



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Chairperson: Mr. Avtonomov

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The meeting was called to order at 3.15 p.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Combined thirteenth to seventeenth periodic reports of Jordan (CERD/C/JOR/13-17; CERD/C/JOR/Q/13-17; HRI/CORE/1/Add.18/Rev.1)

1. *At the invitation of the Chairperson, the delegation of Jordan took places at the Committee table.*
2. **Mr. Sukayri** (Jordan) said that the authorities regretted the late submission of the report, which was due to the fact that its drafting had coincided with the submission of reports to several treaty bodies. Jordan would do its utmost to ensure that its next report would be made available to the Committee in a timely manner. In 2012, Jordan had adopted several draft amendments to the Constitution regarding, in particular, the establishment of a constitutional court, reinforcement of the independence of the judiciary, and a ban on the trial of civilians charged with a criminal offence by courts other than the ordinary courts. Jordan had also amended the legislation governing the right of assembly; under the new provisions, everyone had the rights to freedom of assembly and expression and could exercise those rights without prior authorization. With regard to the provisions establishing the principle of equality and prohibiting discrimination on the grounds of ethnic origin, language or religion referred to in the report (paras. 9–11), public officials received training on various human rights principles, including equal treatment and the right of everyone to petition the courts regardless of their origin, language, race or religion. Likewise, judges were informed of their obligation to handle all cases with impartiality, regardless of the nationality, colour, religion or ethnic origin of the parties to the proceedings. The subject of human rights, including the Convention, was taught at the Judicial Institute.
3. Citing the report extensively (paras. 17, 18 and 21–23), he referred to domestic legislation punishing incitement to racial hatred and the dissemination of racist ideas, including article 150 of the Criminal Code, which established that a term of from 6 months' to 3 years' imprisonment and a fine of up to 50 dinars would be imposed for producing any piece of writing, or speech or act with the intention of stirring up confessional or racial strife or of creating conflict between different confessional groups and other members of the nation. The Criminal Code also provided severe penalties for a number of acts that offended the religious sentiment of individuals, including the dissemination of printed and handwritten material, images or drawings that derided a religion, and insulting the prophets and messengers in public (report, para. 60). At the initiative of Jordan, the General Assembly had adopted resolution 65/5 that established World Interfaith Harmony Week (A/RES/65/5), which was organized annually to promote peace and harmony and reject hatred, racism and discrimination.
4. Jordan was the main host country for Palestinian and Iraqi refugees and, in recent months, it had also received large numbers of refugees fleeing from the Syrian Arab Republic. In 1998, Jordan had concluded a memorandum of understanding with the Office of the United Nations High Commissioner for Refugees (UNHCR), under which it had undertaken to make no distinction based on ethnicity, religion or nationality between its citizens and refugees. Lastly, he pointed out that Jordanian society was made up of various ethnic groups which lived together harmoniously and that no cases of racial discrimination based on race or ethnicity had been recorded during the reporting period.
5. **Mr. Thornberry** (Country Rapporteur) said he regretted that 14 years had passed since the consideration of the State party's previous report, and called on Jordan to submit its periodic reports more regularly and to update its core document, which dated back to 1994. The disappointing lack of demographic statistics, disaggregated by ethnicity, sex or

any other personal attribute, prevented the State party from taking targeted measures to fight discrimination. The Committee would appreciate updated disaggregated statistics on new arrivals, which varied from one source to another: the number of Palestinians was estimated at between 1 and 3 million (the majority of them refugees) and the number of Iraqis at between 450,000 and 1 million (a mere 30,000 to 35,000 of them had been registered as refugees by UNHCR). Other arrivals included Circassians and Chechens, as well as members of nomadic and semi-nomadic groups.

6. The State party had not recorded any cases of discrimination based on race, which did not mean that the country was free from racial discrimination. It could be concluded that that was why the Convention, which was nevertheless an integral part of the domestic legal system, had not been invoked before the courts. To take effect, some provisions of the Convention that were not self-executing, such as those on intentional discrimination and de facto discrimination, required specific legislation. It would be interesting to know whether the 1990 National Charter, which painted a very clear picture of the Jordanian State and the history of Jordanian-Palestinian relations, had any legal force. A reading of the Constitution made it clear that some rights were granted only to Jordanians, while others were of a more general nature and available to all. He would like to know on what basis some rights were granted only to Jordanian citizens and others to all those living in the State party, including non-citizens.

7. He would like to know whether complaints from non-citizens could be referred to the new Constitutional Court. The delegation could perhaps provide more information on the work of the National Human Rights Centre and, in particular, indicate whether it had already accepted and followed up complaints relating to racial discrimination, how it was funded, and whether it was in a position to effectively monitor progress in the implementation of the Convention. He also wished to know whether the Office of the Ombudsman was competent to deal with complaints of racism, whether the registration of NGOs was subject to Government approval, whether or not associations with racist aims could be registered, and, lastly, how the Convention and the Committee's concluding observations were disseminated in the State party. Additional information on implementation of article 3 would be welcome, given that it dealt not only with apartheid but also with segregation, particularly in the fields of employment and education, regardless of whether segregation resulted from State policy or the actions of individuals.

8. As to the ban on hate speech, including racist speech, the delegation might indicate who the "other members of the nation" were that were referred to in article 150 of the Criminal Code relating to the issue, and what was meant by article 130 of the Code which punished anyone who, in time of war, might seek to "weaken national sentiment". Data on prosecutions under those two articles would also be of interest. He wished to know whether there was a general provision in the Criminal Code regarding racist motivation in criminal offences, which established tougher penalties for such motives and whether the dissemination of "material likely to stir up hatred or to make propaganda with a view to setting citizens against one another" was punishable by civil law or was a criminal offence. He would welcome further information on the Supreme Court of Justice ruling No. 206/1993 referred to in paragraph 24 of the report.

9. He would be grateful for additional information on cases in which Jordanian nationality had been withdrawn from persons of Palestinian origin and, in particular, the reasons for such measures, the number of persons affected, the possibilities of appeal available to those persons, and the effects of such processes on access to health and education. Was it the case that children born to a Jordanian mother and foreign father were deprived of political rights, were denied access free of charge to health-care and education services and could not be employed as public servants? Given the existence in Jordanian law of provisions punishing the defamation of religions and blasphemy, he wondered what

the threshold for such prosecutions was and what provisions governed freedom of expression. He would like to know which “non-Muslim religious communities”, referred to in the Constitution, had already been recognized in the Kingdom; whether it was the case that minimum wage legislation did not apply to non-Jordanian workers and that non-citizens, who had the right to join a trade union, following amendments to labour law in 2008 no longer had the right to strike. Was it also true that since August 2009 the freedom of movement of migrant domestic workers was severely restricted?

10. Noting that the State party had always been a country of asylum for many refugees fleeing war-torn countries, such as Palestinians and Iraqis, he wished to know more about respect for the principle of non-refoulement, about determining refugee status, and about the behaviour of the staff who received refugees at border posts. The delegation might wish to provide information about the educational campaigns targeting civil servants and about efforts to encourage tolerance among the population. Further information on the curricula referred to in paragraph 84 of the report and on the curricula for non-nationals and Jordanian minority groups would also be welcome, particularly with regard to the language of instruction, content, and school administration. Lastly, how did the State party guarantee access to education for nomadic groups in Jordan?

11. **Mr. Amir** said he regretted that no Jordanian NGOs had been present for the consideration of the State party’s thirteenth to seventeenth periodic reports and that the report provided no information on the implementation of article 1 of the Convention nor on the situation of Palestinians in the State party. He therefore wished to know more about their rights and obligations, particularly those of Palestinian women who, because of their sex, did not have the right to obtain Jordanian nationality, which had consequences for their children. The delegation might wish to indicate the status of Iraqi refugees and especially whether they had the right to work and to send their children to school. It might also provide statistical data that would allow the Committee to monitor developments in the situations of different population groups, including the Bedouin, regarding their access to education and health in particular. Lastly, it might explain how the courts handled cases involving honour crimes in the State party.

12. **Mr. Diaconu** said that, while many Jordanian laws prohibited discrimination on the ground of race or ethnicity, none of them contained a definition of racial discrimination. He recommended the State party to address that shortcoming, drawing upon article 1 of the Convention. Article 150 of the Criminal Code, which criminalized the production of any piece of writing, or speech or act with the intention or effect of stirring up confessional or racial strife, did not take sufficient account of all the provisions of article 4 of the Convention. In addition, article 130 of the same Code, which condemned, in time of war or the expected outbreak of war, the spreading of propaganda with a view to weakening national sentiment or stirring up racial or confessional strife, was also incompatible with article 4, which was binding at all times.

13. He would like to have details on the type of cases that had resulted in reparations as referred to in paragraph 80 of the report. He would also like the delegation to comment on NGOs’ reports that the rights of migrant workers were not respected and that those workers were forced to work excessively long hours and were excluded from the social security system. He wished to know what measures the Government had taken or planned to take to fight discrimination against women belonging to minorities or vulnerable groups. He applauded the fact that Jordan intended to continue to shoulder its responsibilities towards its Palestinians, but would like the delegation to comment on reports that some refugees had been deprived of their nationality and had become stateless. He encouraged the State party to provide human rights institutions with the resources necessary to carry out their mandate and to allow them to receive complaints, including from children.

14. **Mr. de Gouttes**, welcoming the resumption of dialogue with the State party after a break of almost 14 years, noted that Jordan had an extensive legislative framework to combat racial and religious discrimination, even though the current laws did not take sufficient account of article 4 of the Convention, which was binding. He read in paragraph 2 of the report that no cases of racial discrimination against any particular segment of society had been recorded in Jordan, but that statement seemed to be contradicted by paragraph 24, which stated that the Jordanian judiciary had upheld the right to protection from racial discrimination in several rulings, including Supreme Court of Justice ruling 206/1993 of 26 October 1993. The delegation might wish to explain since, in the Committee's view, no country was free from displays of racism or discrimination.

15. He would also appreciate further information on the implementation of the recommendations made during the universal periodic review in February 2009 which the country had accepted, especially on measures taken to eliminate discrimination against ethnic minorities in the exercise of their right to freedom of religion and to combat domestic violence, especially against women; the persistence of customary practices such as honour crimes; and the ill-treatment of foreign workers, including those placed in holding centres.

16. **Mr. Murillo Martínez** requested information on the legal situation of minority ethnic groups living in the State party, and the representation of the different ethnic groups in national bodies, especially in the executive and judicial branches.

17. **Mr. Vázquez** said that the provisions of the Jordanian Criminal Code criminalizing acts which offended the religious sentiment or beliefs of individuals did not comply with article 4 of the Convention and that their scope was so broad as to even violate the principle of freedom of expression. Article 150 of the Criminal Code in particular, which punished the production of any piece of writing, or speech or act with the intention or effect of stirring up confessional or racial strife, could be used against members of minorities attempting to defend their rights. He would be interested to hear the delegation's views on those matters.

18. **Ms. Crickley** asked whether the State party had taken or planned any measures to punish and prevent violence against minority and refugee women and how the State party protected foreign domestic workers and ensured that they enjoyed the same rights as other categories of workers. She wished to know whether specific measures had been taken or were planned to better protect migrant workers in Jordan, especially their trade union rights. Since under the Education Act basic education was compulsory and free of charge in Jordanian public schools, did that provision also apply to foreign children, including those whose parents were refugees or asylum seekers?

19. **The Chairperson**, speaking as a member of the Committee, asked if there were any persons of African descent living in Jordan. He wished to know whether the Circassian population constituted a specific ethnic group in the State party and whether the Circassian language and culture were taught in some schools. Lastly, he wondered whether there were any institutions enabling foreigners living in Jordan to maintain ties with their language and culture of origin.

20. **Mr. Lindgren Alves** asked whether the expression "homogenous blend of different ethnic groupings" used in the report to define Jordanian society meant that it was a mixed society or a mosaic made up of different ethnic groups. He would like to know the nationality of Palestinians living in Jordan, the main host country for Palestinian refugees, and whether they could hold dual nationality. He also wished to know why Jordanian nationality could be transmitted to children only by the father and not the mother. Noting that the State party's report went into great detail about acts that offended religious sentiment or beliefs, he pointed out that the Committee dealt first and foremost with

discrimination on the ground of race, and, incidentally, with discrimination on the ground of religion if it had racial or ethnic implications.

21. **Mr. Kemal** said that he would like to have disaggregated data on the make-up of the Jordanian population, including the number of refugees and migrant workers. He would be interested to hear the Government's policy for accommodating the many migrants who had gone to Jordan in recent years. Was it true that Jordanian nationality had been withdrawn from Palestinians because they were from the West Bank and that the Government did not want them to lose their rights in the West Bank?

22. **Mr. Sukayri** (Jordan) said that there were very few persons of African descent in Jordan. Circassians and Chechens from the Caucasus were indeed among the minorities living in Jordan. They had preserved their own languages, cultural centres and social activities with Government support. The State and the Jordanian people were very tolerant, and aware of the benefits of cultural and ethnic diversity. Until 1991, many Jordanians had studied in countries of the former Soviet Union, and many had married nationals of those countries. Jordan still maintained friendly relations with the Russian Federation, the countries of the former Soviet Union, and Romania, one of the main countries where Jordanian students still went to study abroad. Amman still had cultural centres and events for persons of those various nationalities.

23. **Mr. Al Dehayyat** (Jordan) said that Jordanian society was a mosaic of groups and clans, including Circassians, Turks, Kurds and Bosnians. The Chechens and Circassians had arrived in Jordan in about 1860. There were schools where the language of instruction was Circassian or Turkish. Neither the Circassians, the Turks nor the Kurds were considered foreigners in Jordan. According to the National Centre for Human Rights, no complaints of racial discrimination had been lodged, which, in the delegation's view, indicated that racial discrimination did not exist in Jordan. The Government recognized the rights of religious and ethnic minorities, including their right to work in the civil service. Measures to ensure equality of opportunity had been taken in order to make it easier for minorities to gain employment in the judiciary, the police and the army.

24. During the Arab Spring of 2011, there had been 4,200 demonstrations in Jordan but no violence had been inflicted on the demonstrators. The State had scrupulously respected freedom of expression. Training and awareness of the rights and principles set out in the Convention had been introduced for civil servants. Awareness-raising activities also sought to prevent the establishment of fanatical organizations espousing religious conflict or inciting racial hatred or discrimination, and the perpetrators of such offences were held criminally liable. The delegation had taken note of the Committee's recommendation that Jordan should establish a definition of racial discrimination in line with the one in the Convention. With regard to conditions of detention, funds had been allocated for the prison renovation, and all prisons that did not meet human rights standards had been closed. The Code of Conduct for public officials, including law enforcement officials, provided that every citizen should be treated on an equal footing without any discrimination on grounds of race or origin. The Code was binding and mandatory for everyone, and guaranteed the protection of human dignity, and respect for the universal and inalienable rights set out in international instruments, including the Convention. The National Centre for Human Rights, which was responsible for, inter alia, cooperation with civil society, had consulted a number of NGOs about the report to be submitted to the Committee, but they had had no grievances to express.

The meeting rose at 6 p.m.