



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-fourth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the
Rights of the child

JORDAN

1. At its 621st and 622nd meetings (see CRC/C/SR. 621-622), held on 18 May 2000, the Committee on the Rights of the Child considered the second periodic report of Jordan (CRC/C/70/Add.4), which was submitted on 5 August 1998, and adopted* the following concluding observations.

A. Introduction

2. The Committee regrets that the State party's report (CRC/C/70/Add.4) was not prepared according to the guidelines established for the submission of periodic reports. The Committee also regrets the absence of examples and disaggregated data on the exercise and enjoyment of the rights contained in the Convention, and insufficient assessment or evaluation of the actual situation of children in Jordan. The Committee welcomes, however, the extensive information provided with respect to education, and the detailed annexes on health and child labour. The Committee appreciates the detailed and informative responses to the list of issues.

* At the 641st meeting, held on 2 June 2000.

B. Follow-up measures undertaken and progress achieved by the State party

3. The Committee welcomes Jordan's progress towards the achievement of most of the goals for the year 2000 laid down in the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s.
4. The Committee welcomes the royal decree in March 2000 establishing the National Committee for Human Rights.
5. The Committee welcomes Jordan's ratification of major international human rights treaties, including ratification of ILO Conventions No. 138 concerning the Minimum Age for Admission to Employment and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. The Committee notes the various initiatives in the area of human rights undertaken by the State party in cooperation with the international community.
6. The Committee notes that Jordan hosts a large refugee population, and maintains good cooperation with the international community in this regard.

C. Factors and difficulties impeding the implementation of the Convention

7. The Committee notes that economic reforms have had a severe impact on the economy, and especially on the most vulnerable segments of society.
8. The Committee notes that population pressures coupled with a lack of resources, particularly water, in light of the worst drought in decades have severely affected the population.
9. Noting the universal values of equality and tolerance inherent in Islam, the Committee observes that narrow interpretations of Islamic texts by authorities, particularly in areas relating to family law, are impeding the enjoyment of some human rights protected under the Convention.

D. Principal areas of concern and recommendations

1. General measures of implementation

Legislation

10. The Committee observes that the State party's reservation to articles 20 and 21 of the Convention is superfluous. It points out that article 20 (3) of the Convention expressly recognizes *kafalah* of Islamic law as alternative care, and article 21 expressly refers to those States that "recognize and/or permit" the system of adoption, which in any case does not apply to Jordan.

11. **The Committee recommends to the State party to withdraw its reservation to articles 20 and 21 of the Convention, in accordance with the Vienna Declaration and Programme of Action.**

12. The Committee is concerned that the broad and imprecise nature of the reservation to article 14 potentially gives rise to infringements of the freedoms of thought, conscience and religion, and raises questions of its compatibility with the object and purpose of the Convention.

13. **In light of its previous recommendations (CRC/C/15/Add.21), the Committee recommends to the State party to study its reservation to article 14 with a view to narrowing it, taking account of the Human Rights Committee's General Comment 22 and recommendations (CCPR/C/79/Add.35), and eventually, to withdraw it in accordance with the Vienna Declaration and Programme of Action.**

14. Although the Convention is purported to have the force of law and takes precedence over all legislation except the Constitution, and courts are expected to accord precedence to it, the Committee observes that almost 10 years have passed since ratification and the Convention is not yet published in the Official Gazette.

15. **The Committee recommends to the State party to expedite the publication of the treaty in the Official Gazette and to take the necessary action to make it enforceable in the courts, including courts of first instance.**

16. The Committee notes the State party's efforts in preparing a draft Childhood Act and draft amendments to various legislation to ensure their compliance with the Convention. Nevertheless, the Committee is concerned that insufficient efforts have been made to secure their speedy adoption.

17. **The Committee recommends to the State party to ensure that the draft Childhood Act is in conformity with the principles and provisions of the Convention and to expedite the passage into law of this and other legislative amendments related to the provisions of the Convention.**

Coordination

18. The Committee notes the establishment of the National Task Force for Children for the coordination of activities of civil society through the National Coalition for Children. However, the Committee is concerned that inadequate administrative coordination and cooperation at the national and local levels of government is a serious problem in the implementation of the Convention.

19. **The Committee recommends to the State party to: adopt a comprehensive national plan of action to implement the Convention; allocate resources (human and financial); develop professional capacity; and give attention to intersectoral coordination and cooperation at and between national and local levels of government. The State party is encouraged to provide adequate support to local authorities for implementation of the Convention.**

Independent monitoring structures

20. Noting the decree establishing a National Human Rights Committee, the Committee emphasizes the importance of setting up an independent mechanism with the mandate of regularly monitoring and evaluating progress in the implementation of the Convention at the national and local levels.

21. In light of its previous recommendations (CRC/C/15/Add.21), the Committee encourages the State party to establish a statutory independent institution, with an appropriate membership and with adequate resources, the mandate to regularly monitor and evaluate progress in the implementation of the Convention, and empowered to receive and act upon complaints of violations of child rights. In this regard, the Committee recommends to the State party to seek assistance from, inter alia, UNICEF and the Office of the High Commissioner for Human Rights.

Allocation of budgetary resources

22. The Committee expresses its concern that insufficient attention has been paid to article 4 of the Convention regarding the implementation to the “maximum extent of ... available resources” of the economic, social and cultural rights of children.

23. While recognizing the difficult poor economic conditions, the Committee emphasizes that the implementation of economic, social and cultural rights requires consideration of a range of issues, including the redistribution of existing resources. The Committee recommends to the State party to develop ways to undertake a systematic assessment of the impact of budgetary allocations on the implementation of children’s rights, and to collect and disseminate information in this regard. The Committee recommends to the State party to ensure the distribution of adequate resources at the national and local levels, where needed within the framework of international cooperation.

Training in dissemination of the Convention

24. Noting efforts by the State party, the Committee is nevertheless concerned at the low level of awareness of the Convention amongst the general public, including children and professionals working with and for children. The Committee is concerned that the State party is not undertaking adequate dissemination and awareness-raising activities in a systematic and targeted manner.

25. The Committee recommends to the State party to develop an ongoing programme for the dissemination of information regarding the implementation of the Convention among children and parents, civil society and all sectors and levels of government. The Committee encourages the State party to pursue efforts to promote children’s rights education in the country, including initiatives to reach the most vulnerable groups. Moreover, the Committee recommends to the State party to strengthen its efforts to develop systematic and ongoing training programmes on the provisions of the Convention for all professional groups working with children (e.g. judges, lawyers, law enforcement officials, civil servants, local government officials, personnel working in institutions and

places of detention for children, teachers, health personnel, including psychologists, and social workers). The Committee encourages the State party to seek technical assistance from, inter alia, the Office of the High Commissioner for Human Rights and UNICEF in this regard.

2. Definition of the child

26. Noting efforts to raise the age of criminal responsibility to 12 years, the Committee, in light of its previous concluding observations (CRC/C/15/Add.21), remains concerned at the existing very low age which is set at 7 years.

27. Noting efforts to raise the minimum age for marriage to 18 for both boys and girls, the Committee is concerned that the existing age-limits of 15 years for girls and 16 years for boys are too low and are discriminatory. The Committee is also concerned about early and forced marriages, primarily in rural areas.

28. **The Committee recommends to the State party to review its legislation to ensure that the definition of the child and minimum age requirements conform to the principles and provisions of the Convention and are gender neutral, and take steps to enact any necessary amendments promptly and ensure that they are enforced. In addition, the Committee recommends to the State party to continue its efforts in respect of public education campaigns to combat early and forced marriages, particularly in rural areas.**

3. General principles

Non-discrimination

29. The Committee is concerned by the persistence of discrimination under the law, in particular:

(a) The Committee finds that discrimination against girls and children born out of wedlock is incompatible with article 2. Moreover, the Committee is concerned that discriminatory social attitudes towards the education of girls, primarily in rural areas, result in their low levels of school enrolment and high drop-out rates, and in early and forced marriages;

(b) The Committee finds that infringement of a child's rights under the Convention as a result of indirect discrimination, or discrimination against his or her mother (e.g. in relation to custody, guardianship and nationality) is incompatible with article 2. The Committee expresses its concern at the persistence of stereotypical attitudes about the roles and responsibilities of women and men. In light of the Committee's previous recommendations (CRC/C/15/Add.21), the Committee remains concerned that restrictions on the right of a Jordanian woman to pass on her nationality to her child, particularly where she is married to a refugee, may result in the child becoming stateless.

30. **In accordance with the findings of the Human Rights Committee (CCPR/C/79/Add.35), the Committee on the Elimination of Discrimination against Women (CEDAW) (CEDAW/C/JOR/2), its own previous concluding observations**

(CRC/C/15/Add.21) and with article 2 of the Convention, the Committee recommends to the State party to take effective measures to prevent and eliminate discrimination on the grounds of sex and birth status in all fields of civil, economic, political, social and cultural life. The Committee recommends to the State party to incorporate equality on the basis of sex in article 6 of the Constitution. The Committee recommends to the State party to make all efforts to enact or rescind civil and criminal legislation, where necessary, to prohibit any such discrimination. In this regard, the Committee encourages the State party to consider the practice of other States that have been successful in reconciling fundamental rights with Islamic texts. The Committee recommends to the State party to take all appropriate measures, such as comprehensive public education campaigns, to prevent and combat negative societal attitudes in this regard, particularly within the family. Religious leaders should be mobilized to support such efforts.

31. The Committee expresses its concern at the disparities in the enjoyment of rights, especially with regard to health and education, experienced by children belonging to vulnerable groups, including those living in rural regions of the country and those living in unofficial Palestinian refugee camps.

32. The Committee recommends to the State party to take all necessary measures to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2. The Committee recommends to the State party to prioritize and target social services for children belonging to the most vulnerable groups. The Committee recommends to the State party to seek assistance from the international community, including United Nations agencies such as UNICEF and United Nations Relief and Works Agency for Refugees in the Near East.

Best interests of the child

33. The Committee is concerned that in all actions concerning children, the general principle of the best interests of the child contained in article 3 of the Convention is not a primary consideration, including in matters relating to family law (e.g. duration of custody under the Personal Status Law is arbitrary as it is determined by the child's age, and is discriminatory against the mother).

34. The Committee recommends to the State party to review its legislation and administrative measures to ensure that article 3 of the Convention is duly reflected therein.

Right to life

35. Noting efforts to support amendments to penal law provisions which discriminate against women, the Committee nevertheless is seriously concerned that respect for the inherent right to life of a person under 18 is not guaranteed under the law, particularly in light of articles 340 and 98 of the Penal Code (No. 16/1960), which condone crimes perpetrated in the name of honour. The Committee is concerned that there is often reluctance on behalf of the police to arrest perpetrators, and that they receive lenient or token punishments.

36. **In line with Commission on Human rights resolutions 2000/31 and 2000/45, the recommendations of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/2000/3) and those of CEDAW, the Committee recommends that the State party take all necessary measures to ensure that there is no discriminatory treatment for crimes of honour and that they are promptly and thoroughly investigated and prosecuted. In addition, the Committee recommends to the State party to undertake awareness-raising activities demonstrating that such practices are socially and morally unacceptable, and to take steps that ensure that protective custody is replaced by other types of protection for women.**

37. The Committee is concerned at the high incidence of traffic accidents which claim the lives of children.

38. **The Committee recommends to the State party to strengthen and continue efforts to raise awareness about and undertake public information campaigns in relation to accident prevention.**

Respect for the views of the child

39. Noting that article 15 of the Constitution provides for freedom of opinion, the Committee is concerned that respect for the views of the child remains limited owing to traditional societal attitudes towards children in schools, the courts, and especially within the family.

40. **The Committee encourages the State party to promote and facilitate, within the family, the school and the courts, respect for the views of children and their participation in all matters affecting them in accordance with article 12 of the Convention. In this regard, the Committee recommends to the State party to develop skills-training programmes in community settings for teachers, social workers and local officials to enable them to assist children in expressing informed decisions and to take those views into consideration. The Committee recommends that the State party seek assistance from UNICEF, among others.**

5. Family environment and alternative care

Violence/abuse/neglect/maltreatment

41. Noting the establishment of the Family Protection Unit and efforts to address domestic violence, the Committee remains concerned, in light of articles 19 and 39 of the Convention, at the incidence of ill-treatment of children in schools and within the family. The Committee is concerned that apart from Penal Code provisions with respect to abandonment, abduction and indecent assault with violence, existing legislation is inadequate, and there is no comprehensive plan with effective measures to prevent and treat cases of abuse. Concurring with CEDAW, the Committee is concerned that the serious problem of violence against women in Jordan has harmful consequences on children.

42. **The Committee recommends to the State party to take legislative measures to prohibit all forms of physical and mental violence, including corporal punishment and**

sexual abuse of children in the family and the schools. The Committee recommends that these measures be accompanied by preventive measures such as public education campaigns about the negative consequences of ill-treatment of children. The Committee recommends to the State party to promote positive, non-violent forms of discipline as an alternative to corporal punishment. Programmes for the rehabilitation and reintegration of abused children need to be strengthened. Moreover, adequate procedures and mechanisms need to be established to receive complaints; monitor, investigate and prosecute instances of ill-treatment; and ensure that the abused child is not victimized in legal proceedings. The Committee recommends the training of teachers, law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of cases of ill-treatment. Attention should be given to addressing and overcoming socio-cultural barriers that inhibit victims from seeking assistance. The Committee recommends to the State party to ensure that the Family Protection Unit is adequately resourced; to strengthen its capacity; and to expand its services to cover other regions. The Committee recommends to the State party to continue to support and cooperate with civil society initiatives, including hotlines, shelters and counselling services. The Committee recommends that the State party seek assistance from UNICEF and the World Health Organization (WHO), among others.

6. Basic health and welfare

Children with disabilities

43. The Committee is concerned at the poor situation of children with disabilities, in particular that only a very small percentage receive specialized services.

44. **The Committee recommends to the State party to review existing policies and practice in relation to children with disabilities, taking due regard of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted on its day of general discussion on children with disabilities (CRC/C/69), and ensure that they enjoy all the rights contained in the Convention. The Committee recommends to the State party to make greater efforts to implement effectively the Welfare of the Disabled Act No. 12 of 1993, and increase the allocation of resources, human and financial, to ensure that children with disabilities have access to rehabilitation, education and other services. The Committee recommends to the State party to continue its efforts to promote inclusive education and to expand and strengthen community-based rehabilitation projects. The Committee recommends that the State party continue to seek assistance from UNICEF, UNESCO, WHO and relevant NGOs, among others.**

Right to health and health services

45. Notwithstanding the improvement in Jordan's health indicators over the past 25 years, the Committee is concerned that children living in rural regions may not have equal access to health services.

46. **The Committee recommends to the State party to ensure that vulnerable groups, such as children living in desert regions, benefit from health services. The State party should continue its efforts to increase the quality and coverage of post-natal care, and to raise awareness and disseminate materials on maternal health and family planning. The State party is encouraged to continue cooperation with UNICEF and WHO, among others.**

47. The Committee is concerned that insufficient attention has been given to adolescent health issues, including developmental, mental and reproductive health concerns and substance abuse.

48. **The Committee recommends to the State party to undertake a comprehensive study to discover the nature and extent of adolescent health problems, with the full participation of adolescents, and to use this as a basis to formulate adolescent health policies and programmes. In light of article 24, the Committee recommends that adolescents have access to and be provided with reproductive health education, child-friendly counselling and rehabilitation services, and STD and HIV/AIDS prevention programmes. The Committee recommends to the State party to seek assistance from UNICEF and WHO, among others.**

49. In light of article 24 of the Convention, the Committee expresses its concern at problems involving waste treatment and poor access to safe drinking water and adequate sanitation, particularly in rural areas, which negatively impact upon the health of children.

50. In light of article 24 (c) of the Convention, the Committee recommends to the State party to take all appropriate measures, including through international cooperation, to prevent and combat the damaging effects of environmental pollution and contamination of water supplies on children, and to strengthen procedures for inspection. The Committee encourages the State party to collect data on access to clean water and sanitation.

Right to an adequate standard of living

51. The Committee is concerned about large numbers of children living and/or working on the streets, particularly in urban centres such as Amman, Zarqa and Irbid, who are amongst the most marginalized groups of children in Jordan. Noting that begging is an offence, the Committee is concerned that children who are picked up for this crime risk court proceedings, or placement in detention or orphanages.

52. The Committee recommends to the State party to repeal the legal provisions criminalizing vagrancy and begging. The State party should establish mechanisms to ensure that street children are provided with identity documents, food, clothing and shelter. Moreover, the State party should ensure that these children have access to health care, rehabilitation services for physical, sexual and substance abuse; services for reconciliation with their families; comprehensive education, including vocational and life-skills training; and legal aid. The State party should cooperate and coordinate its efforts with civil society in this regard. The Committee recommends that the State party seek assistance from UNICEF, among others.

7. Education, leisure and cultural activities

Right to education

53. Noting the significant achievements by the State party in improving access to education, the Committee is concerned that attention should be focused on improving quality in this sector. The Committee is concerned at the persistence of high drop-out and absenteeism rates, especially at the secondary level, due to, inter alia, lack of interest in school and poverty.

54. **The Committee recommends to the State party to continue to allocate the required resources, human and financial, to repairing and upgrading infrastructure, equipment and teaching materials and improving teachers' salaries, particularly in rural areas. The State party should undertake a process of curriculum reform which stresses the importance of critical thinking and the development of problem-solving skills. The Committee also recommends to the State party to establish retention programmes and vocational training for drop-outs. The State party should promote the importance of early childhood care and development programmes, especially among low-income households, and encourage informal community schemes in this regard. The Committee urges the State party to continue to promote the participation of parents and communities in school governance, to improve enrolment rates and to monitor the quality of education. The Committee encourages the State party to seek assistance from UNICEF, the United Nations Educational, Scientific and Cultural Organizations (UNESCO) and relevant NGOs.**

8. Special measures of protection

Unaccompanied, asylum-seeking and refugee children

55. The Committee is concerned that there is no legislation specifically to guarantee the protection and rights of refugee children. In particular, the Committee is concerned that there are no procedures to prevent refugee children from becoming stateless, no legislative measures applicable to family reunification, and no special status determination procedures for unaccompanied children.

56. **In light of its previous recommendations (CRC/C/15/Add.21), the Committee recommends to the State party to accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness and to adopt legislation in conformity with these instruments, taking into account the Guidelines on the protection and care of refugee children of the Office of the United Nations High Commissioner for Refugees (UNHCR). The Committee recommends to the State party to adopt special measures to deal with unaccompanied children; develop and implement a functioning system for family reunification to better protect children from being separated from their parents; and review discriminatory employment policies (i.e. issuance of work permits) which affect the capacity of refugee families to support themselves adequately. The Committee encourages the State party to continue and expand its efforts to provide education for refugee children.**

Economic exploitation

57. The Committee is concerned that the Labour Law does not provide any protection for children working in family enterprises, agricultural activities and as domestic labour, thereby excluding from adequate protection the sector where child labour in Jordan is concentrated, i.e. the informal sectors, which in many cases involves hazardous conditions. In light of its previous concluding observations (CRC/C/15/Add.21), the Committee remains concerned that children living in remote areas, particularly in Bedouin communities, are often kept out of school to help with farming.

58. The Committee recommends that the Labour Law be amended to ensure that children working in family enterprises, agricultural activities and as domestic labour are protected and that inspections extend to these areas. Employers should be required, to have, and produce on demand, proof of age of all children working on their premises and the State party should vigorously pursue enforcement of minimum-age standards. The Committee recommends to the State party to continue efforts to implement the 1998 plan of action on child labour. The Committee recommends that the State party seek assistance from the International Labour Organization (ILO), among others.

Administration of juvenile justice

59. The Committee regrets that no new developments in the area of juvenile justice have occurred since the initial State party report was submitted in 1994.

60. The Committee reiterates its previous recommendations (CRC/C/15/Add.21): The State party should undertake a comprehensive review of legislation in the light of the Convention and international standards such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System. Attention should be paid to measures of rehabilitation and social reintegration, in line with article 39 of the Convention. The Committee recommends to the State party to seek assistance from the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF through the Coordination Panel on Juvenile Justice.

Sexual exploitation and sexual abuse

61. The Committee is concerned at the insufficient data on and awareness of the phenomenon of commercial sexual exploitation of children in Jordan, and the absence of a comprehensive and integrated approach to prevent and combat it.

62. The Committee recommends to the State party to undertake a national study on the nature and extent of commercial sexual exploitation of children, and that disaggregated data be compiled and kept up to date to serve as a basis for designing measures and evaluating progress. The Committee recommends to the State party to review its legislation and ensure that it criminalizes the sexual abuse and exploitation of children and penalizes all offenders, whether Jordanian or foreign, while ensuring that the child victims

are not penalized. The Committee recommends to the State party to: ensure that laws concerning the sexual exploitation of children are gender neutral; simplify procedures so that responses are appropriate, timely, child friendly and sensitive to victims; and vigorously pursue enforcement. Rehabilitation programmes and shelters should be established for child victims of sexual abuse and exploitation. There is a need to train personnel working with child victims adequately. The Committee recommends to the State party to carry out awareness-raising campaigns to sensitize and mobilize the general public on the child's right to physical and mental integrity and to be protected from sexual exploitation.

9. Dissemination of the reports

63. **Finally, the Committee recommends that in accordance with article 44, paragraph 6, of the Convention, the second periodic report presented by the State party be made widely available to the public at large and that consideration be given to the publication of the report along with the written answers to the list of issues raised by the Committee, the relevant summary records of the discussion and the concluding observations adopted by the Committee following its consideration of the report. Such a document should be widely distributed in order to generate debate on and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including concerned NGOs.**
