



Convention on the Rights of the Child

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Committee on the Rights of the Child

Sixty-sixth session

Summary record of the 1878th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 27 May 2014, at 10 a.m.

Chairperson: Ms. Sandberg

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

Consideration of reports of States parties (continued)

Combined fourth and fifth periodic reports of Jordan on the implementation of the Convention on the Rights of the Child (continued) (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. **Ms. Al Dahir** (Jordan) said that the term “honour killing” did not exist in the Criminal Code and that the penalties for such crimes were as severe as for any other killing. Studies showed that criminal proceedings had been initiated in a large proportion of so-called “honour” killings, and that the perpetrators had not benefited from any of the mitigating circumstances that were recognized by the law in certain, very specific cases.
3. **Mr. Al Museimi** (Jordan) explained that, in addition to the severity of the offence, the degree of malice aforethought was a determining factor in the assessment of the case and the determination of the sentence. The law expressly stated that the fact that a person had been the victim of an offence against honour did not constitute a mitigating circumstance and could not be invoked in as a means of obtaining judicial leniency. However, article 340 of the Criminal Code, as amended, defined mitigating circumstances as certain emotional factors which may have driven the perpetrator to commit the crime, but the courts had never invoked that article in order to impose a less severe sentence.
4. **Ms. Al Dahir** (Jordan) said that the new National Plan of Action for Children was based on the conclusions drawn from the National Plan of Action for Children 2004–2013, and on input from all relevant bodies. The main elements of the policy on children were defined by the Family and Child Protection Society — under the aegis of the National Council for Family Affairs — and with contributions from all the key stakeholders working in child protection. The results of the annual report of the National Centre for Human Rights — the country’s national human rights body — were distributed to all relevant ministries, which were required to allocate the necessary funding to implement its recommendations. The National Centre for Human Rights was also authorized to receive complaints from children, which specialized lawyers worked on free of charge, and to launch inquiries.
5. The Convention had been circulated in schools, and judges had been trained on its provisions. Since 2013, private companies with a large number of women in their workforce had been legally required to set up on-site crèche facilities. So far, 80 companies had done so.
6. **The Chairperson**, speaking as a member of the Committee, asked whether it was true that children were not able to file a complaint without prior parental consent.
7. **Ms. Al Dahir** (Jordan) said that, for children under 15 years of age, complaints concerning criminal acts must be filed by a legal guardian. There were plans to give prosecutors the power to file complaints on a child’s behalf in cases of violations of the Family Code.
8. **Mr. Al Armouti** (Jordan) said that no Palestinian children had ever been stripped of their Jordanian nationality and that no such provision existed in Jordanian law.
9. **Mr. Al Tawalbeh** (Jordan) said that although the minimum age for marriage was 18, the courts could authorize the marriage of a person over 15 years of age, in certain circumstances. There had been no recorded cases before the courts of children under the age of 15 being married. Furthermore, the public was aware of the ban on early marriages

and people were encouraged to report suspected cases, including marriages contracted abroad, to the authorities. In April 2014, a session to raise awareness of the implications of marriage had been organized in Amman for prospective spouses, and there were plans to make such sessions obligatory for all couples due to be married.

10. **The Chairperson**, speaking as a member of the Committee, asked for information on how judges made sure that girls who were married before the age of 18 had given their consent to the marriage.

11. **Mr. Al Tawalbeh** (Jordan) said that the courts were legally obliged to thoroughly assess whether the prospective wife had consented to the marriage. That included in-depth interviews with the girl and her family, psychological evaluations and consultations with social workers. An affirmative decision by the courts could still be revoked by a higher court and the marriage annulled.

12. Under Islamic law, inheritance was governed by very strict rules and — contrary to a widely held belief — those rules were not systematically disadvantageous to women and girls. In addition, there was no discrimination between boys and girls in the enjoyment of the right to health care or the right to education, which were both enshrined in the Personal Status Act.

13. **Ms. Al Daher** (Jordan) said that Jordan had the lowest rate of illiteracy in the Middle East, and the idea that families systematically sought to marry off their daughters as soon as they reached the age of majority was false. Indeed, more girls attended university than boys, and families paid special attention to girls and supported them in the achievement of their personal or professional goals.

14. **The Chairperson**, speaking as a member of the Committee, asked whether there had been any campaigns to encourage women to work, and whether the State had taken steps to improve the image of women who were in employment.

15. **Ms. Al Daher** (Jordan) said that, on the whole, Jordanian society viewed women who were employed in a positive light, and that the legal framework had evolved accordingly. In addition, the Labour Code gave women the right to take two years of maternity leave and also to set aside an hour of their working day for breastfeeding. Furthermore, many companies had installed crèche facilities. The National Council for Family Affairs coordinated various child protection strategies, including a national strategy to protect children from domestic violence, and planned to create an online database with information on proceedings brought in cases of child abuse. There were also plans to introduce capacity-building programmes for the various agencies and stakeholders working in child protection. Moreover, there was a national strategic framework on the prevention of violence, which included the establishment of a range of multidisciplinary care and rehabilitation services for child victims. The 2008 law on domestic violence had paved the way for teams of social workers to be established. Those teams were tasked with helping and supporting victims, particularly in providing psychological support, and directing them towards the appropriate services.

16. Although corporal punishment was banned in schools, article 62 of the Criminal Code authorized parents to administer certain forms of corrective measures to their children. However, any form of punishment likely to cause physical or psychological harm to a child had been illegal since 2011 and offenders were liable to criminal sanctions. In April 2014, a workshop on the social consequences of corporal punishment had taken place, and its conclusions would be circulated among judges.

17. **The Chairperson** asked why the State party had not repealed the provision authorizing the use of corporal punishment in certain circumstances.

18. **Ms. Al Dahir** (Jordan) said that legislation evolved in stages and that the next step could not be taken before society was ready. For now, the priority was to raise public awareness of the harmful effects of corporal punishment.

19. **Mr. Al Museimi** (Jordan) said that it was illegal to perform a hysterectomy without the woman's consent. Any person who removed a woman's uterus without her agreement would be held criminally responsible, and it would be considered an aggravating factor if the victim was a person with disabilities.

20. **Mr. Al Tawalbeh** (Jordan) added that, in accordance with Islamic law, any person who harmed the physical integrity of another without medical justification could be ordered to pay "blood money" (*diya*). Most young people who became engaged between the ages of 15 and 18 did not marry until after their eighteenth birthday. Inspections took place regularly and, so far, no marriages that violated the Personal Status Code had been brought to light.

21. The Committee's questions on the care and custody of children, particularly those born out of wedlock, were likely due to a misunderstanding. The goal was to ensure that the child's family ties were maintained and its best interests were taken into account. Therefore, the child's age and the mother's religion were not the only criteria to be considered in that process. The status of mother — the legal designation for all women who had given birth — could not be contested, regardless of a woman's marital status. A woman would only be classified as a "foster mother" if she could not prove that she was the biological mother.

22. **Mr. Al Awamleh** (Jordan) said that the women's correction and rehabilitation centre had a facility to house prisoners' children up to the age of 4 years.

23. **Ms. Al Dahir** (Jordan) said that alternative care facilities came under the remit of the Ministry for Social Development and that placing children in the care of the centres was a measure of last resort.

24. **Mr. Al Awamleh** (Jordan) said that, according to the data, boys outnumbered girls in child protection centres, including in orphanages and homes for children with disabilities. The numbers could be explained by the fact that more boys than girls were born in Jordan.

The meeting was suspended at 11.35 a.m. and resumed at 11.50 a.m.

25. **Ms. Al Dahir** (Jordan) said that, according to Ministry of Education data, the school dropout rate was 4 per cent, a figure which included extended absences from school as well as dropouts. Measures had been taken to reduce the rate, including a project that had paved the way for 400 children who had joined the workforce ahead of time to return to their studies. The Compulsory Education Act had been modified and now made provision for social benefits to be withheld from parents who removed their children from school before the end of their compulsory education. The right to education was guaranteed for all, irrespective of nationality. Jordan had one of the region's highest rates of academic success among girls, and there were more girls in higher education than boys.

26. Jordan had one of the lowest HIV/AIDS prevalence rates in the Arab world. Nevertheless, there was a national HIV/AIDS strategy which included an information and prevention element, as well as various other measures to tackle the stigmatization of HIV-positive people and promote their integration into the workforce. Several initiatives had been undertaken to promote breastfeeding, and the commercialization of baby milk formula was regulated. Children with disabilities or special needs had access to both public and private schooling. Information on the number of such children in mainstream education would be communicated in writing to the Committee at a later date.

27. **Mr. Al Awamleh** (Jordan) said that Jordan had had to make significant budget cuts due to the economic climate but that it had chosen to protect the health and education budgets.

28. **Mr. Sukayri** (Jordan) said that Jordan had taken in an enormous number of refugees — including around 1.3 million Syrian refugees — which had had a major impact on its economic and financial situation, particularly as the State gave the refugees free access to education and health services. The Government could not carry such a heavy burden alone and counted on help from international organizations and donor countries.

29. **Mr. Al Armouti** (Jordan) said that the Protocol of Understanding — signed in 1998 between the Jordanian Government and the Office of the United Nations High Commissioner for Refugees — regulated the protection and assistance provided to refugees. There had been some allegations of violence against children in refugee camps, but they had not been corroborated by any complaint. The Ministry of the Interior had, however, called for unannounced visits to be made to the camps, with the assistance of civil society organizations and NGOs, and the Government had taken measures to better ensure the security of refugees, especially minors. Any persons committing offences, irrespective of nationality, would be brought to account for their actions. No child refugee had ever been expelled from a refugee camp. Refugees benefited from free health services in the clinics, health-care centres and hospitals located in the camps. In addition, women also had access to prenatal care and sexual and reproductive health services.

30. **The Chairperson** said that it was her understanding that Palestinian refugees were often turned away from the Jordanian border. It also seemed that the child of a Syrian father and a Palestinian mother could enter the country accompanied solely by the father. There were reliable reports indicating that Palestinian children in need of medical treatment were allowed to remain in Jordan for the duration of their treatment but were then deported. Further information on that issue would be welcome.

31. **Mr. Al Armouti** (Jordan) said that, just as other countries regulated the entry of foreign nationals into their territories, Jordan made it a condition of entry that Palestinian immigrants should obtain prior authorization from the authorities. If any Palestinian refugees had been refused entry at the border, it was likely to have been on the grounds of security.

32. **Ms. Al Dahir** (Jordan) said that it was illegal for children under 17 years of age to work, and that those aged 17–18 must not undertake tasks that could harm their physical, psychological or moral well-being. Employers who contravened that ban were liable to pay a fine. In addition, the commercial exploitation of children was punishable under the Trafficking in Persons Act. The country's 180 labour inspectors conducted unannounced visits to businesses to verify the ages of employees and the working conditions for minors, and the Ministry of Labour ran campaigns to raise employers' awareness of the issue of child labour. Under the Minors Act, street children were not considered as offenders but as persons in need of protection. Protective measures were therefore in place for underage street sellers and children playing on rubbish dumps.

Initial report of Jordan on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/JOR/1; CRC/C/OPAC/JOR/Q/1; CRC/C/OPAC/JOR/Q/1/Add.1)

33. **Mr. Gurán** (Country Rapporteur for the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict) asked whether responsibility for the application of the Protocol rested with the Ministry of the Interior or the Ministry of Defence, and what measures the State party had taken to disseminate information about the instrument to the wider public and, in particular, to the relevant

professionals. He wished to know whether the State party intended to modify the Public Security Act to raise the minimum age of admission into the security forces, which was currently 17 years, and what method was used to verify the age of a recruit. Finally, he asked for additional information on the teaching provided in military schools and, in particular, whether minors were trained to use weapons.

34. **Ms. Winter** (Country Rapporteur for the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict), noting that the enrolment age into the armed forces varied between 15 and 18 years, depending on the legislation, wished to know what the minimum age was in practice. She also wished to know why enrolment of a child under 15 years of age did not constitute a war crime in the State party. She noted that, in some of the camps, there were militia who enrolled children, and she invited the State party to provide additional information on that issue in the next periodic report. She also wished to know how mainstream and military school curricula differed, given that they both accepted children from the age of 6, and what steps the State party had taken or intended to take to ensure that foreign children entering Jordan had not taken part in hostilities in other countries.

Initial report of Jordan on the implementation of Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/JOR/1; CRC/C/OPSC/JOR/Q/1; CRC/C/OPSC/JOR/Q/1/Add.1)

35. **Mr. Gastaud** (Country Rapporteur for the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography) regretted the fact that Jordanian law did not expressly prohibit the offences covered by articles 2 and 3 of the Optional Protocol and that, as a result, such acts could go unpunished. He wished to know what steps the State party had taken to combat trafficking in persons, and whether anyone had been prosecuted and convicted of such a crime. He would also welcome information on the measures implemented to prevent girls from being sexually exploited and to help victims of trafficking and child pornography to rebuild their lives, as well as the types of penalties imposed on those who ran prostitution networks. Furthermore, he wished to know whether any checks were carried out to enforce sexual tourism laws, and whether it was doctors, psychologists or magistrates who took victims' calls on the special hotline set up by the State party. Finally, the delegation was invited to indicate whether the Optional Protocol had been used yet as a legal basis for extradition.

36. **The Chairperson** asked for clarification on the criminal provisions that made it possible to excuse the sexual exploitation of girls considered to be "immoral", as well as on the issue of female Syrian refugees taken from Iraq and smuggled into Jordan for the purpose of sexual exploitation.

37. **Ms. Al Daher** (Jordan) pointed out that draft legislation currently before the Jordanian Parliament increased the age of criminal responsibility from 7 to 12 years. As things stood, the courts took into consideration the best interests of the child, obtained the advice of a social worker prior to ruling and favoured alternative sanctions to detention in cases concerning minors.

The meeting rose at 1 p.m.