

COMMITTEE ON THE RIGHTS OF THE CHILD

Meeting of the 43rd session, Geneva 11 – 29 September 2006

Jordan (3rd periodic report)

Information submitted to the Committee

On 11 July 2005, Jordan submitted its third periodic report¹, along with written responses² to the list of issues³ presented by the Committee on the Rights of the Child (the Committee). The report highlighted measures undertaken, the progress achieved, and the difficulties faced in implementing the *Convention on the Rights of the Child* (the Convention). It emphasized the wide participation of governmental organizations and institutions, as well as various non-governmental organisations, independent experts and UNICEF on the preparatory works. These included several meetings and seminars to disseminate and principles of the Convention.

Parallel reports⁴ were submitted to the Committee by several NGOs⁵. The main issues arising from these concerned discriminatory policies against refugee children, in particular regarding their access to education and health facilities; the legality of corporal punishment within the family; and the legislative and procedural gaps between Jordanian legislation and the Convention⁶.

Jordan ratified the Convention on 29 August 1990 and both the Optional Protocol on 6 September 2000. It made reservations to articles 14, 20, and 21⁷ of the Convention, stating that Jordanian legislation has already granted these freedoms according to the principles of the Islamic Shari'a⁸.

Themes and issues

Mr Mousa Burayzat, the Permanent Representative of Jordan to the United Nation Office at Geneva, chaired the delegation, which included representatives from several Jordanian Ministries⁹. Mr David Brent Parfitt, the expert serving as Country Rapporteur, acknowledged the improvement in the Jordanian Legislation¹⁰. The issues raised by the Committee concerned the implementation of

¹ CRC/C/JOR/3, 2 March 2006,

<http://daccessdds.un.org/doc/UNDOC/GEN/G06/407/65/PDF/G0640765.pdf?OpenElement>.

² CRC/C/JOR/Q/3Add.1, 22 August 2006,

<http://www.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.JOR.Q.3.Add.1.pdf>.

³ CRC/C/JOR/Q/3, 21 June 2006,

<http://daccessdds.un.org/doc/UNDOC/GEN/G06/427/14/PDF/G0642714.pdf?OpenElement>.

⁴ NGO reports are available on the NGO for the CRC website,

<http://www.crin.org/docs/resources/treaties/crc.25/annex-vi-crin.asp>.

⁵ Child Helpline International, National Centre for Human Rights, Human Rights Watch, Global Initiative to End All Corporal Punishment of Children.

⁶ The main gaps regarded the policies related to children in conflict with the Law, that still punished and considered them as a threat to society. Other gaps regarded the policies for children with disabilities, the abused children and exploited children.

⁷ The full text of the Convention can be found on the OHCHR website at:

<http://www.ohchr.org/english/law/ccpr.htm>.

⁸ Shari'a is a Arab word that mean "way" or "path" and it is the legal framework that regulate public and private life of those living on Muslim principles of jurisprudence.

⁹ It also included other representatives from the Permanent Mission of Jordan, the Ministry of Foreign Affairs, Justice, Interior, Health, Labour, Education and Social Development

¹⁰ The Committee appreciated mainly, the creation of the National Center for Human Rights (NCHR) and the introduction of the topic of human rights in the school curriculum. He also highlighted the introduction of several other

the Convention; the reservations made by Jordan; education; gender discrimination; violence and abuse; landmines; alternative care for children without families; the juvenile justice system; and foreigners and refugees.

Reservations

The Committee expressed its concerns over Jordan's reservations on Articles (capitalisation of the word articles is inconsistent throughout the report) 14, 20 and 21, emphasising that those articles of the Convention do not provide absolute principles. It observed that there were several Islamic countries that had already removed their reservations, thereby highlighting that there was no conflict with Shari'a. It also asked if there was an ongoing debate on these topics in Jordanian society. The delegation replied that the reservation's main role was to avoid introducing regulations in Jordan's laws that would not respect the specificity of Jordanian society. However, it stated that discussions were under way and that it hoped the reservation could soon be withdrawn. In its concluding observations,¹¹ the Committee encouraged the State party to study the full content of the articles in order to review their reservations. Regarding Articles 20 and 21 in particular, the Committee stated that reservations to these were unnecessary since as the articles expressly recognised Kafalah¹² as alternative care.

Implementation

The Committee expressed its concern regarding the delay in **integrating the Convention** and the two Optional Protocols¹³ into domestic legislation and asked for explanations. The delegation did not respond. In its concluding observations, the Committee recommended the State party should accelerate the process of integration, adopting the laws required and publishing them in the official gazette.

The Committee also discussed the **National Centre for Children's Rights**, requesting more information about its functioning. The delegation explained that it was intended to be an umbrella office for children's issues. However, due to limited resources, it has not developed all of its intended functions. It added that the Government of Jordan had just created a coordination body to support the work of organisations involved in Children's Rights.

The Committee asked whether an **Ombudsman** for children would be set up, and the delegation explained that a draft law was being discussed, in view of creating one soon. In its concluding observations, the Committee regretted that the domestic legal framework was not harmonized with the provisions of the Convention. It recommended that the State party should rigorously review all domestic legislation, taking the best interest of the child as their main guideline. Furthermore, it requested that the State party allocate the necessary human and financial resources to enact all the laws and regulations concerning children and to ensure an independent monitoring mechanism.

Education

The committee expressed concern regarding the **low quality of schools** due to inappropriate teacher training. The Committee acknowledged the inclusion of human rights in the school curriculum. It

institutions and programs, notably, the National Council on Family Affairs and a National Plan of Action from 2004 to 2013.

¹¹ CRC/C/JOR/CO/3, 29 September 2006, http://www.ohchr.org/english/bodies/crc/docs/co/CRC_C_JOR_CO_3.pdf.

¹² Kafalah, in the Islamic Law, is the substitute of the parental care without altering the kinship system. In Islamic law, in fact, the family membership cannot be changed. For that reason, several Islamic countries based their reservation on the international laws on adoption on the differences between the institute of Kafalah and the one of the Adoption.

¹³ For the full text of the Optional Protocol on Sale Children, Child Prostitution, and Child Pornography, please refer to a <http://www.ohchr.org/english/law/crc-sale.htm>. For the Optional Protocol on the involvement of Children in Armed Conflict refer to <http://www.ohchr.org/english/law/crc-conflict.htm>.

asked if services available in the capital were available in the rest of the country. The delegation emphasised the fact that education for children from six to sixteen years of age is compulsory and free. It went on to state that the government provided adequate training for teachers and that special funds were allocated to provide teachers and school materials for students from remote areas. The delegation added that several mechanisms were introduced in the school system to facilitate the participation of the children. Finally, the delegation highlighted the fact that no religious schools existed in Jordan and that the Ministry of Religious Affairs controlled all the issues regarding religion.

The Committee raised the issue of **children with disabilities** and asked what measures were taken to ensure their right to an adequate education. The delegation replied that hundreds of specialized institutes existed in the country for physically disabled children. However, it conceded that there was not much help for those mentally disabled. It noted that a project run by a Swedish NGO was providing assistance for them. In its concluding observations, the Committee recommended the State party should allocate adequate resources to the special needs of children with disabilities by implementing the Jordanian National Plan of Action for Children 2004-2013. It also recommended ensuring adequate training to all professionals working with children with disabilities, and asked the delegation to include more detailed data on education in the next report.

Gender discrimination

The Committee stated that, despite improvements, gender discrimination was still an area of great concern, particularly in relation to the **age of marriage**. Despite the age of marriage being fixed at 18, a broad discretionary power is given to judges to authorize children under that age to get married. The delegation responded that the judges rarely wielded their discretionary power, and only in serious circumstances. The committee asked for some examples of these cases and the delegation replied that the exception was used mainly in the case of pregnancies. In its concluding observations the Committee asked the State party to strengthen its efforts to implement a provision setting the minimum age for marriage at 18 for both sexes. It also recommended that the Government of Jordan should strengthen its efforts to eliminate discrimination against the girl-child and in promote an inclusive role for women in society.

The Committee went on to discuss discriminatory policies concerning **inheritance**, particularly in cases involving non-Muslim widows, and 'illegitimate' children who do not have the right to inherit. The delegation briefly replied that the head of the family was responsible for all expenditure and that the situation was slowly improving. The delegation stressed that the parliament had just ratified the *Covenant on Civil and Political Rights and the Convention on the Eliminations of all Forms of discrimination against Women*¹⁴. In its concluding observations, the Committee recommended that the State party should ensure all the children under its jurisdiction enjoy the rights established in the Convention. It also urged the State party to remove the definition of 'illegitimate' children.

The Committee expressed concern regarding the **unequal rights of mothers and fathers**, as well as the mediation procedures for divorce, and asked for more information on these matters. The delegation did not respond to these questions. The Committee recommended revising the domestic law to ensure equal parental responsibility regardless of marital status, and establishing an alternative form of dispute resolution

¹⁴ The full the convention can be found the Division for the Advancement of Women web site: <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>.

Violence and abuse

The Committee expressed great concern regarding violence and abuse against children. It asked the delegation to provide more data regarding children affected by violence and the measures provided to assist them. Particularly, the Committee asked if abused children could testify in court and if there was any age limit on this. The delegation explained that child victims of sexual assault are provided with complete medical and psychological assistance through the Family Protection Department and that their testimony could be used in court. The Committee recommended that the State party undertake a study on domestic violence and develop a comprehensive national strategy to prevent domestic violence with the assistance of the international bodies such as the UNICEF and the WHO.

The Committee asked for information regarding **corporal punishment**, particularly why it was not illegal within the family. The delegation conceded that it was legal. However, it reminded the Committee that corporal punishment was forbidden in school and that teachers responsible for using corporal punishment could be taken to court. In its concluding observations, the Committee recommended that the State party prohibit all forms of corporal punishment in all public and private institutions, including the home. It also recommended that the State party conduct a comprehensive study of the issue.

Land Mines

The Committee expressed concern regarding the high number of mines present in the Jordanian territories and the number of accidents involving children. It asked whether measures were taken by the government to de-mine the areas involved and to avoid children becoming victims. The delegation noted that Jordan is the only country in the Middle East to be party to the *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction*¹⁵ and that a de-mining campaign is already under way. The delegation also explained that several programmes had been set up to teach children how to protect themselves.

Alternative care for children

The Committee asked several questions regarding alternative care and the system to protect children without families, or whose families were not able to take care of them. Notably, it asked for more information regarding the low number of available institutions present in Jordan compared to the number of children that needed alternative care. It also asked whether existing institutions were regularly inspected. The delegation responded that the Islamic institution of Kafalah is applied in Jordan and that several centres existed to give assistance to children, but it did not give any further information. The Committee recommended that the State provide all children out of home care with educational services and adequate investigation and written and detailed documentation.

Juvenile Justice

The Committee expressed concern regarding the **age of the criminal responsibility**, set at the age of seven, and asked what reasoning had led to setting such a low age.

The Committee expressed concerns regarding the high number of 'honour crimes' and asked for more information on this. The delegation briefly explained that measures were under discussion on this matter, but did not give details. In its concluding observations, the Committee recommended that the State party should not consider any measures which reduce the sentences on honour crimes.

The Committee requested more information regarding **alternative procedures to the ordinary court**, expressing its concern that, according to some reports, alternative procedures were not

¹⁵ The full text of the Convention is available on: http://www.un.org/Depts/mine/UNDocs/ban_trty.htm.

available outside the capital. The delegation explained briefly that the new reforms would provide alternative methods of punishment and reintegration, and that free legal counsel for children already existed. The Committee was not completely satisfied by the answer and in its concluding observation it recommended the State should strengthen its efforts to ensure the full implementation of Articles 37, 40 and 39 of the Convention.

Foreigners and Refugees

The Committee expressed concern regarding discriminatory policies for foreign and refugee children. The delegation assured the Committee that they have the same rights as Jordanian children both to educational and health facilities. The Committee recommended the adoption of the main international laws regarding refugees¹⁶ and stateless persons¹⁷, and the development of legislation to better protect asylum seekers and refugee children.

The Committee went on to request information on the procedure to **transmit nationality**, particularly in cases where children are born to Jordanian women married to non-Jordanian citizens. It also asked which rights were granted to the children while they wait to acquire Jordanian nationality. The delegation explained that the father transmitted the citizenship. Children whose fathers are unknown are granted Jordanian citizenship. The delegation also explained that, in order for adults above the age of 18 to apply for Jordanian citizenship, they had to have been living in Jordan for 15 years, and that the children of those people would be considered non-Jordanian. However, these children would enjoy the same rights as Jordanian children. The Committee recommended that the State party ensure the rights of Jordanian mothers who are married to non-Jordanians to transmit their nationality to their children equally and without discrimination.

Other themes

Amongst other issues raised by the Committee, several were particularly significant. When questioned regarding an increase of teen-age pregnancy rates, the delegation stated that, according to statistics, the rate has in fact been steadily decreasing and that it was not a major problem in the country anymore. The Committee also asked for more detailed information regarding sexual exploitation. The delegation replied that there were no cases recorded and did not give any further information. Finally, the Committee asked for more information regarding health programmes aimed at assisting children. The delegation gave detailed information regarding the allocation of funds and the incidence of several diseases. However, it did not give a satisfactory answer regarding the availability of services in the rural areas and for vulnerable groups.

Conclusions and recommendations

In its concluding observations, the Committee welcomed the number of measures and programmes set up by the Jordanian government. It appreciated the efforts to address and respond to the recommendations and comments¹⁸ made by the Committee after the presentation of the second periodic report.¹⁹ However, it highlighted that some of the concerns have not been sufficiently

¹⁶ The 1951 Convention relating to the Status of refugees available on the OHCHR web site: <http://www.ohchr.org/english/law/refugees.htm>, and its 1967 Protocol, also available on the OHCHR web site: <http://www.ohchr.org/english/law/protocolrefugees.htm>,

¹⁷ The 1954 Convention relating to the Status of Stateless Person available on the OHCHR web site: <http://www.ohchr.org/english/law/stateless.htm>, and the Convention on reduction of Statelessness, also available on the OHCHR web site: <http://www.ohchr.org/english/law/statelessness.htm>.

¹⁸ CRC/C/15/Add.125, 2 June 2000, [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/8fedd0a0791cbfa7802569000383f55?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/8fedd0a0791cbfa7802569000383f55?Opendocument).

¹⁹ CRC/C/70/Add.4, 17 September 1999, [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/a06f687951c4fc1080256846003b7763?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/a06f687951c4fc1080256846003b7763?Opendocument).

addressed and called on the State party to make more efforts to implement the recommendations. Finally, the Committee recommended establishing a central database of children in order to strengthen the data collection.

The Committee requested that the State party present its fourth and fifth periodic reports on 22 December 2011.