



**Convention on the
Rights of the Child**

Distr.
GENERAL

CRC/C/SR.1188
6 October 2006

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-third session

SUMMARY RECORD OF THE 1188th MEETING (Chamber B)

Held at the Palais Wilson, Geneva,
on Friday, 22 September 2006, at 10 a.m.

Chairperson: Ms. ALUOCH
(Vice-Chairperson)

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In the absence of Ms. Khattab, Ms. Aluoch, Vice-Chairperson, took the Chair.

The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (continued) (agenda item 4)

Third periodic report of Jordan (CRC/C/JOR/3, CRC/C/JOR/Q/3 and Add.1, and HRI/CORE/1/Add.18/Rev.1)

1. At the invitation of the Chairperson, Mr. Burayzat, Mr. Hindawi, Mr. Al Kabariti, Ms. Mazahera, Ms. Mdanat, Mr. Al Mhaisen, Mr. Okour, Mr. Qaddomi, Ms. Rashid, Mr. Ratroot, and Mr. Al Tarawneh (Jordan) took places at the Committee table.
2. Mr. BURAYZAT (Jordan), introducing the report (CRC/C/JOR/3), said that all levels and branches of the Government and civil society had been involved in the preparation of the third periodic report. His Government was committed to promoting the rights of all children and had made great efforts to implement the Committee's recommendations following the consideration of Jordan's second periodic report. The increase in the population caused by a relatively high birth rate, a decline in the mortality rate and an influx of refugees and migrants, including many children, had placed a heavy burden on social services.
3. As evidence of his Government's commitment to protecting children's rights, he cited the long-standing case of a Jordanian boy who in 1990 had crossed the border into Israel, committed an offence, been arrested and sentenced at the age of 15 or 16 to life imprisonment. Although Jordan had signed a peace agreement with Israel, the incident continued to strain relations between the two countries because of the individual's age at the time of the offence. His Government continued to petition the Israeli Government and the international community for the release of the prisoner, and he invited the Committee to intercede on his behalf.
4. Mr. PARFITT (Country Rapporteur) said that, in spite of the economic difficulties caused by drought and a lack of natural resources, the hundreds of thousands of landmines along its borders and the threat of terrorist attack, the State party had shown great generosity in hosting many refugees. He noted that approximately half the population of Jordan was of Palestinian or Iraqi origin. The State party had also continued to introduce reforms with a view to facilitating the full implementation of the Convention.
5. He welcomed the signing of the optional protocols to the Convention, the establishment of the National Council on Family Affairs and the National Centre for Human Rights, some of whose staff dealt specifically with children's rights and the launching of the National Plan of Action for Early Childhood Development (2004-2013) and other strategies. He commended the fact that nearly 21 per cent of the national budget was allocated to promoting universal education.
6. Other positive aspects included measures to increase awareness of the Convention through the Children's Parliament and the National Centre for Human Rights and the Ministry of Education, raising the legal age for marriage to 18 for both boys and girls, quality health care for

children, and the reduction of infant mortality and infectious diseases. The Juveniles Act prohibited the holding of child detainees with adults; under the amended Juveniles Act, the definition of child beggars had been changed, and such children were no longer referred to as vagrants but as children in need of protection and care. The Child Labour Unit, which had been established within the Ministry of Labour, had developed the National Strategy for the Elimination of the Worst Forms of Child Labour. A draft children's rights act was in the process of being adopted.

7. However, a number of concerns remained. The Convention had not yet been incorporated into domestic law, very little data on the situation of children were available, the age of criminal responsibility was 7, perpetrators of honour killings continued to receive only light sentences, and traditional attitudes still affected the rights of girls and women. The disabled suffered de facto discrimination in the areas of health, education and social services, particularly at the local level. The right of a child born in Jordan to a non-Jordanian father to obtain Jordanian citizenship was restricted, and there was discrimination against children born out of wedlock. Corporal punishment in the home was tolerated. Child asylum-seekers' right to education was limited. The testimony of child victims and witnesses in criminal proceedings required corroboration. Lastly, he expressed concern at the growing number of street children.

8. The State party should withdraw its reservations to the Convention, particularly with respect to articles 20 and 21 since the State party's concerns regarding the Islamic institution of kafalah (foster care) were largely addressed in those articles. He asked whether the Convention and the optional protocols, which had to date only been signed by the State party, would soon be ratified by Parliament and published in the Official Gazette, so that they could be incorporated into domestic law. He requested additional information on the provisions of the draft children's rights act and asked whether the draft act would soon be adopted. Although the National Council on Family Affairs was responsible for promoting children's rights at the national level, he wondered whether there were any mechanisms at the local level to ensure uniform implementation of the Convention. He asked whether the National Council prepared reports that could be made available to the Committee and whether the Council exerted any authority over agencies responsible for implementing programmes to protect children's rights.

9. He asked whether the Government intended to make the National Centre for Human Rights a permanent body and expand its jurisdiction to the police and the military. He wondered whether the Centre had the right to visit child detention centres or could do so only in response to a complaint from a detainee. He wished to know whether the Public Security Directorate was the mechanism for dealing with human rights complaints and whether the State party intended to establish a mechanism, such as an ombudsman, to investigate violations of children's rights and report on the situation of children. There seemed to be a lack of coordination between the Government and the non-governmental organizations (NGOs), which sometimes felt that their views were not taken fully into account. He wondered whether the Government would require the assistance of international partners, NGOs and donors to fund the programmes arising out of the National Plan of Action for Early Childhood Development (2004-2013) and whether the Child Welfare Unit established by the National Council on Family Affairs had adequate resources.

10. Ms. AL-THANI requested clarification concerning the definition of a child. She expressed concern that the draft children's rights act would raise the age of criminal responsibility only to 10. Although the legal age of marriage was officially 18, a judge could allow exceptions and, in rural areas, girls of 14 and 15 were still being married. She wished to know what the State party was doing to eliminate early marriage. She asked whether an adult could be sentenced to death for a crime committed while that person was still a minor. The delegation should inform the Committee whether minors could still be recruited into the armed forces and explain the situation of the 21 members of the armed forces who were under the age of 18.

11. Mr. ZERMATTEN said that the State party should provide additional information on the situation of children, including on children with disabilities, young offenders, victims of violence or exploitation, girls, and on the situation in the various regions of the country. He asked whether the State party intended to establish a central body responsible for collecting statistics, particularly on human rights and the situation of children.

12. He wondered whether the State party had made any efforts to increase awareness of the Convention among children, for example by including human rights education in the school curriculum. He wished to know whether information about the Convention had been disseminated throughout the country. He requested additional information on efforts to overcome traditional attitudes and promote children's right to be heard. He asked whether children had the right to express and defend themselves in their schools. He wondered whether children were allowed to testify in criminal and civil proceedings and, if so, at what age. He enquired whether there were guarantees that child victims and witnesses would be protected. Lastly, he wished to know whether the rights of refugee children were respected.

13. Mr. LIWSKI commended the State party on its reception of many migrants from the region's conflict zones. He welcomed the fact that civil society was very active in the area of children's rights.

14. With regard to budgetary allocations for education, he noted that spending on children with disabilities had decreased from 51 per cent in 2004 to 33 per cent in 2006, and asked whether that had resulted in a corresponding reduction in services and programmes. He would be interested in hearing why the resources of the Ministry of Social Development for programmes and activities for preventing child abuse, child sexual exploitation and child labour had decreased from 13.6 per cent in 2004 to 11.8 per cent in 2006. He asked whether the objective of receiving 30 per cent of the funding for the National Plan of Action for Children from international donors had been achieved and, if not, how such funding had been raised. He would welcome additional information on the distribution of budgetary allocations for health, education and social welfare in the most disadvantaged areas.

15. He asked what policies had been adopted to ensure the protection of children in detention centres or police custody. He wondered what legal and rehabilitative measures were adopted in cases of institutional violence, and how the perpetrators were punished. He wished to know whether there was any monitoring mechanism or training for personnel in that area.

16. Mr. POLLAR expressed concern at the discretionary power of judges to lower the age of marriage. He asked how non-Muslim widows who did not have the right to inherit were able to provide for their children. He would welcome additional information on whether a Jordanian woman married to a non-Jordanian could transmit her nationality to her child.

17. Noting that one of the objectives of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) was to change the traditional attitudes and beliefs of local communities with regard to children's rights and protection, he asked what issues the Agency would address and what the expected outcomes of its activities were. He wondered whether such changes in attitude would result in positive developments with regard to the girl child's right to inherit.

18. He asked how the Government intended to implement the National Youth Strategy.

19. The CHAIRPERSON said that she would welcome information on children born out of wedlock, particularly with regard to inheritance and child support. She asked whether children born to a Jordanian mother and a non-Jordanian father possessed Jordanian citizenship. She understood that a non-Jordanian father must be resident in Jordan for 15 years before applying for citizenship, and she wondered whether children born of such marriages were considered stateless during that period.

20. She expressed concern that the evidence of the girls who had been victims of sexual offences was not taken into account during the preliminary hearing, and asked what remedy was available to victims in such cases.

The meeting was suspended at 11.15 and resumed at 11.35 a.m.

21. Mr. PARFITT asked whether the State party had considered both paragraphs 2 and 3 of article 14 when considering its reservation to that article since, in his view, paragraph 1 did not give a child an absolute right to determine his or her religion, and paragraph 2 respected the rights and duties of parents and recognized the right of parents to provide direction to their children in the exercise of the right referred to in paragraph 1.

22. Mr. AL TARAWNEH (Jordan) said that, although 50 years of conflict in the region had had a major impact on personal freedoms throughout the region, the State party attached great importance to human rights, particularly children's and women's rights.

23. With regard to the concern that activities tended to be centralized in the capital, he pointed out that the United Nations Children's Fund (UNICEF) had recently inaugurated a juvenile justice programme in the south of the country.

24. Upon ratification, the Convention had been incorporated into domestic law and had full legal force; it could be applied directly by judges in legal proceedings. He hoped that in the future all the human rights conventions would be more widely disseminated.

25. Although the Juveniles Act had set the age of criminal responsibility at 12, that age had had to be lowered to 10 in order to ensure conformity with other legislation.

26. A national commission had been working on a draft law on guardianship that aimed to protect the rights of children of unknown parentage. Under new legislation, corporal punishment by parents was prohibited. A working group on the protection of the family had been established.

27. The reservations to the Convention had been made because several provisions were incompatible with Arab Muslim practices in Jordan.

28. Ms. AL-THANI asked whether there had been any debate on the State party's withdrawal of its reservation to article 14. A close reading of that article revealed that it could be interpreted in a manner that was not inconsistent with the sharia. It would be interesting to know whether the religious authorities were amenable to Jordan's withdrawal of its reservations.

29. Mr. AL TARAWNEH (Jordan) said that there was an ongoing debate between the Government and civil society on whether the reservation to article 14 should be withdrawn. The National Centre for Human Rights could visit detention centres where children were held. A committee had been established to ensure that all domestic legislation was consistent with the international instruments that the Government had ratified. Under domestic legislation, a child was defined as any person under the age of 18. The minimum age for marriage was 18, with a number of exceptions; for example, pregnant girls under the age of 18 were allowed to marry. The maximum prison sentence for minors was 12 years; the death penalty could not be imposed on minors. In March 2006, closed-circuit television had been introduced to allow child victims to testify in cases of domestic violence. Closed-circuit television would be extended to include testimonies by juvenile offenders. A toll-free hotline would be available for children to report domestic violence. The telephone number would be easy to remember and would be widely disseminated. No one under the age of 18 had entered the army since 1973. Jordan had been declared an anti-personnel mine-free zone in 1998.

30. Mr. PARFITT asked whether legislation on the establishment of an office of the ombudsman had been adopted.

31. Mr. ZERMATTEN asked whether the Government would consider withdrawing its reservations to articles 20 and 21 of the Convention since there was no contradiction between those articles and the provisions for adoption in Jordan's domestic legislation.

32. Mr. AL TARAWNEH (Jordan) said that legislation on the establishment of an office of the ombudsman had been drafted.

33. Ms. MAZAHERA (Jordan) said that the Government was currently studying measures to harmonize the draft children's rights act with the provisions of the Convention. The National Council on Family Affairs was an independent entity that coordinated the work of government agencies and NGOs working in the field of children's rights. It developed policies and reviewed implementation of the annual action plan drawn up by the Government. The National Centre for Human Rights was regulated by a permanent law that had been ratified in September 2006. The staff of the Centre had the right to visit all detention centres and report back to the Ministry of the Interior and other relevant authorities.

34. The Government had made preparations to accede to the optional protocols to the Convention. It was also considering accession to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
35. Ms. RASHID (Jordan) said that the budget for health had been 5.8 per cent of the total budget for 2006, which represented a 5 per cent increase over the previous year. While figures for current spending on health care were not available, in 2001 expenditure on health had represented 6.9 per cent of the gross domestic product (GDP). Budget allocations were centralized, and all governorates submitted their expenditure to the Ministry of Health for approval. The Government prioritized children's health in its plans, and would endeavour to increase budget allocations for preventive health care. Public sector expenditure represented some 42 per cent of the total expenditure on health. Private sector spending on health care, together with aid from UNRWA, exceeded government expenditure on health-care programmes. Some 2.2 million dinars in international aid had been spent on combating HIV/AIDS, raising AIDS awareness among young people, and introducing voluntary AIDS tests.
36. Mr. RATROOT (Jordan) said that coordination among various agencies active in the field of children's rights was ensured by a coordinating body for social welfare and development, which had begun work in June 2006. The question of early marriage had been included in a draft national agenda that had been adopted in 2005.
37. The National Plan of Action for Children (2004-2013) had received 70 per cent of its funding; the source of the remaining 30 per cent was currently under consideration by the Ministry of Social Development.
38. A database containing information on children with disabilities in all but two governorates had been established. There were also databases on young offenders and people who had been convicted of committing violence against children.
39. The reason that the budget for children with disabilities had been reduced for the current financial year was that the allocation of the Strategic Plan of the Ministry of Social Development and the National Assistance Fund (2004-2006) had also been temporarily reduced. Nonetheless, 24,000 disabled children received State assistance, regardless of their religion. Only Jordanian citizens were eligible for such assistance.
40. Mr. AL MHAISEN (Jordan) said that the National Strategy for Youth (2005-2009) had been adopted and was being implemented. All the relevant ministries contributed programmes for children between the ages of 12 and 18, and research on children's needs had been carried out. Personnel working with children, particularly in the juvenile justice system and in social welfare centres, received training and even children were taught useful skills. Legal services were provided for children in conflict with the law. Social and psychological services were available at a number of police stations.
41. Mr. PARFITT (Country Rapporteur) said that, since unmarried mothers were not entitled to the same benefits as married couples, he wondered whether the Government would consider revising the relevant legislation to extend the same benefits to all parents, regardless of marital

status. He asked whether training in early childhood and parenting was generally available to parents or to children in school. He asked what mechanisms existed to ensure that maintenance for the children of separated parents was received. He asked whether the courts decided on the amount of maintenance payments. The delegation should provide additional information on the options available for children without parents.

42. The numbers of children in orphanages and other public or private institutions were extremely low, and he wondered whether many orphans were taken in by relatives and were therefore not accounted for in statistics. He asked whether care providers in institutions were adequately trained and whether the institutions were regularly inspected by qualified personnel. He wondered whether individual care plans were drawn up for children in institutions and, if so, whether children could participate in the preparation of the plan; he wished to know how often such plans were reviewed. He asked whether there was an independent complaints mechanism for children in institutions. The delegation should indicate whether family reunification programmes existed, and whether financial assistance was provided to families, including families with children born out of wedlock, in cases where a child would otherwise be taken into care.

43. Ms. AL-THANI asked what was meant by a “minor” in the context of capital punishment. Existing methods of informing children with disabilities of the services available to them were inadequate, and she asked what measures Jordan was considering to address that problem. In that connection, she wished to know whether services existed to enable such children to be cared for at home. She wondered whether schools had the capacity to receive disabled children and whether teachers were adequately trained to deal with physical or speech disabilities. She asked whether rehabilitation was provided for disabled children, particularly those who were marginalized or lived in remote areas.

44. She noted that, in the public sector, maternity leave was 60 days, and asked whether the same provision for maternity leave existed in the private sector. She wished to know whether breastfeeding was encouraged during that period. She enquired whether there had been any further developments concerning the proposed law on alternative milk products.

45. Ms. VUCKOVIC-SAHOVIC asked what plans the Government had to increase the proportion of children in preschool education. In that connection, she welcomed the strict monitoring of the establishment and operation of private kindergartens. She wished to know why many children were not enrolled in primary schools since parents who failed to enrol their children incurred a fine. The Government should consider providing more assistance to schoolchildren from poor families since books and other materials were prohibitively expensive. The delegation should clarify the term “school contributions”.

46. She asked whether any research had been conducted on school dropouts. She wished to know what was being done to prevent bullying, violence and corporal punishment in schools. She asked whether it was true that curriculum reform would apply only in secondary schools. She had been informed that the quality of teaching in Jordan was inadequate, and she wondered whether the Government planned to establish a permanent centre for the training and evaluation of teachers.

47. Mr. ZERMATTEN welcomed the fact that the minimum age of criminal responsibility had been raised from 7 to 10. He asked whether there were detention facilities for offenders aged between 10 and 12 or whether such offenders were returned to their parents. He asked whether there were any plans to increase the number of children's judges and courts throughout the country. In the light of the trend towards bypassing the courts, he enquired whether the legal system was entirely circumvented or retained some role. He asked whether community or tribal decisions were recognized by the formal legal system. The number of children placed in institutions for mostly minor offences seemed rather high, and he wondered whether their families were unable to take charge of such children. He hoped that children who committed serious offences were not held with adults. He asked what steps the Government intended to take concerning complaints about the slowness of juvenile justice procedures, the excessive length of sentences and juvenile offenders' difficulty in maintaining regular contact with their families. He wondered whether the fact that girls accounted for only a small proportion of the total number of offenders meant that detention facilities for girls were lacking or inadequate.

48. Mr. LIWSKI asked whether local communities and young people were involved in developing health-care strategies. He wondered whether the staff of health centres received training in children's rights. He wondered how schools coped with attention-deficit hyperactivity disorder. The delegation should provide additional information on the reduction in the number of early pregnancies. He asked why post-partum monitoring was less frequent than pregnancy monitoring and what steps the Government intended to take to address the 20 per cent anaemia rate among children under 5.

The meeting rose at 1 p.m.