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Jordan

**Joint Submission by
Set My People Free and Jubilee Campaign**

Maråsliden 47, 33591 Gnosjö
SWEDEN
freedom2worship.org
info@smpf.net

***Set My People Free** is a network of individuals, churches and organizations working for the freedom of converts from Islam to live and practice their new faith, to experience equality and justice in their home countries. We seek to give the Muslim people the freedom to change their faith or no faith, to live out and practice their new belief, and to experience freedom, justice and equality in their homeland as non-Muslims.*

***Jubilee Campaign** is a non-profit organization which promotes the human rights and religious liberty of ethnic and religious minorities. We assist individuals and families seeking asylum in the West from religious-based persecution as well as promoting the care and well-being of larger groups of refugees fleeing religious and ethnic persecution. Jubilee Campaign holds consultative status at the United Nations from the Economic and Social Council.*

Rights of Children in Jordan

A. Acceptance of international treaty obligations

a. Overview

1. Jordan has ratified the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child including the optional protocols CRC-OP-AC and CRC-OP-SC, and the Convention on the Rights of Persons with Disabilities.
2. Jordan has acceded to the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination.

b. Recommendations

We recommend Jordan:

3. Remove or review its remaining reservations to the Convention on the Rights of the Child where Jordan says they are not bound by the articles 14, 20 and 21 which, “grant the child the right to freedom of choice of religion and concern the question of adoption, since they are at variance with the precepts of the tolerant Islamic shariah.”
4. Ratify the following inquiry procedures: CCPR-OP1 – the Optional Protocol to the International Covenant on Civil and Political Rights, CEDAW-OP, Art. 8-9 - Inquiry procedure under the Optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the CRC-OP-IC, Art. 13- Inquiry procedure under the Optional Protocol to the Convention on the Rights of the Child.
5. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance without reservations by the next Universal Periodic Review.

c. Advance questions:

6. Under Islamic law female Christians who left Islam are likely forced to divorce, lose the guardianship of their children, and lose claims to inheritance. This has an impact on the growth and stability of the lives of the children. How is the separation of a child from its parents [loss of custody rights] - if the parent leaves Islam - consistent with Islamic sharia?

B. Religious Freedom and Human Rights, especially of children born to parents who left Islam to adopt another religion or belief

a. Relevant recommendations supported by Jordan:

- a. *Consider a national strategy to eliminate all forms of discrimination against all groups of children in marginalized and disadvantaged situations (135.41 by India)*
- b. *Take measures to end the discriminatory classification of children on any grounds and discrimination against all groups of children in marginalized or disadvantaged situations (135.40 by Fiji)*
- c. *Adopt a global strategy to eliminate discrimination in law and in practice against marginalized and disadvantaged children (135.39 Democratic Republic of Congo).*
- d. *Continue efforts to campaign against gender-based violence and to raise awareness in local communities about the importance of ending child marriage. (135.34 by Uganda).*
- e. *Take further measures to promote and protect the rights of women, children and persons with disabilities through developing or improving national strategies; (135.33 by Turkmenistan).*
- f. *Strengthen the relevant legal frameworks to further protect women against all forms of violence, including domestic violence, and ensure adequate support and redress to victims; (135.30 by Turkey)*
- g. *Continue reviewing its legal framework for the protection of women against gender-based violence and domestic violence (135.28 by Thailand)*

b. Concerns

7. Jordan in its sixth periodic report to the Committee on the Rights of the Child defended its reservations to the Convention on the Rights of the Child (CRC), including article 14, saying that, “they [the reservations] do not conflict with the spirit or aims of the convention.” Jordan referenced specifically article 14 in its report as well, saying that, “its reservation to article 14 on freedom of thought, conscience and religion is consistent with Islamic sharia.”
8. In practice however, several actions by the Government of Jordan particularly via its Personal Status Laws and its handover of judicial authority to sharia courts do not align with the aims of the CRC and violate several fundamental human rights.
9. The government of Jordan in its report also mentioned that the principle of non-discrimination is, “reaffirmed in the general provision of the children’s rights bill,” and that children have the right to enjoy “all the rights and freedoms enshrined in the present Act, without discrimination of any kind.”
10. Currently authorities automatically register children born to Christians who have left Islam as Muslim, in violation of Article 18 of the ICCPR and Article 14 of the CRC. The same practice is implemented for individuals who convert to any other belief other than Islam, where authorities will still register the children as Muslim even if the parents have converted to another belief. As a result, Islamic classes are mandatory for children of parents who are Christian or chose to leave Islam for another faith or belief. Open Doors reported that this can lead to

identity conflicts and emotional stress of children. In addition, families who are Christian and left Islam face both societal pressure and violence from intolerant Islamic groups. Most of these families either have to live with hidden or duplicitous identities, with several forced to leave the country completely.

11. An additional concern is specific to Christian female converts or Muslim women and girls who exercise their freedom of thought, conscience and belief. There have been cases of pressure from family members and society to forcibly marry these women off to Muslim men in order to pressure them to renounce their faith. This affects girls as well, who are then often in their teens and can also include Muslim girls who would like to practice a less conservative form of Islam, for not choosing to wear a hijab, for example. These forced marriages arranged by family members and often under societal pressure, violate the right of young girl's freedom of thought, conscience and belief. (ICCPR Art. 23; CEDAW Art. 16 and ICESCR Art. 10). [Open Doors]
12. There have also been reported practices of the government of Jordan denying children access to a parent who has left Islam, including when the parent is residing abroad. Sharia personal status courts have forcibly removed the right of custody in these cases arguing that according to Islamic law those who leave Islam must lose custody of any children. These cases are often brought up by relatives but also at times initiated by the government. Regardless, the legal frameworks in Jordan as they are now allow for these violations.
13. In divorce cases as well, courts and the societal norm in Jordan is to deny a Christian [or a non-Muslim] spouse married to a Muslim the right or opportunity to claim custody of the children.
14. Under Islamic law, courts can forcibly divorce female converts from Islam, revoke custody of their children, and disinherit them. This has an impact on the growth and stability of the lives of the children. Open Doors reported that recognized churches in Jordan have been working on the revision of personal status laws, to improve the position of women regarding divorce and inheritance rights but there have been no major improvements.

c. Advance Questions:

- a. How does Jordan ensure Sharia courts implement the CRC including the right for children of parents who have chosen to leave Islam to practice their new religion or belief?
- b. How is the separation of a child from its parents [loss of custody rights] - if the parent leaves Islam - consistent with Islamic sharia?
- c. How does the Government of Jordan see these actions as being "consistent with the spirit and aims of the Convention"?
- d. Noting the Convention's preambular paragraph: "Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person," how does the removal of

children from their biological parents for exercising their fundamental human rights of conscience, religion and belief coincide with reaffirming the dignity and worth of the human person without discrimination?

- e. How is Jordan working to educate religious leaders to ensure the respect of the freedom of conscience, religion and belief of all its citizens, regardless if they accept or reject the state religion?
- f. Has Jordan considered adopting and implementing the Faith for Rights Framework?
- g. As a supporter of Resolution 16/19 how will the government of Jordan ensure the implementation of the rights of children of parents who left Islam to be able to practice their new faith or belief?
- h. How is Jordan working to protect the rights of women and girls from honour killing when the sentence for honour killing is significantly lower than that of murder?

C. Follow-up Questions with Regards to Positive Efforts by Jordanian Authorities to Implement the CRC

- 15. Jordan shared that the Sharia Public Prosecutor can submit a request for the protection of the rights of children and minors.
 - a. Can the government of Jordan clarify to what extent this request is used and also who defines the interpretation of “protection of the rights of children and minors”? [Is it based on the CRC or Sharia law?]
 - b. Does the “rights of children and minors” include the right to choose their religion or belief and be able to practice the religion or belief of their parents, including parents who hold minority beliefs or who have left Islam for another faith or belief?
- 16. The government of Jordan spotlighted in its response to the Committee on the Rights of the Child that it is involved with awareness-raising campaigns on the rights of minors and to address early marriages of girls. The government of Jordan said they developed a special module that will look at the reasons for early marriage.
 - a. Have the government of Jordan looked at the instances when marriage is used as a disciplinary action violating the girl’s right to freedom of thought, conscience and belief?
- 17. The government of Jordan has also affirmed the right of children to pursue their school life without discrimination.
 - a. We would like to request a clarification - how is the Government of Jordan ensuring non-discrimination for children of different minority beliefs including Bahai and Christian?
 - b. How does the government of Jordan ensure children born to Christian parents who left Islam are allowed to enjoy school life and the right to practice and profess their Christian belief at school?
 - c. Does the government of Jordan allow a student to complete their school life without choosing to take Islam in school? If not, why?
 - d. Do the mandatory Islamic classes extend to children of minority beliefs?

- e. How can the government ensure that children can pursue school life without authorities forcing children with Christian parents from a Muslim background to study Islamic education?
18. The government of Jordan organises workshops on the CRC every year with the help of the National Centre for Human Rights, these are run in cooperation with the Ministry of Endowments and Islamic Affairs.
- a. Why is the Ministry of Endowments of Islamic Affairs involved in the training?
 - b. How is the government of Jordan able to ensure the tolerance of different faith groups, including Christians, Bahais and others, when they are not involved in the training?
 - c. Does the government of Jordan have plans to include other faith groups in the public trainings to foster a climate of tolerance and recognition of the human dignity of individuals regardless of their religion?

D. Summary of Recommendations

19. In light of the above we recommend that Jordan:
- i. Ensure annual workshops on the CRC promote tolerance by including representatives of all faith groups in the trainings, including apostates from Islam;
 - j. Adopt the Faith for Rights Framework and take advantage existing training materials [such as that of the Alliance for Inclusive Muslim's training material];
 - k. Integrate human rights education into the national school curriculum, provide sufficient resources for human rights education and training of teachers and ensure that they receive training in topics such as freedom of thought, conscience, religion or belief and freedom of expression;
 - l. Establish the institution of an ombudsman to monitor violations of religious freedom;
 - m. Adopt a freedom of religion and belief perspective in the special module used for awareness-raising campaigns on the rights of minors to address early marriages of girls during the next reporting period.
 - n. Ensure the implementation of the rights of the child, by ensuring children of parents who left Islam are able to practice their new faith or belief;
 - o. Monitor and prevent the use of forced marriage as a disciplinary action to violate the girl's right to freedom of thought, conscience and belief.