



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Concluding observations on the combined eighteenth to twentieth periodic reports of Jordan*

1. The Committee considered the combined eighteenth to twentieth periodic reports of Jordan (CERD/C/JOR/18-20), submitted in one document, at its 2592nd and 2593rd meetings (see CERD/C/SR.2592 and 2593), held on 23 and 24 November 2017. At its 2605th meeting, held on 4 December, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission, albeit somewhat late, of the combined eighteenth to twentieth periodic reports of the State party, which included responses to the concerns raised by the Committee in its previous concluding observations. The Committee welcomes the open and constructive dialogue with the State party's delegation.

B. Positive aspects

3. The Committee welcomes the following legislative and policy measures taken by the State party:

(a) The appointment of a coordinator for human rights and the establishment, in 2014, of a specialized human rights unit to study the compatibility of national legislation with the international human rights conventions ratified by the State party;

(b) The adoption of a national human rights action plan (2016–2025) in March 2016;

(c) The adoption of a national strategy for women (2013–2017) in 2013 and a national strategy to combat violence against women (2014–2017) in 2014;

(d) The establishment, in 2013, under the law against trafficking in persons of 2009, of an anti-trafficking unit, which has increased the effectiveness of and accelerated efforts to combat trafficking in persons.

C. Concerns and recommendations

Statistical data

4. While noting the limited data provided by the State party during the dialogue, the Committee regrets the lack of statistical data on the ethnic composition of the population, including the lack of comprehensive data on non-citizens. The Committee also regrets the

* Adopted by the Committee at its ninety-fourth session (20 November–8 December 2017).



absence of data on the enjoyment of economic, social and cultural rights by the various ethnic groups in the State party, as requested by the Committee in its previous concluding observations (CERD/C/JOR/CO/13-17, para. 7), the current representation of ethnic groups in public and political life and the ethnic make-up of the prison population (arts. 1 and 5).

5. Recalling paragraphs 10–12 of its guidelines for reporting under the Convention (CERD/C/2007/1), the Committee recommends that the State party provide statistical data in its next periodic report on:

(a) **The ethnic composition of the population, disaggregated in the manner specified in article 1 (1) of the Convention, on the basis of self-identification of ethnic groups, including data on non-citizens such as migrants, refugees, asylum seekers and stateless persons;**

(b) **The enjoyment of economic, social and cultural rights by ethnic groups, so as to provide an empirical basis for evaluating the equal enjoyment of rights under the Convention;**

(c) **The representation of ethnic groups in public and political life and the ethnic make-up of the prison population.**

National human rights institution

6. The Committee welcomes the information that, in 2016, the National Centre for Human Rights was again accredited with “A” status by the Global Alliance of National Human Rights Institutions, but regrets that the Centre seems to lack sufficient resources to carry out its mandate (art. 2).

7. The Committee recommends that the State party ensure that the National Centre for Human Rights is provided with sufficient human and financial resources to effectively and independently discharge its mandate, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

Prohibition of racial discrimination

8. The Committee notes the information provided by the State party that it is bound by the definition of racial discrimination contained in the Convention, which takes precedence over domestic law. However, the Committee is concerned that the lack of a specific domestic legislative prohibition of direct and indirect racial discrimination in the State party may be impeding the implementation of the Convention. The Committee is further concerned at the lack of information on measures taken to bring existing laws into line with the Convention (art. 1).

9. Reiterating its previous concluding observations (CERD/C/JOR/CO/13–17, para. 8), the Committee recommends that the State party enact comprehensive domestic legislation prohibiting direct and indirect racial discrimination, in line with the Convention, including all prohibited grounds of discrimination as specified in article 1. The Committee also recommends that the State party ensure that existing domestic legislation is fully in line with the Convention.

Hate speech

10. The Committee reiterates its concern at the lack of measures taken to bring some of the provisions of the Penal Code into line with article 4 of the Convention. The Committee also regrets the lack of comprehensive information on the implementation and impact of any provisions prohibiting hate speech (art. 4).

11. The Committee reiterates its previous concluding observations (CERD/C/JOR/CO/13–17, para. 10). Recalling its general recommendations No. 7 (1985) relating to the implementation of article 4 of the Convention, No. 8 (1990) concerning the interpretation and application of article 1 (1) and (4) of the Convention, No. 15 (1993) on article 4 of the Convention and No. 35 (2013) on

combating racist hate speech, the Committee urges the State party to ensure that its Penal Code is fully in line with article 4 of the Convention. The Committee recommends that, in its next periodic report, the State party provide detailed information, including judicial decisions, related to the implementation of domestic legislation on hate speech.

Complaints of racial discrimination

12. While noting that the Convention can be invoked in domestic courts, the Committee regrets that the State did not provide any information on whether the Convention has served as the legal basis for court decisions. The Committee is concerned at the lack of information on complaints of racial discrimination and reminds the State party that a low number of complaints does not signify the absence of racial discrimination in the State party, but may, rather, signify that barriers exist with regard to invoking the rights under the Convention before the domestic courts, including lack of public awareness of those rights and of the methods available for seeking judicial remedies (arts. 6–7).

13. **The Committee recommends that the State party:**

(a) **Provide detailed information in its next periodic report on cases in which the Convention has been invoked before the domestic courts and detailed information, including statistical data, on the number and types of complaints of racial discrimination, hate crimes and hate speech in the State party, the number of prosecutions and convictions of perpetrators, disaggregated by the age, gender and ethnic origin of the victims, and information on compensation granted to victims;**

(b) **Provide training programmes for law enforcement officials, prosecutors, judges and other public officials on the identification and registration of incidents of racial discrimination;**

(c) **Undertake public education campaigns specifically on the rights under the Convention, on how those rights can be invoked before the courts and on how to file complaints of racial discrimination;**

(d) **Ensure that mechanisms for the registration of complaints are administered in a manner that is easily accessible to all victims of racial discrimination.**

Situation of persons of Palestinian origin

14. The Committee, taking note of the information provided by the State party, remains deeply concerned at:

(a) The reported continued practice of withdrawal of nationality from persons of Palestinian origin from the Occupied Palestinian Territory, in the light of its previous recommendation (CERD/C/JOR/CO/13–17, para. 12), and at the lack of information on the consequences of such measures for these persons in terms of the enjoyment of their rights under the Convention;

(b) The continued reports of discrimination and barriers faced by Jordanian nationals of Palestinian origin with regard to access to housing, employment, education, health care and social services;

(c) The substandard living conditions in some refugee camps, such as the Jarash camp, and the challenges faced by the residents of that camp in seeking employment or improving their economic and living conditions;

(d) The reported difficulties that the State party's large population of Palestinian origin continues to experience in relation to participation in political life and decision-making processes (art. 5).

15. **Reiterating its previous concluding observations (CERD/C/JOR/CO/13–17, paras. 12–13), the Committee urges the State party to:**

(a) **Put an end to the withdrawal of nationality from persons from the Occupied Palestinian Territory and restore the nationality of those who have been affected by that practice. Provide detailed information in its next periodic report on the legal status of persons who have had their nationality withdrawn and the consequences with regard to the enjoyment of their rights under the Convention;**

(b) **Eliminate barriers and ensure access to housing, employment, education, health care and social services for Jordanian nationals of Palestinian origin, without discrimination;**

(c) **Work with the United Nations Relief and Works Agency for Palestine Refugees in the Near East and other partners to improve the living conditions in refugee camps such as the Jarash camp and take measures to increase employment opportunities for persons living in those camps;**

(d) **Enhance the participation of Jordanians of Palestinian origin in political life and decision-making processes, including through the use of special measures, bearing in mind general recommendation No. 32 (2009) on the meaning and scope of special measures in the Convention.**

Situation of Syrian refugees and asylum seekers

16. The Committee commends the State party for the efforts made to accommodate the large influx of refugees and asylum seekers from the Syrian Arab Republic and recognizes the challenges it has faced. The Committee is, however, concerned at reports that:

(a) At times, the border with the Syrian Arab Republic has been closed, leaving Syrian refugees and asylum seekers stranded without food, water or medical supplies;

(b) Palestinian refugees from the Syrian Arab Republic are reportedly being denied entry into Jordan and cases of refoulement of some Palestinian refugees from the Syrian Arab Republic continue to come to light;

(c) Thousands of Syrian children remain without access to education, with many of them facing labour exploitation;

(d) Syrian refugee women and girls are reported to experience widespread domestic violence and to be the victims of trafficking in persons for the purposes of sexual exploitation and forced marriage;

(e) Syrian refugees and asylum seekers and their children remain vulnerable to statelessness, exploitation and abuse (art. 5).

17. **Reiterating its previous concluding observations (CERD/C/JOR/CO/13-17, paras. 12–13), the Committee urges the State party to:**

(a) **Enable access to its territory for persons in need of international protection. Work with international partners to facilitate the delivery of food, water and medical supplies to individuals fleeing conflict in areas near the border;**

(b) **End the denial of entry to Palestinian refugees and asylum seekers from the Syrian Arab Republic on the basis of their Palestinian origin. Ensure compliance with the principle of non-refoulement in the case of all refugees and asylum seekers, including those of Palestinian origin, and enact procedural safeguards against refoulement, with effective oversight and remedies;**

(c) **Increase its efforts to ensure that all Syrian refugee children have access to education and ensure the protection of Syrian children from labour exploitation;**

(d) **Inform refugees and asylum seekers of services available to assist them in finding shelter and accessing justice for gender-based violence. Step up preventive efforts and investigations and prosecutions of perpetrators of gender-based violence;**

(e) **Strengthen its efforts to combat trafficking in persons, including Syrian refugee women and girls. Train law enforcement officials and border and security**

guards to better identify and assist victims of trafficking. Consider creating a national strategy to combat trafficking in persons, with related guidelines and procedures;

(f) Take measures to prevent statelessness and protect vulnerable individuals from exploitation and abuse. Ensure the proper registration of the births of children of Syrian refugees and asylum seekers and provide the necessary identity documentation. Consider acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness;

(g) Provide detailed information in its next periodic report on the actual enjoyment by Syrian refugees and asylum seekers of the rights set out in the Convention.

Sponsorship system

18. The Committee notes the explanation given by the delegation concerning the absence of references to a sponsorship system in its laws and regulations. However, the Committee is deeply concerned by reports, including from the Special Rapporteur on trafficking in persons, especially women and children (see A/HRC/32/41/Add.1, paras. 7 and 22), that the sponsorship system for foreign migrant workers continues to result in employers having excessive control over foreign migrant workers, rendering them vulnerable to trafficking, abuse and exploitative working conditions, with little recourse. The Committee regrets the lack of information provided by the State party on measures to end the sponsorship system (arts. 5–6).

19. The Committee supports the recommendations contained in the report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/32/41/Add.1), and urges the State party to end the sponsorship system and to ensure that domestic labour legislation is applied to foreign migrant workers and that they are issued with residence permits. The Committee recommends that the State party enact and implement policies to protect foreign workers and ensure full access to complaint mechanisms and appropriate remedies for any foreign worker facing abuse or exploitation. The Committee requests the State party to provide detailed information in its next periodic report on the status of the process of abolition of the de facto sponsorship system, enforcement mechanisms to ensure an end to this system, the implementation and impact of protective measures for foreign workers and the outcome of legal proceedings engaged against those who abuse foreign domestic workers.

Situation of foreign domestic workers

20. Despite the State party's efforts to regulate the field of employment of foreign domestic workers, the Committee remains concerned by reports of violations of the rights of the workers by both agencies, at the level of recruitment, and employers and regrets the reported lack of regular monitoring to ensure that the necessary protection is provided. The Committee is concerned that labour laws and policies are not enforced on a sufficiently regular basis to protect foreign domestic workers, as reported by the Special Rapporteur on trafficking in persons, especially women and children (see A/HRC/32/41/Add.1, para. 31). The Committee remains deeply concerned that foreign domestic workers continue to face abusive and exploitative working conditions, including the non-payment of wages, long working hours, the confiscation of their passports, restrictions on their freedom of movement, physical and verbal abuse and sexual exploitation. The Committee is further concerned that some foreign domestic workers who have attempted to report abuse to the police have reportedly been returned to their employers, imprisoned or deported (art. 5).

21. The Committee reiterates the recommendations of the Special Rapporteur on trafficking in persons, especially women and children (see A/HRC/32/41/Add.1, paras. 88–94), and recommends that the State party:

- (a) **Ensure that labour laws and policies are regularly enforced, without exception, to protect foreign domestic workers from abuse and exploitation, from the moment of their recruitment until their return to their country of origin;**
- (b) **Ensure protection and access to complaint mechanisms, judicial recourse and shelters for all victims of abusive and exploitative labour practices;**
- (c) **Ratify the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization;**
- (d) **Provide detailed information in its next periodic report on the implementation and impact of laws and policies to protect foreign domestic workers from exploitative labour practices.**

Nationality law

22. While noting that Council of Ministers decree No. 6415 of 2014 makes provision for a number of benefits for children of Jordanian women married to non-nationals, the Committee regrets that, under the Jordanian Nationality Act (law No. 6 of 1954), citizenship is still not granted to these children, negatively affecting their rights and freedoms. Moreover, the Committee is concerned that article 8 of the Act discriminates against foreign nationals who are married to Jordanian men with regard to the period of time that must elapse before they can apply for nationality, which is determined on the basis of whether the foreign national is of Arab or non-Arab ethnicity (arts. 2 and 5).

23. **Recalling its general recommendation No. 30 (2004) on discrimination against non-citizens, especially paragraph 16 on reducing statelessness, in particular among children, the Committee recommends that the State party bring its legislation into line with the Convention and, to this end, amend the Jordanian Nationality Act (law No. 6 of 1954) to eliminate provisions that discriminate against non-Arab spouses of Jordanian citizens and to include provisions allowing all Jordanian women to transmit their citizenship to their children from birth, without discrimination.**

Situation of the Dom/Roma

24. The Committee regrets the lack of information on the situation of the Dom/Roma in the State party, in particular on their ability to access rights under the Convention (art. 5).

25. **In the light of its general recommendation No. 27 (2000) on discrimination against Roma, the Committee recommends that the State party ensure that the Dom/Roma have full access to economic, social and cultural rights and requests that it provide information on the situation of the Dom/Roma in its next periodic report.**

Training courses on racial discrimination

26. The Committee is concerned at the lack of detailed information and statistics on training courses conducted for law enforcement officials, judges, lawyers and representatives of State bodies, local government entities and associations on the rights enshrined in the Convention and the impact of such training courses on the elimination of racial discrimination (art. 7).

27. **The Committee recommends that the State party conduct training courses for law enforcement officials, judges, lawyers and State officials on the rights enshrined in the Convention, including specialized training courses on the prevention of racial discrimination. The Committee requests that the State party provide updated, detailed information and statistics in its next periodic report on such training courses and their impact on efforts to eliminate racial discrimination in the State party.**

D. Other recommendations

Ratification of other treaties

28. Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties that it has not yet ratified, in particular treaties with provisions that have direct relevance to communities that may be subjected to racial discrimination, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the International Convention for the Protection of All Persons from Enforced Disappearance, the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees.

Follow-up to the Durban Declaration and Programme of Action

29. In the light of its general recommendation No. 33 (2009) on the follow-up to the Durban Review Conference, the Committee recommends that, when implementing the Convention in its domestic legal order, the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

International Decade for People of African Descent

30. In the light of General Assembly resolution 68/237, in which the Assembly proclaimed 2015–2024 the International Decade for People of African Descent, and resolution 69/16 on the programme of activities for the implementation of the Decade, the Committee recommends that the State party prepare and implement a suitable programme of measures and policies. The Committee requests that the State party include in its next periodic report precise information on the concrete measures adopted in that framework, taking into account its general recommendation No. 34 (2011) on racial discrimination against people of African descent.

Consultations with civil society

31. The Committee recommends that the State party continue consulting and increasing its dialogue with civil society organizations working in the area of human rights protection, in particular those working to combat racial discrimination, in connection with the preparation of the next periodic report and in follow-up to the present concluding observations.

Amendment to article 8 of the Convention

32. The Committee recommends that the State party ratify the amendment to article 8 (6) of the Convention adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention and endorsed by the General Assembly in its resolution 47/111.

Declaration under article 14 of the Convention

33. The Committee encourages the State party to make the optional declaration provided for in article 14 of the Convention recognizing the competence of the Committee to receive and consider individual communications.

Common core document

34. The Committee encourages the State party to update its common core document, which dates to 1994, in accordance with the harmonized guidelines on

reporting under the international human rights treaties, in particular those on the common core document, as adopted at the fifth inter-committee meeting of the human rights treaty bodies held in June 2006 (HRI/GEN/2/Rev.6, chap. I). In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 42,400 words for such documents.

Follow-up to the present concluding observations

35. In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State party to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 8 and 14 (d) above.

Paragraphs of particular importance

36. The Committee wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 14 (a), 16, 18, 20 and 26 above and requests the State party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.

Dissemination of information

37. The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission and that the concluding observations of the Committee with respect to those reports be similarly publicized in the official and other commonly used languages, as appropriate.

Preparation of the next periodic report

38. The Committee recommends that the State party submit its combined twenty-first to twenty-third periodic reports, as a single document, by 29 June 2021, taking into account the reporting guidelines adopted by the Committee during its seventy-first session (CERD/C/2007/1) and addressing all the points raised in the present concluding observations. In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 21,200 words for periodic reports.
