



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Eightieth session

13 February – 9 March 2012

Consideration of reports submitted by States parties under article 9 of the Convention

Concluding observations of the Committee on the Elimination of Racial Discrimination

Jordan

1. The Committee considered the thirteenth to seventeenth periodic reports of Jordan, submitted in one document (CERD/C/JOR/13-17), at its 2153rd and 2154th meetings (CERD/C/SR.2153 and 2154), held on 1 and 2 March 2012. At its 2166th meeting (CERD/C/SR.2166), held on 8 March 2012, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the report, albeit delayed, submitted by the State party, and expresses appreciation for the frank and constructive oral responses provided by the multi-sectoral delegation during the consideration of the report.

3. The Committee commends the inclusion by the State party, in its periodic report, of new and updated information on the implementation of the Convention.

B. Positive aspects

4. The Committee welcomes the State party's recent legislative amendments to facilitate greater protection of human rights and give effect to the Convention, including: amendments to the Constitution of Jordan, in September 2011, which strengthen the rule of law; and, amendments to its Labour Code, in August 2010, which enlarged the scope of labour law to include migrant domestic workers.

5. The Committee notes with appreciation the establishment of the National Human Rights Centre in accordance with the Paris Principles, in 2002.

6. The Committee notes with interest that since the consideration of the twelfth periodic report of the State party, the latter has acceded to or ratified international instruments, such as:

- (a) The Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against Transnational Organised Crime, in June 2009;
- (b) The Convention against Transnational Organized Crime, in May 2009;
- (c) The Convention on the Rights of Persons with Disabilities, in March 2008;
- (d) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in May 2007;
- (e) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in December 2006;
- (f) The International Labour Organization (ILO) Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, in April 2000.

C. Concerns and recommendations

7. While the Committee welcomes the information contained in the report of the State party, the Committee notes the limitations in census information in the State party and wishes to receive additional information on the characteristics and particular situation of the various ethnic groups.

In keeping with its general recommendation No. 8 (1990) concerning the interpretation and application of article 1, paragraphs 1 and 4 of the Convention (identification with a particular racial or ethnic group), and with paragraphs 10 to 12 of the guidelines for the CERD-specific reports to be submitted by State parties under article 9, paragraph 1, of the Convention (CERD/C/2007/1), the Committee requests the State party to include in its next periodic report disaggregated data, including by ethnic origin, and including on the enjoyment of the right to education and socio-economic development.

8. The Committee notes that the State party is a monist State and international conventions, including the International Convention on the Elimination of All Forms of Racial Discrimination, have direct effect and primacy in its legal system. However, the Committee remains concerned that there is no clear definition of direct and indirect discrimination in the legislation of the State party (art. 1).

The Committee recommends that the State party introduce a clear definition of direct and indirect discrimination into its administrative, criminal and civil laws. In doing so, the Committee draws the State party's attention to its general recommendation No. 14 (1993) on the definition of racial discrimination.

9. While noting that article 6 of the State party's Constitution enshrines equality before the law, the Committee notes with concern that the scope and wording of its Constitution is limited to "Jordanians shall be equal before the law" (art. 5).

Recalling its general recommendation No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State party consider further amendments to its Constitution to extend the applicability of the Constitution to all persons under Jordanian jurisdiction, including non-Jordanians.

10. Reiterating its previous concluding observations (CERD/C/304/Add.59, para. 7) the Committee remains concerned that some of the provisions in the Penal Code are not in full conformity with article 4 of the Convention and are limited to groups which constitute the nation, resulting in the provisions of article 4 not being fully implemented and non-citizens not receiving the full protection envisaged in article 5 (a) and (b) of the Convention (arts. 4 and 5).

The Committee recommends that the State party consider amending its Penal Code, in accordance with articles 4, 5(a) and 5(b) of the Convention, with a view to ensuring full protection for all persons in the State party's jurisdiction. In doing so, the Committee draws the State party's attention to its general recommendation No. 7 (1985) on legislation to eradicate racial discrimination.

11. The Committee is concerned that under the Jordanian Nationality Act (Law No. 6 of 1954), children of Jordanian women who are married to non-nationals are precluded from obtaining Jordanian nationality at birth (art. 5).

The Committee recommends that the State party review and amend the Jordanian Nationality Act (Law No. 7 of 1954) in order to ensure that a Jordanian mother married to a non-Jordanian man has the right to confer her nationality to her children equally and without discrimination. In doing so, the Committee draws the State party's attention to its general recommendation No. 25 (2000) on gender related dimensions of racial discrimination.

12. The Committee notes the State party delegation's information on withdrawal of citizenship from persons originating from the West Bank of the Occupied Palestinian Territory being subject to a verification of the concerned person's possibility to return to the West Bank, and that there is the possibility of appealing against such withdrawals of nationality. However, the Committee remains deeply concerned at the State party withdrawing nationality from its nationals who are of Palestinian origin. The Committee highlights that this is in violation of Jordanian and international law, inter alia, article 24 of the International Covenant on Civil and Political Rights, and article 7 of the Convention on the Rights of the Child; and is gravely concerned that these persons may be rendered stateless and without rights to education, health care, property, or residency in Jordan. The Committee also notes with concern that children of men whose nationality is revoked automatically lost theirs too, even if they were adults (art. 5).

In accordance with international law and the State party's own legislation on nationality, the Committee urges the State party to discontinue the practice of withdrawing nationality from persons originating from the Occupied Palestinian Territory. It further calls upon the State party to restore nationality to persons that have been affected by previous and current situations of such nationality withdrawal. The Committee also recommends that the State party consider acceding to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol; the 1954 Convention relating to the Status of Stateless Persons; and, the 1961 Convention on the Reduction of Statelessness.

13. While noting as positive the State party's 2010 election law which increases the number of seats representing urban districts, where most Jordanians of Palestinian origin reside, the Committee is concerned that the current structure of the State party's parliament remains disproportionately imbalanced in favour of rural districts. The Committee is further concerned that, as non-citizen residents, Jordan's large refugee population remains unable to participate in the political processes and decision-making in the State party. It is also concerned that security forces, whose leadership generally excludes Jordanians of Palestinian descent, continue to exercise significant influence over Jordanian political life in a manner that limits citizens' freedoms of speech and assembly (art. 5(c)).

The Committee recommends that the State party consider further amendments to its election law and apportionment of parliamentary seats to facilitate proportionate representation of Jordanians of all ethnic origin as well as non-national residents in its politics and decision making. Furthermore, the Committee recommends that the State party consider measures, including minimum quotas, to increase the proportion of persons of Palestinian origin in the leadership of its security forces.

14. The Committee is concerned at reports that non-Jordanian workers are discriminated against with regard to minimum wage and access to social security. Furthermore, the Committee is concerned that new regulations on migrant domestic workers, issued in August 2009, following the inclusion of domestic workers in the Labor Law in July 2008, restrict some essential rights, including freedom of movement, of migrant domestic workers (art. 5).

In accordance with, inter alia, articles 5(d)(ix) and 5(e)(i) and (ii) of the Convention, the Committee recommends that the State party undertake further amendments to its labour laws to bring them into full compliance with the legal obligation to ensure that labour rights are enjoyed by all employed persons in Jordan regardless of national and/or ethnic origin, including migrant domestic workers. Furthermore, the Committee recommends that the State party consider acceding to ILO Convention No. 189 (2011) concerning Decent Work for Domestic Workers.

15. While noting with appreciation the ongoing efforts to implement measures pursuant to the State party's amendments to its Constitution in September 2011, the Committee remains concerned at the continued absence of a Constitutional Court to oversee the conformity of Jordanian legislation with the Constitution and the Convention. Furthermore, reiterating its previous concern (CERD/C/304/Add.59, para. 10), the Committee remains concerned at the absence of information on the practice in the State party regarding complaints, judgements and compensation awards arising from racist acts, regardless of their nature (art. 6).

Recalling its general recommendation No. 26 (2000) on article 6 of the Convention, the Committee urges the State party to expeditiously establish an operational mechanism(s) to receive complains on racist acts, investigate them and issue commensurate sanctions and compensation. In doing so, the State party should ensure the provision of adequate human, technical and financial resources for such mechanism(s) to function and systematically compile information on complaints received and the specific actions taken in response to them. It further recommends that this compiled information be analysed to serve as a basis for guiding the State party's policies and programmes in eradicating discrimination and be included in its next report to the Committee.

16. While noting the establishment of the National Centre for Human Rights, in accordance with the Paris Principles, the Committee notes that the human, financial and technical resources for its proper functioning remain insufficient (art. 6).

Recalling its general recommendation No. 17 (1993) on the establishment of national institutions to facilitate the implementation of the Convention, the Committee recommends that the State party undertake measures to ensure the provision of its National Centre for Human Rights with adequate human, technical and financial resources. In doing so, the State party should also equip the Centre with mechanisms for monitoring and evaluating progress in the implementation of the Convention at the national and local levels as well as to receive, investigate and address complaints. The Committee also recommends that the above be complemented by measures to raise public awareness on the presence of such mechanisms and knowledge on how to effectively access them.

17. The Committee regrets that with regard to article 7 of the Convention, little further information has been provided by the State party (art. 7).

The Committee urges the State party to undertake a systematic and inter-agency assessment of its existing measures to combat racial prejudice and discrimination. Furthermore, the Committee recommends that the results of such an assessment be used to guide further the State party's policies and programmes to address

discrimination in education, culture, media, as well as to facilitate further increase in knowledge of the Convention.

18. Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties which it has not yet ratified, in particular treaties the provisions of which have a direct bearing on the subject of racial discrimination, such as the: International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990).

19. The Committee encourages the State party to consider the possibility of making the declaration provided for in article 14 of the Convention.

20. The Committee notes the actions taken by the State party on follow-up to the Durban Review Conference, including the National Action Plan against Racism and related initiatives. In light of its general recommendation No. 33 (2009) on follow-up to the Durban Review Conference, the Committee recommends that the State party continue to give effect to the Durban Declaration and Programme of Action, adopted in September 2001 at 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, when implementing the Convention in its domestic legal order.

21. The Committee recommends that the State party continue consulting and expanding its dialogue with civil society organizations working in the area of human rights protection, in particular in combating racial discrimination and in connection with the preparation of the next periodic report.

22. 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 observations of the Committee with respect to these reports be similarly publicized in the official and other commonly used languages, as appropriate.

23. In accordance with article 9, paragraph 1, of the Convention and rule 65 of its amended rules of procedure, the Committee requests the State party to provide information, within one year of the adoption of the present concluding observations, on its follow-up to the recommendations contained in paragraphs 7, 11 and 19 above.

24. The Committee also wishes to draw the attention of the State party to the particular importance of recommendations 9, 12 and 14, and requests the State party to provide detailed information in its next periodic report on concrete measures taken to implement these recommendations.

25. The Committee recommends that the State party submit its combined eighteenth and twentieth periodic reports in a single document by 6 June 2015, taking into account the specific reporting guidelines adopted by the Committee at its seventy-first session (CERD/C/2007/1), and addressing all the points raised in the present concluding observations. The Committee also urges the State party to observe the page limit of 40 pages for treaty-specific reports and 60-80 pages for the common core document (see the harmonized guidelines for reporting contained in document HRI/GEN.2/Rev.6, chap. I, para. 19).