



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

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Committee on the Elimination of Racial Discrimination

**Information received from Jordan on follow-up to the
concluding observations on its combined eighteenth to
twentieth periodic reports***

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* The present document is being issued without formal editing.



In its concluding observations on the combined eighteenth to twentieth periodic reports of Jordan, the Committee on the Elimination of Racial Discrimination requested information on the implementation of the recommendations contained in paragraphs 8 and 14 (d) of the concluding observations, in accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure. Below is the information requested.

Paragraph 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).

1. The State party asserts that the existing legislative situation does not in any way impede the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination. All acts of violence or incitement against a person or group on the basis of race, colour, descent or national or ethnic origin are offences punishable under Jordanian law. The Penal Code and other criminal laws establish penalties for all forms of discrimination, the dissemination of ideas based on racial superiority and racial hatred, incitement to racial discrimination and acts of violence or incitement to violence committed against persons belonging to any race or group of another colour or ethnic origin.

2. With regard to the absence of specific domestic legislation to prohibit direct and indirect discrimination, the State party does not consider that current circumstances require separate legislation specifically for this purpose, in accordance with article 2 (d) of the Convention. The existence of a specific law prohibiting racial discrimination would in one way or another reflect the need for legislative intervention to address an existing problem or widespread practice of discrimination. There are no racist practices or systematic discrimination in Jordan. If individual instances arise, they are dealt with and punished in accordance with the appropriate Jordanian legislation. The information provided below shows that national legislation is sufficient to this end:

- All acts, actions and offences based on racial discrimination are criminalized under the Penal Code. Article 150 of the Code stipulates that:

“Any piece of writing, speech or act that is aimed at or results in the provocation of sectarian or racial division or the instigation of conflict between confessional groups and the different constituent elements of the nation shall be punishable by a term of imprisonment of 6 months to 3 years and a fine of a maximum of 50 dinars.”

- Article 130 stipulates that any person who, during war time or when a war is expected to break out in Jordan, distributes propaganda aimed at undermining national sentiment or stirring up racial or sectarian tensions shall be liable to a period of hard labour.
- The Jordanian Penal Code also prohibits the dissemination of publications or images that offend religious feelings. Article 278 provides:

“A penalty of up to 3 months’ imprisonment and a fine of up to 20 dinars shall be imposed on anyone who:

1. Publishes any printed, written, photographic, graphic or symbolic material that is likely to offend the religious feelings or insult the religious beliefs of other persons, or

2. Utters in a public place and within earshot of another person any word or sound intended to offend that person’s religious feelings or beliefs.”

- Article 20 of the Audiovisual Media Act (No. 26) of 2015 establishes that:
- “The licensee has an obligation to:

1. Respect human dignity, personal privacy, the freedoms and rights of others and pluralism of expression.
2. Refrain from broadcasting material that violates public decency, incites hatred, terrorism or violence, stirs up religious, sectarian or ethnic strife or tensions, harms the national economy and currency, or disrupts national and social security.
 - Article 38 of the Printing and Publishing Act (No. 8) of 1998 prohibits the publication of any material that offends religious feelings or beliefs or stirs up sectarian or racial tensions. Under article 46 of the Act, anyone who violates this rule is liable to a fine of between 10,000 and 20,000 dinars.
 - Article 41 of the Military Penal Code (No. 58) of 2006 on war crimes states: “(a) The following acts committed during armed conflict shall be regarded as war crimes: 17. The practice of racial segregation and other inhuman and degrading practices based on racial discrimination.” The perpetrators of such crimes shall be liable to a period of hard labour.
 - The Civil Service Act requires public servants to treat the public “on the basis of neutrality, impartiality, objectivity and justice, without discrimination on the basis of gender, race, religious beliefs or any other reason.”
3. The State party reiterates that its judiciary operates on the basis of the supremacy of international law over domestic law, meaning that, in the event of a conflict between an international treaty and an applicable domestic law, the courts will implement the international treaty. The decisions issued by the Jordanian Court of Cassation have established this principle. Decision No. 936/1993 of 13 November 1993 states: “The international agreement concluded by the State is superior to the laws in force, and it is applicable even if its provisions contradict the provisions of these laws.” In its decision No. 3965/2003 of 29 February 2004, the Court notes that the doctrine and jurisprudence of all countries of the world, including Jordan, are unanimous when it comes to the supremacy of international conventions and treaties over domestic laws and that the provisions of any domestic law that conflicts with these international conventions and treaties cannot be applied. This has been the practice of Jordanian judges, without exception.
4. In a recent interpretative decision related to article 33 of the Constitution, the Jordanian Constitutional Court stated that: “International treaties have binding force for their parties, and States must respect them as long as they remain in force, provided that they have been concluded and ratified and that the procedures established for their enforcement have been fulfilled.” This decision put an end to any controversy over the constitutional value of international treaties vis-a-vis national legislation and is considered to constitutionalize the principle of the supremacy of international treaties over national laws because the interpretative decisions are accorded constitutional status and are binding on the Court in its future decisions and on all other State authorities and actors.
5. The State party has committed itself to implementing the provisions of the Convention by amending national legislation to bring it into line with the Convention. The State party’s periodic report referred to many legislative instruments that have been amended to ensure that they implicitly comply with the definitions and rights contained in the Convention, which are essentially the rights conferred on citizens by the Constitution.
6. The State party has also established an effective national committee tasked with conducting a comprehensive and continuous review of all national legislation to identify any legislative gaps that conflict with the Kingdom’s obligations under the international treaties and conventions that it has ratified. The committee has the power to propose the necessary legislative amendments to harmonize national legislation with the country’s international obligations.
7. The rights set forth in the International Convention on the Elimination of All Forms of Racial Discrimination, including article 5, have been enshrined in the Constitution for all Jordanians, and the necessary legislation has been drafted accordingly. There is no discrimination in the enjoyment of these rights on the basis of race, colour or national or ethnic origin, whether in law or in practice.

Paragraph 14 (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).

8. It is unclear what is meant by the Committee's reference to "the State party's population of Palestinian origin". If it is intended to mean Jordanian citizens of Palestinian origin, the Government wishes to note that there is no discrimination between Jordanian citizens in law or in practice. Chapter II, article 6 (1) of the Constitution provides that: "Jordanians are equal before the law. There shall be no discrimination between them as regards their rights and duties on grounds of race, language or religion."

9. If the phrase "the State party's population of Palestinian origin" refers to Palestinian refugees who do not have Jordanian nationality in accordance with the provisions of the Jordanian Nationality Act and the decision to disengage from the West Bank, the State party affirms that participation in political life and decision-making processes is the exclusive right of Jordanian citizens. This is fully consistent with article 1 (2) of the Convention, which stipulates that the Convention shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party to the Convention between citizens and non-citizens.

10. The State party also asserts that taking special measures aimed at strengthening the political participation of certain groups of citizens on the basis of their origins or descent – groups that are not considered racial, ethnic, or religious minorities and whose participation is not subject to any legislative or procedural restrictions – would harm national unity. It would also be based on the incorrect assumption that there are differences between Jordanian citizens, which would strengthen sectarianism among the various groups of society at the expense of an inclusive national identity, which is inconsistent with the supreme national interests.

11. Taking into consideration the origins of Jordanian citizens when dealing with participation in political life contradicts the constitutional provision that all Jordanians are equal before the law. Treating citizens differently on the basis of their origins, for any purpose, would contradict the concept of citizenship and the Jordanian State's efforts to consolidate and strengthen the national unity the country enjoys, which is one of the fundamental pillars of its security and stability.
