all necessary legislative and administrative measures to protect him from violence. In case the child commits any violation that reflects a violation of the law, he shall be immediately notified of the accusation against him, legal advice shall be given to him, and he shall be questioned in an appropriate and harmless manner. In case that a child is found to have violated the law, a committee or an independent judicial body must be formed. Moreover, the child has special legal protection before the judiciary. The government shall take all appropriate measures to encourage the physical and psychological rehabilitation and social reintegration of a child who is a victim of armed conflicts. In this context, Jordan provided special protection for education for refugees and protected this right of the refugee child, by providing emergency education plans for Syrian refugees, who are currently considered the most important refugees in Jordan, in addition to health protection for them. Jordan did not neglect any right that protects the refugee child in particular. The refugee child was provided with all assistance and rights. Jordan hosts the second largest percentage of refugees in the world, and contains a large number of registered and unregistered refugee camps.

#### \*Children's Bill:

The Ministry of Social Development has prepared a draft of the Jordanian Child Law and submitted it to the Cabinet, in which it guarantees all the rights and obligations of the child, from the moment he is born until he becomes eighteen years old, whether male or female. This law discussed family care for the child, health care, child nutrition, education and culture, and protection from violence and exploitation. It also discussed protection of children living in difficult conditions, the protection of children with special needs, the traffic safety of the child, the imposition of penalties on persons who violate the rights and freedoms of the child, and the protection of children from the danger of armed conflict, as stated in Article (33) of this law: {Notwithstanding the above, general protection of the child must be provided during wars or natural disasters, including the protection of the refugee child and the reunification of devastated families} . (Alsayed, 2010, P.143).

#### \*Treaties in Jordanian Laws and Judiciary:

- Signing treaties in Jordan: (Ministry of Social Development, Draft Child Law, Jordan-Amman, 2012).

A treaty is signed in the strict sense where the government expresses its final consent on what is determined by the provisions of the treaty. However, the conclusion in the broad sense includes the procedural stages that the treaty goes through to reach the expression of the final consent to be bound by the treaty. This is the meaning taken by the Vienna Convention on the



Law of Treaties, starting with delegating and ending with the treaty's entry into force. Article 33 of the Jordanian Constitution of 1952, according to the 1958 amendment, stated the following:

1- [The king is the one who declares war, makes peace, and concludes treaties and agreements].

2- [Treaties that result in charging the treasury with some expenses or infringing on the public or private rights of Jordanians, shall not be effective unless approved by the National Assembly...]. The Jordanian constitution did not specify a specific period during which the treaty law must be published in the Official Gazette. However, the most correct opinion went to make publication in the Official Gazette a duty of the executive authority, and the administrative judiciary is committed to consider the appeal not to publish. The absence of a constitutional or even legal text regarding the publication of treaties has led to the failure to publish many international agreements, especially those related to human rights that Jordan has accepted internationally, with the consequence that they cannot be invoked by individuals, or applied by Jordanian courts.

- The application of treaties in the Jordanian judiciary <sup>(1)</sup>: (Alsayed, 2010, P147)

It is well known that the Jordanian judiciary has settled on the application of the international rule if there is a conflict between it and the rules of internal legislation, meaning that the international treaty is higher than ordinary law and is first to be applied. From following up on the judiciary of the Court of Cassation, we find a noticeable tension. In one of the decisions, the Court of Cassation addressed the issue of the application of international conventions, saying: (The international agreements concluded by the government are superior to the laws in force, even if their texts are subject to the provisions of these laws. (Jordanian Court of Cassation Decision No. 677/1094 of May 29, 1994, Adalah Publications).

Therefore, it can be said that the position of the Jordanian Court of Cassation came to fill the gap in the constitution in terms of determining the rank of international law in the Jordanian domestic legal system. However, we look forward to amending the Jordanian constitution to include expressly stipulating the transcendence of international legal rules over the internal legal rule opposing them, and not leaving the matter to the judge to determine the relationship between the two rules, especially since the Jordanian judicial system belongs to the Latin judicial system that is not bound by judicial precedents. (alsyed, 2010, P.148)

\* A comparison between treaties, the Convention on the Rights of the Child, and Jordanian law

Jordan's stance and policy towards refugees is advanced and developed by signing a memorandum of understanding in 1998 with the United Nations High Commissioner for Refugees. The document includes the principles and standards of basic international protection for the displaced, including the definitions of the 1951 Convention. There is a legal obligation



for Jordan to respect force return. It is known that Jordan has not signed any of the international conventions or protocols regulating the treatment of refugees (Frances, 2015,P.6), including the 1951 United Nations Convention relating to the Status of Refugees and the Additional Protocol of 1967 (The absence of international obligations arising from Jordan under these treaties, allows the government a greater degree of influence in its responses at the level of policies related to the influx of refugees (Harper, 2007, P.162) . The refugee now enjoys all rights except for political rights. Moreover, he is subject to the laws of the host country and enjoys the same rights and duties applicable to the citizens of the country. “Jordan has committed itself to the International Covenant on Economic, Social and Cultural Rights, as well as the Covenant on Civil and Political Rights, and thus ratified those charters, agreements and covenants.

Moreover, Jordan has committed itself to giving full rights to everyone who is on its land within the framework of what is stipulated in the various covenants in their various fields.” (alHamoud, The agreement included various rights, including those related to refugee care in terms of education, administrative assistance, housing and health. Articles 12-30 of the treaty set out that such rights include “the freedom to practice religion and religious education, access to primary education, protection by social security, relief and assistance, equality of workers by tax authorities, protection of intellectual property rights such as inventions and commercial transactions, etc . (Office of the High Commissioner for Refugees in Amman, Jordan, 2008.) It should be noted that the Iraqis sought refuge in Jordan, where the number of Iraqi refugee children until 2008 reached 24,000. This made the Jordanian government compelled to appeal to the international community to increase aid and alleviate the problems resulting from overcrowded classrooms. One of the most important matters to which Jordan is concerned is its role in signing the Convention on the Rights of the Child submitted by the Child Committee and UNRWA. This convention is concerned with children's affairs in general, and included in its focus many articles on the refugee child, and how to protect him and preserve his rights to education, health and work. What Jordan saw in the direction of Syrian refugees is that it “rethinks its politics in dealing with Syrian refugees so that it returns them to their camps while restricting their movement outside them” . (Remeinlk, 2013) Moreover, Jordan has taken a measure to prevent free medical services, and this happened due to pressure on the Jordanian health system. “Human rights monitoring bodies have referred in their reports to cases of deportation of many refugees registered with the UNHCR, including women, children, medical workers and the wounded” .(Syria needs analysis project regioonl synalysis syria Q4 2014 ( Genva, assement capacities project December 2014 ).

### **(Jordanian law and treaties)**

International treaties rank second after the constitution in the hierarchy of legislation in Jordan, and they transcend national laws. The jurisprudence of the Court of Cassation has established this in many of its decisions. As for the extent to which local law is consistent with the principles and provisions of the Convention, the national legislation is in line with the provisions of the Convention signed by Jordan, and there are no texts in its ruling that contradict Jordan's obligations as a party to the Convention. As it is previously stated, in the case of a conflict between the two halves of the national law and the two halves of the agreement, the texts of the agreement become in progress in implementation according to the hierarchy of the legal base. Several amendments have been made to some legislation in order to be more in line with the Convention. This approach is supported by judicial jurisprudence in the decisions of the Jordanian Court of Cassation, including Resolution No. 945/2009 issued by the Jordanian Court of Cassation in its legal capacity, which stated: (Jurisprudence and the judiciary are unanimous in the fact that the international agreements concluded by states are superior to the local laws of this state, and that these agreements are first to be implemented, even if their texts conflict with its internal law. Besides, the application of international agreements and laws is from the jurisdiction of the judiciary without leaving the parties to the litigation to choose the agreement or the law that they wish to have, because it is related to the public order, and it is stipulated that the agreements and treaties present the order of their constitutional stages in the country that considers the dispute).

### **Section Two: Convention on the Rights of the Child "Jordan"**

- With regard to the extent to which local law is consistent with the principles and provisions of the Convention, the national legislation is in line with the provisions of the agreement signed by Jordan, and there are no texts in its ruling that contradict with Jordan's obligations as a party to the Convention.
- As previously stated, in the case of a conflict between the two halves of the national law and the two halves of the agreement, the texts of the agreement progress in implementation according to the hierarchy of the legal base. Many amendments have been made to some legislation in order to be more in line with the Convention. This approach is supported by judicial jurisprudence in the decisions of the Jordanian Court of Cassation, including Resolution No. 945/2009 issued by the Jordanian Court of Cassation in its legal capacity, which stated:

(Jurisprudence and the judiciary are unanimous concerning the fact that the international agreements concluded by countries are superior to the local laws of this country, and that these agreements are first to be applied, even if their texts conflict with its internal law. Moreover, the application of international agreements and laws is from the jurisdiction of the judiciary

without leaving the parties to the litigation to choose the agreement or the law that they wish to have, because it is related to the public order, and it is stipulated that the agreements and treaties present the order of their constitutional stages in the country that considers the dispute).

- Refugee children:

- (In their residential place)

All foreign nationals, including children, are dealt with in terms of residence in accordance with Article No. 26 of the Residence and Foreign Affairs Law No. 24 of 1972, as follows:

- (1) The child shall be granted a residence permit in the Kingdom of Jordan according to one or both of his residing parents.
- (2) Foreign children who have annual residence permits are allowed to study in the Jordan's schools directly.
- (3) The child remains residing with his parents until he reaches the age of 18 years.
- (4) Those under the age of 18 are not allowed to work in the Jordan.

Memorandum of Understanding with the United Nations High Commissioner for Refugees:

The government of Jordan signed a memorandum of understanding on May 4, 1998 with the High Commission, through which the work of the office of the Commission in the Kingdom was organized for the purposes of helping asylum seekers and refugees and alleviating their suffering as much as possible. It stated:

- Making a specific definition of refugees and respecting the principle of not to expulsion of any refugee to borders or territories where their lives are at risk, as well as granting him the right to sue before all existing courts and granting him the right to judicial aid.
- Refugees who have been resettled in a third country are exempted from paying fines in excess of the residency incurred by them as a result of their violation of the Residency and Aliens Affairs Law, as well as from paying the departure tax.
- Allowing UNHCR delegates to interview asylum seekers and refugees who are detained in security centers or reform and rehabilitation centers, whether to register an asylum application or to follow up on their cases.
- The release of recognized refugees who are detained at the security centers, if the reason for their arrest is violating the law of residence and foreigners' affairs.



- The Ministry of Interior certifies the identification cards of refugees recognized by the United Nations High Commissioner for Refugees.
- Allowing refugees to practice their religious rituals and the right to work for their own account, in a manner that does not conflict with the applicable laws and regulations.

**(Children: asylum seekers and refugees)**

- Jordan has ratified the Convention on the Rights of the Child, and it also has the Directorate of Family Protection to deal with issues related to the family in general and children in particular, whether they are Jordanians or non-Jordanians, and it deals with any issue or violation of the rights of the child.

- (In the field of education)

- With regard to the education of the children; asylum seekers and refugees, as for Palestinian refugee children, the United Nations Agency for the accommodation and employment of Palestinian refugees has ensured that they are educated free of charge within their own schools.
- As for non-Palestinian asylum-seeking and refugee children, the vast majority of whom are Iraqis, they were given access to free education within government schools in the Kingdom of Jordan in recent years.

- (In the field of health)

- Iraqi children, in general, who are not asylum seekers and refugees registered with the UNHCR office, were allowed to benefit from government health services and were treated as Jordanians in this regard.

- (In the field of labor)

On the other hand, children were granted, through Jordanian legislation, protection from exploitation in forced labor, as Article 77 of the Labor Law and its amendments No. 8 of 1996 stipulates that:

In addition to any penalty stipulated in the legislation in force, the employer shall be punished for any violation he commits by using any agent forcibly or under threat, fraud or coercion, including the seizure of a travel document, a fine of not less than (500) five hundred Jordanian dinars (and not exceeding one thousand dinars. The same penalty shall be imposed on the partner, instigator and person involved in this use. (C) The fines stipulated in Paragraphs (A) and (B) of this Article shall be doubled in case of repetition). The amended Law of Labor No.

48 of 2008 also included the inclusion of agricultural workers and domestic workers, who may include working children, and therefore lose the security of protection for children who work within the legal framework and in accordance with the ages and circumstances specified under the law and international standards. The Jordanian labor law stipulates a set of rights that must be granted to the working child within the legal framework in the work environment and in accordance with the international conventions, which specify that the working child should be at least 15 years old. After the issuance of the labor law, the age of work was specified at 16 years. Moreover, the law stipulates that it is not permissible under any circumstances to allow underage children, who have not completed sixteen years of age, to work. The Labor Law and its amendments No. 8 of 1996 stipulates that it is not permissible for an underage child who has not completed eighteen years of age to be employed in jobs that are dangerous, stressful, or harmful to health. The legal text of the legal age for dangerous labor was amended to 18 years old instead of 17 years, according to the amended Law No. 11 of 2004. It is indicated that there is a resolution on dangerous, stressful or harmful activities to underage children and its amendments for the year 1997, which specifies the works that may not be done by children who have not completed eighteen years of age. Such works include, works in offices, hotels, restaurants, in places of public entertainment and nightclubs. A decision on dangerous, exhausting or harmful work for underage children was issued for the year 2011 and published on page 2618 of the Official Gazette No. 5098 dated June 16, 2011, which included the prohibition of all work with physical risks, works with psychological and social risks, and works with moral risks. It is any work that exploits the body for sexual and similar purposes, such as, works in hotels, in places of public entertainment, nightclubs, cafes, and Internet cafes, and any work that includes the sale and provision of tobacco, hookah and liquor, and whatever is prohibited under other laws, in addition to the work that requires the presence of the event alone, as well as the prohibition of work with chemical risks, physical risks, biological and bacterial risks (viruses / bacteria / parasites and others) and ergonomic risks (human compatibility with machine and work tools).

## **Conclusion**

In this research, the researchers dealt with the civil rights of the refugee child in Jordan. It has been found that Jordanian legislation is still deficient and cannot fully deal with the refugee child. Although there are some texts that refer to asylum, they lack details and do not meet international requirements. It should be noted that the refugee child needs special treatment and special civil protection, as he does not enjoy the protection of his country. As Jordan is one of the most refugee-hosting countries, it is working hard to implement international and UNRWA conventions for the protection of refugee children, as it is particularly responsible for the refugee file in particular, and the protection of the refugee is one of its most important priorities. The Jordanian government is trying to equalize between international conventions and local laws to apply justice to refugees of all ages.

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## Results of the Study

- 1- There is no specific and clear definition of the refugee child within the scope of the international conventions concerned with refugees.
- 2- The refugee child needs protection of his rights at the public and private levels.
- 3- There is no special international agreement or local laws that safeguard and guarantee the protection of the refugee child.
- 4- Asylum leads to the disintegration of families and thus results in the loss of children's rights.

## Recommendations:

- 1- Tightening the national controls and provisions for refugee children.
- 2- There is a necessity of international solidarity in order to provide humanitarian assistance to the refugee child.
- 3- It is necessary to benefit from the rules of Islamic jurisprudence regulating asylum and developing them and deriving civil protection from them.
- 4- There is a need to develop a strategy for civil protection in the camps for refugee children.

## Works Cited:

- 1- The Convention on the Rights of the Child "Jordan".
- 2 – The Convention relating to the Status of Refugees, No. (29), for the year (1951).
- 3- The Committee on Civil and Political Rights, session (1989/23), Article (24), Child Rights.
- 4- UNICEF Jordan studies, on the refugee child.
- 5- UNICEF Jordan studies, on the refugee.
- 6- Jordanian Court of Cassation Decision, No. (677/1994), dated (29/5/1994), Justice Center Publications.
- 7- Jordanian Child Law.
- 8- Office of the High Commissioner for Refugees in Amman, Jordan, 2008.



## REFERENCES

- Alexandra, Francis, (2015) The Refugee Crisis in Jordan, Carnegie Endowment for International Peace.
- Al-Hamoud, Wadham Mahmoud, (1436 A.H.) The Situation of Refugees in the Hashemite Kingdom of Jordan, the Public Forum at Naif Arab University for Security Sciences, College of Strategic Sciences, a Research Paper on Asylum and its Dimensions: Security, Political and Social, Riyadh, 17-19/11/1436.
- Al-Tashani, Muhammad Ali (2016) The legal situation is the main focus of the right of the child: a comparative study, research and articles, Al-Zaytoonah University, Libya.
- Child Protection Model Law, Best Practices (Protecting the Child from Neglect, Abuse and Exploitation). January (2013).
- David Reminck, (2013) “city of the lost, New york, August 26 2013”
- Dikdak, Salah El-Din, (2016) The Child’s Right to Identity between International Conventions and National Law, Research and Articles, Ibn Zohr University, Agadir, Morocco.
- El-Sayed, Rashad, (2011) Public International Law in its New Appearance, second edition, Dar Wael, Amman, Jordan.
- El-Zein, Mohamed Nazir (2016) Protection of refugee children due to emergencies, research and articles, Red Sea University, Sudan.
- Halaseh, Ayman Adeeb, (2015) The Legal Center of the Non-Palestinian Refugee in Jordan, Research and Articles, Mutah University, Jordan.
- Harper, Ander, Head of the Iraq Support Unit at the United Nations High Commissioner for Refugees, Iraqi refugees between rejection and neglect, 2007.
- Majali, Muhammad Abd al-Salam, (2017) Legal protection for refugees in Jordan, Ph.D. thesis, University of Islamic Sciences, Jordan.
- Rushdy, Ahmed, (1997) International Protection of Refugees, Center for Political Research and Studies, Cairo.
- Syria needs analysis project regional analysis Syria ( 2014 ) ( Genva, assement capacities project December 2014 ).
- UN Doc. E/AC. 32/2.
- UN Doc. E/AC. 32/5 (E/1618).
- Unicef (2003). The situation of children. Youth and woman in Jordan Amman Jordan.