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CONFIDENTIAL

## **A Submission to the Committee on the Rights of the Child regarding Jordan's Third Periodic Report to the Committee**

Human Rights Watch wishes to bring to the Committee's attention information regarding the Government of Jordan's failure to ensure the rights of the children of Iraqi refugees and migrants and, in particular, its failure to ensure access to education for these children, in violation of Articles 2, 22, and 28 of the Convention on the Rights of the Child.

This submission is based upon information obtained by Human Rights Watch during a research trip to Jordan conducted between April 14 and May 6, 2006. The submission addresses violations of the rights of Iraqi child refugees and migrants and suggests questions that the Committee may wish to consider during its review of Jordan's implementation of the Convention.

**The right of each child to free primary education and access to secondary and higher education, without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status: Articles 2 and 28.**

In its March 2006 submission to the Committee (CRC/C/JOR/3), the Government of Jordan states, "Under article 10, paragraph (a) of the Education Act, 'basic education is compulsory and free in public schools'. This means that children enjoy the right to free education up to the age of 16 years" (para. 238). Furthermore, in response to the Committee's questions regarding disparities among children in the enjoyment of rights, the Government notes that "Jordanian law contains a number of provisions under which non-Jordanians are granted the same rights as Jordanians" (para. 71).

Human Rights Watch regrets that education is not among the areas in which Jordan accords non-Jordanian children the same rights as Jordanian children. In policy and in practice, the Jordanian government denies the children of foreign nationals living in

Jordan who do not possess residency permits, admission to public and private schools and discriminates against them on the basis of their parents' nationality and residency status, in violation of articles 2 and 28 of the Convention on the Rights of the Child.

In particular, Human Rights Watch would like to call the Committee's attention to the consequences of this policy for the children of Iraqi refugees and migrants living in Jordan. Human Rights Watch considers the vast majority of the estimated 500,000 Iraqis in Jordan to be de facto refugees, because they have fled persecution and generalized violence in their home country. Yet the Jordanian Government fails to mention the children of these Iraqi refugees in its submission to the Commission and does not address the right of these children to free primary education and to accessible secondary and higher education.

In interviews with Human Rights Watch, Iraqi nationals in Jordan consistently identified lack of access to education as a major problem facing their children. One woman described the low level of school attendance among Iraqi children in her apartment building as follows: "The building where I live is full of Iraqi people, and all their children are staying home. Nobody goes to school."<sup>1</sup>

Iraqi nationals as well as Jordanian nongovernmental organization representatives repeatedly told Human Rights Watch that Jordanian public schools do not accept Iraqi students, and that private schools only accept Iraqis who possess residency permits. Many Iraqi nationals, however, have overstayed their visas and cannot obtain residency permits, and many, in any event, cannot afford private school fees. One Iraqi woman, a mother of three children, told Human Rights Watch that she received a notice from the Jordanian Ministry of Education (MoE) saying that she will not be able to enroll her children in private school during the 2006-2007 school year, and she also received a phone call from the director of her children's school, confirming that the school will not enroll her children.<sup>2</sup> Another Iraqi parent told Human Rights Watch that a principal of a public school expelled his children because they lacked a valid residence permit.<sup>3</sup> Although some Iraqi refugee children are able to attend makeshift schools run by churches, these schools function with extremely limited resources and are not accredited to confer diplomas and certificates recognized in Jordan.

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<sup>1</sup> Human Rights Watch interview, Karak, Jordan, April 20, 2006.

<sup>2</sup> Human Rights Watch interview, Amman, April 23, 2006.

<sup>3</sup> Human Rights Watch interview, Amman, April 27, 2006.

In its previous report to the Committee submitted on 5 August 1998 (Jordan's second periodic report, CRC/C/70/add.4), the Government of Jordan wrote, "It is noteworthy that the Ministry [of Education] agreed to the enrolment at government and private schools of non-Jordanian students who had not obtained a residence permit for the academic year 1997/98 and it is also cooperating with the Ministry of the Interior with a view to making arrangements for their admission during the next academic year" (para. 100). Jordan's current submission does not reiterate this statement, and the Government has not indicated a continued willingness to make arrangements for the enrollment of non-Jordanians without residence permits. Rather, the Ministry of Interior has repeatedly issued directives stating that foreign students must have residency permits to attend public or private school, and the Ministry's policy on foreign student admission has changed so frequently that many Iraqi parents do not know whether their children are permitted to attend school.

In August 2005, just a week before the new school year began, the Jordanian Ministry of the Interior issued regulations that prohibited non-Jordanian Arab students from enrolling in both public and private schools unless they or their parents held permanent residency permits.<sup>4</sup> The Ministry rapidly reversed these regulations, but the Iraqi parents Human Rights Watch interviewed believed that the Ministry had issued only a one-year exception, and that it would not admit Iraqis without residence permits to public or private schools in 2006-2007.<sup>5</sup> A UNICEF official confirmed that the Ministry notified Iraqi families that they will allow Iraqi children admission in the coming school year only if they rectified their residence status prior to the end of the 2005-2006 school year. In fact, however, the government itself places obstacles that prevent many Iraqis from regularizing their status, and does not accord residency status to Iraqis registered with the UN High Commissioner for Refugees as people of concern to its office.<sup>6</sup>

In March 2006, the MoE announced that, as of the 2007-2008 school year, it would no longer allow foreign children to enroll in Jordanian public schools, and that it would permit foreigners in possession of a residency permit to enroll only in private schools. The Ministry, however, stated that it would permit the children of Syrian, Egyptian and Yemeni nationals who do not have residency permits, but possess work permits, to enroll in private schools. It did not extend this exception to Iraqi students, who account for the majority of foreign students in Jordanian schools, according to the MoE.<sup>7</sup>

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<sup>4</sup> Mohammad Ghazal, "New regulations restrict access to public schools," *The Jordan Times*, March 22, 2006.

<sup>5</sup> Human Rights Watch interview, Amman, April 26, 2006; Human Rights Watch interview, Amman, April 24, 2006; Human Rights Watch interview, Amman, April 26, 2006.

<sup>6</sup> UNICEF-Jordan email to Human Rights Watch, July 19, 2006.

<sup>7</sup> Ghazal, "New regulations..." *The Jordan Times*.

One month later, in April 2006, the MoE partly rescinded its previous decision, and stated that it would allow the children of Jordanian women married to foreigners and the children of Arab citizens to attend public school during the 2007-2008 school year. However, the MoE stated that foreign children enrolling in public schools must have residency permits, will be required to pay for their textbooks, and will have to pay an annual fee, ranging from JD20 to JD60 (U.S.\$28 to \$85), to attend primary and secondary school. The children of Jordanian citizens attending public school pay nominal fees and receive their textbooks free of charge.<sup>8</sup>

In an interview with Human Rights Watch in May 2006, Ministry of Interior officials were unable or unwilling to specify the government's policy on foreign students for the coming school year. The officials intimated that the government would be flexible in admitting foreign students without residence permits in exceptional cases, but said that the estimated 60,000 Iraqi students who attended public schools last year represented an unacceptable strain on resources.<sup>9</sup>

In a June 2005 letter to the Jordanian Ministry of Interior, UNICEF, UNHCR, and UNESCO officials expressed concern about the Ministry's attempts to require residency permits of all public school students and the impact of these restrictions on the general welfare of children and their right to formal education.<sup>10</sup> According to UNICEF, the three organizations have had further discussions with the Jordanian government on this matter, but have not received a positive response.<sup>11</sup>

**Failure to cooperate with UNHCR and UNICEF to ensure the rights of the children of Iraqi refugees and asylum seekers and, in particular, to ensure their right to free primary education and accessible secondary and higher education: Articles 2, 22, and 28.**

The Government of Jordan states that under the two memoranda of understanding signed with UNHCR to deal with issues relating to non-Palestinian refugees, "refugee

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<sup>8</sup> Mohammad Ghazal, "Ministry to revoke ban on foreign student enrolment," *The Jordan Times*, April 20, 2006.

<sup>9</sup> Human Rights Watch interview with Mukhaimar F. Abu Jamous, secretary-general, Ministry of the Interior, and staff, Amman, May 4, 2006.

<sup>10</sup> Letter to Mr. Awni Yervas, Minister of Interior, from Anne Skatvedt of UNICEF-Jordan, James Lynch of UNHCR-Jordan, and Wolfgang Reuther of UNESCO-Jordan, June 19, 2005.

<sup>11</sup> UNICEF-Jordan email to Human Rights Watch, July 18, 2006.

children may attend public schools free of charge on the same basis as Jordanian children, regardless of whether they are accompanied by their parents” (para 294).

However, Human Rights Watch is concerned about the children of Iraqi nationals whom UNHCR has recognized as requiring temporary protection from persecution and generalized violence in Iraq. These children, or their parents, possess UNHCR-issued asylum seeker cards, but many do not have residence permits, and Human Rights Watch fears that some are being denied access to education based upon their parents’ lack of residence status, in violation of articles 2, 22, and 28 of the Convention on the Rights of the Child.

Since the invasion of Iraq in 2003, UNHCR has attempted to operate a Temporary Protection Regime (TPR) in Jordan to provide temporary asylum to de facto refugees fleeing violence and persecution in Iraq.<sup>12</sup> Except in unusual cases, UNHCR has stopped conducting refugee status determinations and instead issues asylum seeker cards to Iraqis who register at the UNHCR office. The TPR thus means that while UNHCR grants few Iraqis refugee status, the vast majority should be entitled to rights accorded refugees and asylum seekers, at least on a temporary basis.

The Government of Jordan, however, does not recognize the TPR and treats Iraqis not as refugees, but as economic migrants, subject to immigration laws. In part because Jordanian officials do not recognize the UNHCR-issued asylum seeker cards, only 17,000 of the estimated 500,000 Iraqi refugees in Jordan have registered with UNHCR. It is unclear whether the government allows children of Iraqis who possess asylum seeker cards, but do not have residence permits, to attend Jordanian schools. The Iraqis Human Rights Watch interviewed seemed to believe that, without a residence permit, the government would not admit any Iraqi students into Jordanian schools for the coming school year, even those in possession of an asylum seeker card. Moreover, Jordanian resistance to the TPR has discouraged many Iraqis from registering with UNHCR, thus contributing to the large numbers of Iraqi children barred from school based upon their parents’ lack of legal status.

Human Rights Watch would also like to point out that in its second periodic report, submitted to the Committee on 5 August 1998, the Government of Jordan acknowledged the presence of 150,000 Iraqi refugees living on its territory, writing, “It is

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<sup>12</sup> Although the Government of Jordan is not a signatory to the 1951 United Nations Convention Relating to the Status of Refugees or its 1967 Protocol, as noted in its submission to the Committee, “The Jordanian Government has signed two memoranda of understanding with the Office of the United Nations High Commissioner for Refugees (UNHCR) to deal with non-Palestinian refugee issues” (para. 294).

also noteworthy that there are about 150,000 Iraqi refugees, half of whom are registered with the Ministry of the Interior; the others, who are not legally registered, are in a difficult socio-economic situation, being unable to work in view of the existing unemployment and their illegal status, and therefore have many family problems” (para. 67).

These 150,000 refugees have not disappeared. In fact, since the invasion of Iraq in 2003, Jordan has experienced a dramatic influx of Iraqis seeking refuge from war and violence in Iraq. In the absence of a legal mechanism for the Jordanian Government to grant refugee status, Human Rights Watch considers the vast majority of the estimated 500,000 Iraqis in Jordan to be de facto refugees because they are fleeing persecution and generalized violence in their home country. Jordan’s failure to mention these Iraqis in its submission to the Committee reflects its general refusal to acknowledge the presence of large numbers of Iraqis living in Jordan who are in need of assistance and protection. The Jordanian Government’s failure to cooperate with UNHCR and to accord these Iraqis a temporary protected status has contributed to violations of the rights of Iraqi children, particularly the right to education, a right which should be granted to all children, regardless of status.

**Access to education for refugee children in the Ruwaishid refugee camp: Articles 22 and 28.**

The Jordanian government claims that it “continues to provide services to all refugee camps,” and that “all camps have been provided with physical and socio-economic infrastructure” (para 289).

In its submission, the Jordanian government refers primarily to the UNRWA camps that house Palestinian refugees. However, Human Rights Watch notes that Jordan also bears ultimate responsibility for ensuring the rights of refugees at al-Ruwaishid camp, established by UNHCR, which houses Iranian Kurdish refugees and Palestinian refugees who fled Iraq. It must ensure that this camp also provides children with satisfactory educational services.

Human Rights Watch interviewed Iranian Kurdish refugees and Palestinian refugees who fled from Iraq and now reside in al-Ruwaishid refugee camp in Jordan. The refugees complained that their children were not receiving an adequate education. One refugee parent told Human Rights Watch that there used to be a high school in the

camp, but that it had closed and that her children no longer attend school.<sup>13</sup> Another refugee said, “There used to be a UNICEF school here,” and told Human Rights Watch that refugee teachers used to receive salaries of JD150 per month. He claimed, however, that their salaries were first reduced to JD75, and then eliminated entirely five months ago.<sup>14</sup>

UNICEF officials told Human Rights Watch that UNICEF initially provided tents, educational materials, and teacher training for a preschool and primary school serving refugee children in al-Ruwaishid camp. According to UNICEF, MoE teachers and counselors originally ran the school, but the MoE then handed it over to be administered by the refugee community, with supervision from UNICEF and the MoE.<sup>15</sup> It appears, however, that the Jordanian Government has failed to provide appropriate supervision and to ensure that the refugee children in al-Ruwaishid camp are provided an adequate education.

UNICEF indicated to Human Rights Watch that the Jordanian MoE does not regard the education of children at al-Ruwaishid as the government’s responsibility, and said that the MoE handed administration of the school over to CARE, which will be reactivating the school and handling teachers’ salaries. However, UNICEF also noted that it has had positive discussions with the MoE about examining refugee children enrolled in al-Ruwaishid school for certification. Human Rights Watch hopes that the Government of Jordan will agree to examine these children and that it will cooperate with UNICEF and CARE to ensure that the refugee children in al-Ruwaishid camp receive an adequate education.

### **Suggested Questions for the Government of Jordan**

- 1) Please provide information on the number of Iraqi children residing in Jordan, and the number of Iraqi children enrolled in Jordanian public schools and Jordanian private schools.
- 2) Please provide information regarding the Government of Jordan’s policy on the admission of non-Jordanian students without residence permits to public and private schools for the 2006-2007 and 2007-2008 school years.
- 3) Please provide information regarding the Government of Jordan’s policy with respect to private schools primarily serving Iraqi children in Jordan and whether

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<sup>13</sup> Human Rights Watch interview, al-Ruwaishid refugee camp, Jordan, May 1, 2006.

<sup>14</sup> Human Rights Watch interview, al-Ruwaishid refugee camp, Jordan, May 1, 2006.

<sup>15</sup> UNICEF-Jordan email to Human Rights Watch, July 17, 2006.

such schools may obtain accreditation and authorization to confer degrees or certificates recognized in Jordan.

- 4) Please provide information on the status of the school in the Ruwaishid camp and efforts by the Jordanian Government to ensure an adequate education for refugee children residing in that camp.
- 5) Please provide information regarding the Government of Jordan's position on UNHCR's temporary protection regime and the legal status of the children of Iraqi nationals residing in Jordan who have fled persecution and generalized violence in Iraq.
- 6) Please provide information on the Government of Jordan's position as to whether the Convention on the Rights of the Child applies to the children of Iraqi nationals residing in Jordan.