



Convention on the Rights of the Child

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Committee on the Rights of the Child Sixty-fifth session

Summary record of the 1877th meeting

Held at the Palais Wilson, Geneva, on Monday, 26 May 2014, at 3 p.m.

Chairperson: Ms. Sandberg

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The meeting was called to order at 3.05 p.m.

Consideration of reports of States parties

Combined fourth and fifth periodic reports of Jordan (CRC/C/JOR/4-5, CRC/C/JOR/Q/4-5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Jordan took places at the Committee table.*
2. **Mr. Sukayri** (Jordan), introducing the combined fourth and fifth periodic reports of Jordan (CRC/C/JOR/4-5), said that his Government was committed to the implementation of the Convention and welcomed the opportunity to engage in a constructive dialogue with the Committee. Jordan had made concerted efforts to align the national Constitution with the Convention. Article 2 of the Children's Rights Bill of 2008 defined a child as "any person below 18 years of age". All institutions that dealt with family and child-related issues adhered to that definition, which was fully consistent with the definition contained in the Convention.
3. Regarding juvenile detention, he said that the Government had recently introduced alternatives to imprisonment for minors in order to facilitate their rehabilitation and reintegration into society and had established a juvenile police department in 2012. The Criminal Code was under review in an attempt to provide increased protection for children, particularly in cases involving domestic violence. Special family divisions had been established for administrative and judicial procedures in the regular courts and public prosecutors could authorize the use of modern technology in order to protect juvenile witnesses when providing testimony, as appropriate. In addition, intensive training had been provided to judges and court officials in sharia courts on topics such as child custody, maintenance and visiting rights. Workshops had also been held with civil society organizations to strengthen their awareness of the main legal child protection provisions and their scope.
4. In response to the Committee's recommendation concerning the proportion of the budget allocated for the realization of children's rights, the Government had introduced funding for non-governmental organizations working directly with children and had changed the way in which the overall budget was allocated in order to prioritize areas affecting children. Moreover, benchmark indicators had been devised to measure the performance of all government ministries and departments and the services that they provided. As of 2012, ministries and departments were required to clearly display allocations for children in their programme budgets.
5. As to the concern expressed by the Committee that girls as young as 14 years of age could be married with the consent of a guardian and a judge, he emphasized that the Personal Status Code of 2010 required both spouses to have reached the age of 18 years. A judge could grant permission for persons under 18 years of age to marry under certain conditions and provided that the Chief Justice also granted permission. The marriage of persons under 15 years of age was not permitted by law.
6. With regard to the rights of children born out of wedlock, the relevant authorities registered the births of all children born on Jordanian territory and issued birth certificates. Children born out of wedlock were recognized as persons before the law and had the right to a religiously and socially acceptable name. They received identity cards, which did not indicate their birth status, and were entitled to health care and education. The Government also provided care in foster families for children born out of wedlock, under special conditions.

7. Concerning the transmission of Jordanian nationality to the children of Jordanian mothers and non-Jordanian fathers, he said that the Government had recently decided to grant such children the same rights to health care and education as other Jordanian citizens. In addition, they would also be eligible for a free residency permit and could seek employment, hold a driving licence and own property.

8. In an effort to promote and facilitate children's right to freedom of expression and participation in all matters affecting them, the Government had recently prepared a report on the Convention using contributions from young Jordanians between the ages of 14 and 21 years. Children and young people had been able to fully express their views on the Government's efforts to uphold, protect and give effect to children's rights.

9. A National Strategy for Persons with Disabilities (2007–2015), which included a component designed to prevent and combat practices that could result in persons with disabilities, particularly children, being subjected to violence, exploitation or abuse, had been established. Pursuant to the Strategy, the Persons with Disabilities Act No. 12 of 1993 had been repealed, the Rights of Persons with Disabilities Act No. 31 of 2007 had been adopted and the Higher Council for the Affairs of Persons with Disabilities had been established. The objective of the Strategy was to create a more equal society in which persons with disabilities, including children with disabilities, could enjoy a dignified and sustainable life on an equal basis with others.

10. The Government's reservations to articles 14, 20 and 21 of the Convention did not detract from the rights of Jordanian children, as the matters addressed in those articles, such as freedom of thought, conscience and religion, were also covered by Jordanian law, primarily in the Constitution. The reservation to the provision on adoption still stood, although children retained the right to benefit from alternative family care under the Islamic system of *kafalah* and fostering arrangements established in accordance with sharia law. The rules and regulations on fostering and *kafalah* were intended to protect the best interests of the child.

11. The influx of Syrian refugees to Jordan continued to have serious social and economic repercussions for Jordanians, including Jordanian children. The Government ensured that Syrian refugees could integrate into Jordanian society rather than being consigned to refugee camps and provided them with equal access to education and health care. However, such measures had increased the burden on the national budget at a time of austerity and had had an impact on the quality of services that the authorities were able to provide.

12. **Mr. Kotrane** (Coordinator, Country Task Force) welcomed the State party's commitment to implementing the Convention but noted that the report had failed to include a specific section on general implementation measures. He therefore requested further information on whether the State party had taken steps to re-examine national legislation and align it with the Convention, whether a coordination body and national general strategy or action plans for children had been implemented and evaluated and whether the mandate of the National Centre for Human Rights had been extended to enable it to receive individual complaints from children or their guardians.

13. He welcomed the State party's ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Convention on the Rights of Persons with Disabilities. At the same time, he wished to know whether the Government intended to ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and, also, the International

Convention for the Protection of All Persons from Enforced Disappearance. He noted with satisfaction that the State party had ratified the Convention on the Rights of the Child by Act No. 50 of 2006 and had recognized the primacy of international treaties over domestic legislation. However, he expressed concern at its failure to expedite the adoption of legislation for children's rights that would fully incorporate the rights guaranteed by the Convention into the national legislation. He asked whether action had been taken to expedite the adoption of the draft legislation pertaining to children that had been mentioned by the State party in its replies to the list of issues.

14. He expressed regret that the State party had not followed up on the Committee's recommendation concerning the withdrawal of reservations to articles 14, 20 and 21 and asked whether steps would be taken, in consultation with all relevant stakeholders including civil society organizations, to reassess that position.

15. With regard to underage marriage, he asked the delegation to confirm whether steps would be taken to revise article 10 of the Personal Status Code (Act No. 36 of 2010) in order to prevent or reduce the incidence of marriage of underage girls and to tackle the social and cultural norms that perpetuated the incidence of such marriages. What additional measures and programmes had been developed to take action against underage marriage among Syrian girls? Lastly, he wished to know what efforts had been made to repeal all provisions of the Criminal Code that provided for reduced sentences in cases involving crimes of honour and to carry out public awareness-raising campaigns involving religious and local leaders aimed at combating discriminatory traditions and attitudes towards girls.

16. **Mr. Cardona Llorens** (Country Task Force) commended the State party on its National Action Plan for Children (2004–2013) and requested further information on the results achieved to date. Had the Government considered whether it would adopt a second action plan for children once the current plan came to an end and, if so, what main areas of concern would it address?

17. He noted the various national sectoral strategies adopted over the reporting period, such as the National Strategy for Persons with Disabilities (2007–2015), and asked whether a national body assumed responsibility for coordinating those strategies. In its previous concluding observations, the Committee had expressed concern at the State party's failure to fully implement the Convention at the governorate and local levels. He therefore wished to know which body was responsible for overseeing local implementation of the Convention and whether or not it worked in close partnership with the National Council for Family Affairs.

18. He welcomed the decision by the National Centre for Human Rights to include a chapter devoted to children's issues in its annual report and asked whether the Centre had set up a complaints procedure for children or their guardians. He also wished to know whether officials working at the Centre had been specifically trained to deal with children's issues and whether the State party intended to appoint a children's Ombudsman.

19. Regarding the allocation of resources for children's policies and programmes, he asked the delegation to confirm whether the State party had included a strategic objective in the national budget to incorporate children's needs and protect their rights. In view of the series of austerity measures adopted by the Government to tackle the budget deficit, he wished to know whether impact studies had been carried out to assess the implications for children and whether precautionary measures had been taken to ensure that the reductions in State expenditure did not disproportionately affect the most vulnerable groups of children, such as those from low-income families and children with disabilities. Had the Government established a national database for the purpose of recording and producing disaggregated data on children?

20. He wished to know whether the content of the Convention was part of the compulsory school curriculum and, if so, how many hours were dedicated to that topic. In addition, he asked how many hours of training on the Convention were provided to persons working with children in the fields of education, social work, health care and law, and whether training on the Convention was provided in universities. Had any awareness-raising campaigns on the Convention been conducted during the previous three years?

21. He asked whether the State party had conducted a review of its national legislation to ensure that it was in line with the Committee's general comment No. 16 on State obligations regarding the impact of the business sector on children's rights. Were companies required by law to ensure that their activities respected the rights of the child, and could children file complaints with the courts concerning violations of their rights by private companies?

22. **Ms. Khazova** (Country Task Force) asked how the birth of children considered by law to be of unknown parentage was registered and whether, in such cases, the biological parents could be registered as such if their identity was known. She wished to know why the law discriminated against such children with regard to issues such as inheritance and guardianship and whether the Government would consider abolishing discriminatory provisions, including by eliminating the word "illegitimate", which was itself discriminatory. Children of Jordanian mothers married to non-Jordanian men were not entitled to Jordanian citizenship and consequently faced discriminatory treatment in various areas, including access to health care and education, which was not in line with the Convention. She requested information about the situation of Palestinian children who had become stateless when their Jordanian nationality had been withdrawn.

23. Gender discrimination was a serious problem for girls and affected many aspects of their lives, including inheritance rights. How did the Government plan to address that problem? There appeared to be some misunderstanding within the State party about the principle of the best interests of the child. Were any guidelines available for the courts and other authorities to follow on how best to apply that principle? She wished to know more about the training provided to judges in that regard and asked whether the courts could invoke the principle in their judgements.

24. While she welcomed the preparation of a report on the Convention by Jordanian children, she was concerned about the situation of girls in the State party, as they were often overlooked and excluded from decision-making processes. She asked if the Government was making any attempt to enable girls to participate more actively in social life.

25. **Ms. Aldoseri** (Country Task Force) noted the high number of children subjected to ill-treatment or degrading treatment and asked what measures the State party was taking to tackle violence against children. She invited the delegation to provide further information about the National Family Protection and Violence Prevention Strategy, including an assessment of its results. She welcomed the investigations conducted into ill-treatment in institutions for children with disabilities and wished to know the fate of those children who had been living in institutions that had been shut down following investigations. Regarding those institutions that had received only a warning, she asked what that measure entailed and whether violence had been inflicted on children in those centres. What sentences had been handed down to employees of such institutions who had been convicted of wrongdoing?

26. She requested further information about the circumstances under which girls with disabilities had been required to undergo hysterectomies and asked what measures were being taken to prevent such practices. She asked whether the legislation allowing corporal punishment under certain circumstances had been amended, and whether any training had

been conducted to deter persons working with children from using corporal punishment. She asked whether all forms of violence in the home were criminalized, whether any measures were being taken to combat domestic violence against girls and whether the State party maintained a database on violence against children. Lastly, she asked whether Jordan had amended its legislation so as to fully prohibit marriage with a minor and, if so, whether there remained any exceptions to that prohibition.

The meeting was suspended at 4.20 p.m. and resumed at 4.50 p.m.

27. **Ms. Al Daher** (Jordan) noted that the measures taken to implement the Convention were described in detail in the report and included various programmes and legislative amendments.

28. **Mr. Nimrat** (Jordan) said that while Jordan had ratified the majority of international human rights instruments, his Government addressed the rights of migrant workers through bilateral agreements with other States. During the current year, it would take the necessary steps to become a party to the International Convention for the Protection of All Persons from Enforced Disappearance. The issue of ratifying the Optional Protocol to the Convention on the Rights of the Child on a communications procedure would be reviewed with the competent authorities.

29. **Mr. Al Museimi** (Jordan) said that the Court of Cassation had affirmed the primacy of international human rights instruments over national law in several of its decisions and that many judges invoked such instruments in their judgements, thanks in part to workshops held for judges and prosecutors emphasizing the role and importance of international human rights instruments and reaffirming their primacy.

30. **The Chairperson** wished to know the number of court decisions in which the Convention had been invoked and requested specific examples of such decisions.

31. **Mr. Al Museimi** (Jordan) said that he did not have that information to hand but that case studies relating to the Convention had been used as examples in the aforementioned workshops.

32. **Ms. Al Daher** (Jordan) said that the National Plan of Action for Children (2004–2013) focused on various themes related to the principles set out in the Convention and that a comprehensive assessment of the Plan had shown that it had achieved results. A plan of action covering the period 2014 to 2017 was currently being drafted, taking into account the lessons learned from that assessment.

33. **Mr. Cardona Llorens** asked whether the provisions of the Convention could be directly invoked before the courts. He requested further information about the assessment of the National Plan of Action for Children (2004–2013) and asked which issues would be the focus of the next plan.

34. **Mr. Al Museimi** (Jordan) said that the Convention had automatically become part of national law upon ratification and that, in the cases referred to previously, the courts had invoked the Convention directly and without the need for any implementing legislation.

35. **Ms. Al Daher** (Jordan) said that the assessment of the Plan of Action had been based on a number of principles set out in the Convention and that a report had been drafted following the assessment. The next plan would focus on children deprived of family care.

36. **Ms. De Jesús Oviedo Fierro** asked about the relationship between the assessment of the Plan of Action and the national report on the Convention prepared by Jordanian children. She wished to know how many children had taken part in the drafting of that report, how many children throughout the country had been made aware of the report, how many had participated in the peer education conducted in partnership with Save the

Children, and how many were involved in the student parliamentary councils. She also wished to know how many of the children who participated in those activities were girls.

37. **Ms. Al Daher** (Jordan) said that 25 children from various governorates had been chosen as focal points for the drafting of the report, of whom approximately three quarters were girls. They had received training on the provisions contained in the Convention and on the workings of the international human rights system. In addition, 1,500 children, particularly those from vulnerable groups, had received training on the Convention and had been asked to provide their views on its implementation as input for the report. The Convention had been printed and distributed to all schools in the form of a leaflet using child-friendly language.

38. The Children's Parliament met periodically to discuss specific issues concerning children; most recently, it had discussed mechanisms that would enable children to participate in future elections. Various legal provisions, including those governing personal status, ensured that children were heard in accordance with their age and level of understanding.

39. **Ms. Khazova** invited the delegation to comment on the extent to which children's views were truly taken into account in decision-making.

40. **Ms. Al Daher** (Jordan) said that the report prepared by adolescents regarding the implementation of the Convention had informed the content of the second National Action Plan for Children. In addition, a report on the situation of children had been prepared, to which the 25 children trained as children's rights focal points had contributed.

41. **Mr. Al Awamleh** (Jordan) said that the bill on the rights of the child had been drafted by a committee composed of representatives of all the relevant Government bodies and had been submitted to parliament. However, civil society organizations had asked for it to be withdrawn because it did not contain concrete measures for the implementation of the Convention. Therefore, the bill was being redrafted.

42. **Mr. Kotrane** said that while the Committee welcomed the publication of the Convention in the State party, it would be advisable to enact a single law covering all of the provisions contained therein in order to ensure consistency across domains. He recalled that the Juveniles Bill had already been at the final drafting stage in 2006 and regretted the slow pace of enactment and the dearth of information as to when that Bill, along with a number of other pending items, would be adopted.

43. **Ms. Khazova** asked whether both ordinary and sharia court judges could apply or refer to the provisions of the Convention directly in their decisions.

44. **Mr. Al Awamleh** (Jordan) acknowledged that there had been delays in the adoption of child protection laws and assured the Committee that was attributable to the Government's commitment to guaranteeing that all rights were protected. The Cabinet had submitted the Juveniles Bill to the House of Representatives, which had considered it and would be referring it to the Senate shortly.

45. **Mr. Al Tawalbeh** (Jordan) said that national laws, including in the areas of education, child custody and guardianship were sufficiently detailed to reflect the provisions of the Convention, in particular the principle of the best interest of the child.

46. **Ms. Al Saraireh** (Jordan) said that the National Council for Family Affairs had, at the express request of lawyers, provided training to 100 lawyers throughout the country on the application of the content and the spirit of the Convention.

47. **Mr. Al Tawalbeh** (Jordan) said that the legal age of marriage was 18 years of age, although the courts could make exceptions for children over 15 years of age. However, in order to approve an underage marriage, judges had to ascertain that the marriage would not

constitute a barrier to education, that the prospective spouses were well suited and that the husband was in a position to provide for his wife. Moreover, judges could call on psychologists and social workers to assist with the assessment. Cases were then referred to the Supreme Judge Department. Nevertheless, with the influx of Syrian refugees, the number of underage marriages had risen by 6 per cent in recent years.

48. **The Chairperson** recalled that, in the Committee's view, laws, regulations and procedures were not enough to ensure the effective protection of children's rights.

49. **Ms. De Jesús Oviedo Fierro** asked what the specific criteria for the authorization of underage marriage were.

50. **Ms. Khazova** pointed out that the fact that divorced non-Muslim mothers had custody of their children until they reached 7 years of age while divorced Muslim mothers had custody until their children reached 15 conflicted with the Committee's view on what constituted a suitable family environment. She would like to know the basis on which that policy was justified, and whether the introduction of joint custody was being discussed. Moreover, she wished to know whether the Government intended to change the policy that children born out of wedlock should be placed in foster care and that unmarried mothers were considered merely as guardians rather than as full custodial parents. She asked whether reports that women detainees were not entitled to visits with their children were accurate. Noting that the Government's efforts to expand foster care did not appear to have reduced the number of children in State institutions, she asked why that might be and why there were far fewer boys than girls in such institutions.

51. **Ms. Aldoseri** asked whether the citizenship requirement for enrolment in private schools applied to public schools, what the dropout rate was and what steps were being taken to narrow the enrolment gap between boys and girls and to substantially increase female literacy. While the State party had made commendable efforts to fight HIV/AIDS, it should be borne in mind that the low prevalence rate could be due to under-reporting, given that the disease remained taboo in Jordanian society. Noting that the relevant information provided to women was particularly limited, she asked what measures were planned to raise awareness of modes of HIV transmission. Lastly, she wished to know whether the authorities planned to extend the recommended breastfeeding period.

52. **Mr. Cardona Llorens** commended the State party on the important legislative steps it had taken to protect children's rights but expressed concern about the implementation of the Convention in practice, particularly in respect of especially vulnerable children. He asked whether the State party collected reliable, disaggregated data on the number of children with disabilities and, if not, whether it intended to include questions on that topic in the upcoming 2014 census. Specifically, he wished to know how many such children attended school and, of those, how many were enrolled in specialized establishments rather than in mainstream schools. Pointing out that specialized classrooms within mainstream schools was a far cry from what the Committee meant by inclusive education, he asked what measures were taken to adapt curricula to the needs of all children, how teachers were trained to provide inclusive instruction and how many children with disabilities participated in the camps and cultural and artistic activities organized by the Higher Council for Youth.

53. He asked what steps were being taken to ensure that the support provided through the National Aid Fund and the assistance fund for refugees was actually allocated to the most underprivileged. Drawing the delegation's attention to reports that some Palestinians who had arrived prior to the Syrian conflict had been stripped of their Jordanian citizenship, thereby leaving their children stateless, he asked how the Government ensured that those children remained protected and why it had not ratified the 1951 Convention on the Status of Refugees or the 1961 Convention on the Reduction of Statelessness. Given that migrant children were entitled to education and health services if their parents resided lawfully in

the country, he wished to know what the fate of unaccompanied migrant children was and what rights they enjoyed.

54. **Mr. Kotrane** requested further information on the alarming rate of malnutrition among children in Zaatari camp, the disproportionate rate of malnutrition in remote areas and among the most underprivileged children and the persistence of infectious diseases as the primary cause of infant morbidity. He welcomed the adoption of the Interim Social Security Act, but asked whether any reforms were planned to award children the direct right to medical insurance. Recalling that the Committee did not view the criminalization of abortion as an adequate way of addressing teenage pregnancy, he asked whether the State party might consider strengthening sexual and reproductive health education.

55. He wished to know to what extent Syrian refugee children enjoyed their right to education and were protected from economic exploitation in Jordan. Was it true that Palestinian children were, in some cases, sent to the Syrian Arab Republic or separated from their parents, sometimes even from their Jordanian mothers? Were Jordanian women entitled to transmit their nationality to their children by foreign fathers?

56. He invited the delegation to comment on the apparent inadequacy of the legal framework for the prevention of child exploitation, despite the establishment of the Child Labour Unit under the Ministry of Labour, and on reports that street children were often treated as criminals. He asked whether the Juveniles Bill, once enacted, would expedite the processing of arrested children, authorize them to consult a lawyer, limit the duration of preventive detention, set up juvenile courts, increase the age of criminal liability from 7 to 13 years in line with international standards and focus on rehabilitative rather than punitive measures for juveniles.

57. **Mr. Sukayri** (Jordan) said he hoped that the delegation would be given sufficient time to reply to the Committee's many questions.

The meeting rose at 6.05 p.m.