

Submission by the United Nations High Commissioner for Refugees

For the Office of the High Commissioner for Human Rights' Compilation Report -

Universal Periodic Review:

JORDAN

I. BACKGROUND INFORMATION AND CURRENT CONDITIONS

Jordan is not a State party to the *1951 Convention relating to the Status of Refugees* or its *1967 Protocol*, nor is there any national legislation for the protection of asylum-seekers and refugees. In the absence of any specific legislation, the Law on the Residence of Foreigners remains applicable to asylum-seekers and refugees. Jordan is also not a party to the *1954 Convention relating to the Status of Stateless Persons* and the *1961 Convention on the Reduction of Statelessness*.

According to the Ministry of Interior, Jordan currently hosts approximately 310,000 Syrian nationals. As of 30 January 2013, UNHCR had been approached by 224,005 of them, including 49,224 waiting to be registered. The number of Iraqi refugees registered with UNHCR has declined during the past few years; as of 31 December 2012, 27,814 Iraqi refugees and 1,607 Iraqi asylum-seekers were registered with UNHCR. Approximately 2,000 asylum-seekers and refugees of other nationalities were also registered with UNHCR at the end of 2012.

A Memorandum of Understanding (MOU) sets the parameters for cooperation between UNHCR and the Government of Jordan on the issue of refugees and asylum-seekers. Drafted in 1998, the MOU outlines the major principles of international protection, including the definition of a refugee and the principle of *non-refoulement*. It also specifies that asylum-seekers may stay in Jordan pending refugee status determination (RSD) and allows mandate refugees a maximum stay of six months after recognition, during which a durable solution must be found. However, the MOU is outdated and no longer adapted to respond to current protection challenges. The Government recently requested that UNHCR propose amendments to the MOU; a new draft is currently being considered.

UNHCR has been reinforcing the capacity of Jordanian institutions to handle the large numbers of refugees and asylum-seekers by providing resources directly to refugees, actively pursuing resettlement of refugees, and in limited cases seeking voluntary repatriation of refugees. UNHCR's overall objectives are three-fold: first, to maintain and expand the protection space in Jordan by ensuring that persons of concern have access to services (e.g. health and education); second, to provide safety nets in the form of cash for the most vulnerable; and third, to seek durable solutions by assisting refugees through vocational training and other activities.

Currently, resettlement is the only possible solution for the majority of refugees, as the conditions in Iraq do not allow for large-scale returns, nor are there local integration possibilities in Jordan. Despite the tolerance demonstrated by the Government of Jordan for the prolonged stay of refugees until a solution is found by UNHCR, the Government has made it clear that long-term integration or assimilation is not a viable option for Iraqi refugees in Jordan. Iraqis are viewed not as ‘refugees’ but as ‘guests’ who have entered under the residency laws and for whom the only durable solutions are repatriation or resettlement. The lack of legal status remains the main protection challenge and inhibits the ability of asylum-seekers and refugees to work legally. However, the Government has been tolerant of asylum-seekers and refugees working illegally.

Access to asylum procedures

Syrian nationals require neither a visa to enter nor a residence permit to remain in Jordan. Since March 2011, Syrian asylum-seekers have been crossing into Jordan both legally and through unofficial border crossing points. In recent months, the number of Syrians arriving in Jordan through unofficial border crossings rose steeply. Jordan has kept its borders open for Syrians despite its own economic, political and social challenges, both internal and external.

Since 1 May 2008, Iraqis have needed to apply for a Jordanian visa prior to their departure from Iraq. Since the onset of the Syria conflict, Iraqis who may have previously resided in Syria are being prevented from entering Jordan; their visa applications are denied or, if they hold a visa, they may be refused access at the borders itself. The tightening of the borders is of concern to UNHCR, as this may prevent persons from entering Jordan to seek asylum and protection on grounds that the person has returned to his/her country of origin prior to coming to Jordan, irrespective of the fact that his/her arrival to Jordan may have been triggered by the situation of general insecurity prevailing in Syria. Also registered with UNHCR are asylum-seekers of other nationalities, mostly Somali, Sudanese and Egyptians; many of them entered Jordan in an irregular manner.

Once in Jordan, asylum-seekers have, in theory, unhindered access to UNHCR’s asylum procedures. The Government has permitted UNHCR to carry out mobile registration as well as open a registration center in Irbid, which hosts approximately 40% of the Syrian population. The Government is running its own registration process of Syrians, with the number of registered cases close to 100,000 within around 40 days; and issues Syrian asylum-seekers (or those perceived to be vulnerable and to have entered the country after the unrest started in March 2011) an individual service card, which not only serves as an ID, but also enables them to access available governmental services.

Employment

The MOU states that a legally resident refugee may “work for his own account whenever the laws and regulations permit,” and relevant laws stipulate that refugees and asylum-seekers shall be treated as equal to non-citizens regarding work permits.

Since 6 December 2009, the Government has had a more lenient approach vis-à-vis the Iraqi refugees in Jordan, allowing Iraqis to work in professions not occupied by

Jordanians and approving some vocational training programs. On 11 January 2011, the Deputy Prime Minister/Minister of Interior decided to open more work sectors for Iraqis in Jordan, as they were the vast majority of the refugee population. This decision had significant impact on persons of concern in Jordan, as it followed General Pardon Law No. 15, issued on 1 June 2011, which waived, among other things, overstay fees -thereby allowing Iraqis to regularize their stay, secure a residency and apply for work permits - and led to a new opportunity for Iraqis and non-Iraqis to work in a wide range of sectors.

A new growing challenge is the high number of Syrian children found to be working. A national child labour framework has been developed in 2011 and is currently being implemented by the Ministry of Labour, with the support and technical expertise of ILO. UNHCR, ILO and the Ministry of Labour have been working together to find ways to assist and build the capacity of child labour inspectors, while being mindful of the protection needs of refugee children. UNHCR's financial assistance for refugees is conditioned by school attendance of the children in the household, which is one of the ways to discourage child labour and encourage access to education.

Protection for women and children

Key achievements are being attained through a UNHCR/SCI project aimed at developing child protection systems in the region. For example, a national alternative care regulation, including a national guideline for Islamic guardianship, is currently being established. The aim is to establish a legal basis for allocating foster families to unaccompanied minors or refugee children in need of appropriate care in Jordan.

The only current shelter for women is in Amman; work is being done to establish a new one in Irbid City. As for children, there is one shelter for domestically abused children, Dar Al Aman. It hosts children until the age of 11. In addition, the Ministry of Social Development Institutions is considered another institutional care arrangement, which is usually left as a last resort. There are no specific restrictions on refugee children in the shelters or institutions. The women's shelter (Dar Al Wefaq) received around 171 refugee women between 2009 and 2012, along with 20 children accompanying their mothers.

In 2009, Jordan lifted its reservation on Article 15(4) of CEDAW, which stipulates that States Parties shall accord men and women the same rights relating to the movement of persons and the freedom to choose their residence and domicile. In concrete terms, women in Jordan, including refugee women, no longer need a travel permit from their husbands to move in and out of the country.

Asylum-seeker and refugee women in Jordan have reported SGBV issues, predominantly domestic violence and problems receiving guidance on divorce, child custody and other rights. An achievement by UNHCR in recent years was successfully encouraging the Ministry of Interior to instruct religious judges and courts not to order the deportation of refugee women following a divorce judgment from their Jordanian husbands. The new 2010 Personal Status Law sets the minimum age for marriage of boys and girls to 18, with scope for exceptions in special circumstances where a judge may lower the marriage age to 15, if it is found to be in the best interest of the child. As this new landmark law is

strictly being implemented, Syrian refugees have resorted to unregistered religious marriages of under aged children. New born babies from early marriages may face problems in obtaining birth certificates, as these marriages are not recognized under Jordanian law. UNHCR has been working closely with religious courts and judges in an effort to address this issue.

II. ACHIEVEMENTS AND BEST PRACTICES

Access to healthcare

At the end of 2007, UNHCR signed an \$11 million agreement which allows Iraqis access to primary health care through government health clinics at the same rate as uninsured Jordanians. Health care services are also provided through UNHCR partners Caritas and the Jordanian Health Aid Society (JHAS), especially to non-Iraqis. Jordan has granted Syrian refugees registered with UNHCR the right to access and benefit from the public health care free of charge.

Increased assistance and protection to SGBV survivors

UNHCR offers assistance and protection to survivors while also working on prevention mechanisms with the host and refugee communities, among other actors. Agreements with the Family Protection Department and Dar al Wafaq are in place since 2009 to provide services to SGBV survivors including shelter, counseling, legal aid, and forensics, in Amman and outside Amman, including since mid 2012 in the Zaatari camp for Syrian refugees.

Civil status documentation

Individual identity documents for refugees and asylum-seekers (e.g. birth, death, and marriage certificates) are generally issued without discrimination, in accordance with Jordanian laws. Refugee women are able to obtain legal documents (divorce, custody, guardianship) from Jordanian Courts. As many Syrian refugees in Jordan are undocumented and thus unable to establish marriages and family relations, this has had an impact on birth certifications of new born babies in Jordan. The issue has been raised with the Government and is also being addressed through a training programme organized by UNHCR for religious judges and Civil Status Department staff. Jordan has recently set a good practice by exempting Syrian refugees from legal fines due to delays in documenting their newborn babies and/or marriages or deaths as well as by assigning officials to the camp specifically to issue birth and death certifications in a timely manner.

Pledge at the Ministerial Intergovernmental Event on Refugees and Stateless Persons

UNHCR welcomes the statement delivered by the Government of Jordan at the Ministerial Intergovernmental Event on Refugees and Stateless Persons held in Geneva in December 2011, by which the country committed itself to continue to provide medical and food aid to refugees and other victims of forced displacement in different parts of the world.

III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS

Issue 1: Accession to the 1951 Convention

Accession to the 1951 Refugee Convention and establishment of a national legal framework would provide a clearer basis for the Government of Jordan to provide refugees with international protection. This would formally recognize Jordan's solidarity towards refugees and underline the importance attached by Jordan to cooperate with the international community in efforts to finding solutions for refugees. It would also allow the Government to deal with issues related to asylum in a structured manner, thus complementing Jordan's obligations under international human rights instruments, as well as provisions in its Constitution.

Accession greatly facilitates UNHCR's task of mobilizing international support to address refugee situations that may arise in any country. UNHCR believes it is necessary to broaden the base of State support for these refugee instruments, ensuring that the protection provided to refugees is more universal in scope and the burdens and responsibilities of governments are equitably distributed and consistently applied. In this context, UNHCR also welcomes the recommendations made by the Committee on the Elimination of Racial Discrimination (CERD) as well as the Committee on Elimination of Discrimination Against Women (CEDAW), which both encouraged Jordan in 2012 to "consider acceding to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol."¹

Recommendations:

- Accede to the *1951 Convention* and its *1967 Protocol*;
- Adopt a Refugee Law and establish a national asylum system.

Issue 2: Prevention of Statelessness and Protection of Stateless Persons

Jordan is not a State party to either the *1954 Convention relating to the Status of Stateless Persons* or the *1961 Convention on the Reduction of Statelessness*. Accession to the Statelessness Conventions would establish a framework to prevent and reduce statelessness and avoid the detrimental effects of statelessness on individuals and society by ensuring minimum standards of treatment for stateless persons.

The *1954 Convention relating to the Status of Stateless Persons* ensures minimum standards of treatment for stateless persons in respect to a number of fundamental rights. These include, but are not limited to, the right to education, employment, housing and public relief. Importantly, the 1954 Convention also guarantees stateless persons a right to identity and travel documents and to administrative assistance.

¹ UN Committee on the Elimination of Racial Discrimination (CERD), *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*, 4 April 2012, paragraph 12, CERD/C/JOR/CO/13-17, available at: <http://www.unhcr.org/refworld/docid/5061910d2.html> and UN Committee on the Elimination of Discrimination against Women (CEDAW), *Concluding observations of the Committee on the Elimination of Discrimination against Women: Jordan*, 23 March 2012, CEDAW/C/JOR/CO/5, paragraph 48b), available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/414/26/PDF/G1241426.pdf?OpenElement>

Furthermore, the *1961 Convention on the Reduction of Statelessness* establishes an international framework to ensure the right of every person to a nationality by establishing safeguards to prevent statelessness at birth and later in life. This treaty is therefore complementary to standards contained in other human rights treaties that address the right to a nationality. An increase in the number of State parties to the two Statelessness Conventions is essential to strengthening international efforts to prevent and reduce statelessness and ensuring full enjoyment of a number of these rights.

The Committee on Elimination of Discrimination Against Women (CEDAW) as well as the Committee on the Elimination of Racial Discrimination (CERD) recommended Jordan in their respective concluding observations to “*consider acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.*”² Similarly, in the report of her mission to Jordan of May 2012, the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo encouraged Jordan to accede to both international statelessness instruments.³

Jordan has ratified CEDAW, including Article 9, which provides that States Parties shall grant women equal rights with men to acquire, change, or retain their nationality and that they shall ensure that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless, or force upon her the nationality of the husband. However, Jordan made a reservation to Article 9(2), restricting the ability of women to pass their nationality to their children and resulting in inequality between men and women as regards nationality rights. As a result of this inequality, children born from mixed marriages involving non-Jordanian fathers and Jordanian mothers are unable to acquire Jordanian citizenship.⁴ Furthermore, the children of such relationships are not automatically entitled to a residency permit.

Depriving Jordanian women of the right to confer nationality on to their children directly affects the best interest of the child, which is a core principle of the CRC. This also has a direct impact in the refugee context in Jordan. Many children born to Iraqi or Syrian refugee fathers and Jordanian mothers reside in Jordan and remain in the care of their Jordanian mothers. In cases where the non-Jordanian father is missing, deceased, or

² UN Committee on the Elimination of Discrimination against Women (CEDAW), *Concluding observations of the Committee on the Elimination of Discrimination against Women: Jordan*, 23 March 2012, CEDAW/C/JOR/CO/5, paragraph 48c) available at:

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/414/26/PDF/G1241426.pdf?OpenElement> and

UN Committee on the Elimination of Racial Discrimination (CERD), *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*, 4 April 2012, paragraph 12, CERD/C/JOR/CO/13-17, available at: <http://www.unhcr.org/refworld/docid/5061910d2.html>

³ Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, Mission to Jordan, A/HRC/20/16/Add.1, paragraph 88o), available at:

http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-16-Add1_en.pdf

⁴ In such cases, children can only acquire citizenship when the child’s father is stateless or of unknown nationality or where paternal filiation has not been established.

refuses to assist or acknowledge the child, the child can face a risk of statelessness as it may be difficult to obtain confirmation of nationality on the basis of paternal descent without the father's assistance. For the children of such relationships living in Jordan, they may also face challenges in obtaining or renewing identity documents - which can result in the deprivation of basic rights.

This issue was discussed at Jordan's review during the 80th session of the Committee on the Elimination of Racial Discrimination; the Committee stated that it was "*concerned that under the Jordanian Nationality Act (...) children of Jordanian women who are married to non-nationals are precluded from obtaining Jordanian nationality at birth*" and recommended that the "*State party review and amend the Jordanian Nationality Act (...) 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.*"⁵

Recommendations:

- Accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness;
- Amend the Citizenship Law to grant Jordanian women the right to confer their citizenship on their children on an equal basis as men;
- Remove the reservation to Article 9(b) of CEDAW that restricts granting equal rights to women with respect to the passing of nationality to their children.

Issue 3: The principle of non-refoulement

Article 21(I) of the Jordanian Constitution recognizes the existence of certain categories of refugees as well as the principle of *non-refoulement* ("Political Refugees shall not be extradited on account of their political beliefs or for their defense of liberty"), and the MOU includes the principle of *non-refoulement*. However, over the last 12 months there have been instances of deportations of Syrians on grounds of national security, carried out by joint security apparatus entities. There have been some isolated cases of deportation to Iraq, as well, also justified by the Government on national security grounds. Of particular concern are instances of deportation of women allegedly involved in prostitution as well as alleged instances of denial of access to the territory for undocumented persons fleeing Syria. While deportations are neither systematically practiced nor large-scale, the practice of sending persons in need of international protection back to Iraq and Syria violates customary international law. This was also mentioned by the Committee against Torture, which expressed "*concern at the absence of legal provisions, including in the Fugitive Offenders Act of 1927 or the Residence Alien Affairs Act No. 2 of 1973 that would explicitly prohibit the expulsion, refoulement or extradition of a person to another State where there are substantial grounds for*

⁵ UN Committee on the Elimination of Racial Discrimination (CERD), *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*, 4 April 2012, CERD/C/JOR/CO/13-17, available at: <http://www.unhcr.org/refworld/docid/5061910d2.html>

believing that he or she would be in danger of being subjected to torture” in its Concluding Observations after the 44th session.⁶

Recommendation:

- Ensure that the principle of *non-refoulement* is consistently respected and codified in domestic legislation.

Issue 4: Education

UNHCR acknowledges the strides made by the Government of Jordan to educate refugee children. In August 2007, the Government granted all Iraqi children, regardless of their legal status, the right to enroll in public and private schools for the 2007/2008 academic year. This permission has been renewed thereafter on a yearly basis. UNHCR supported the Government in expanding its capacity in the public education sector to help absorb and accommodate the additional number of students. However, Jordan has been reluctant to set the same blanket policy for Syrian children who have crossed into Jordan. Their access and enrollment in free public schooling is conditioned on registration with UNHCR.

In addition, the number of asylum-seeking and refugee children who remain un-enrolled is estimated as being quite high. Participatory assessments revealed that many children who have been out of school for several years found it difficult to return; it was also found that some refugee children were facing discrimination, at school, from teachers as well as peers.

Recommendation

- Ensure that all children in Jordan have equal access to education, in particular by removing barriers such as discrimination in the schools;
- Ensure Syrian children access to public schools in Jordan, irrespective of their registration status with UNHCR.

Issue 5: Human trafficking

In line with its *Guidelines on the application of Article 1A(2) of the 1951 Refugee Convention and/or 1967 Protocol relating to the Status of Refugees to victims of trafficking and persons at risk of being trafficked*,⁷ UNHCR stresses the need for mechanisms to ensure the identification of victims of trafficking, as well as referral mechanisms to the appropriate authority responsible for assessing possible needs for international protection in an age- and gender-sensitive procedure, in order to respond to their specific needs and to prevent *refoulement*. In this connection, it is important to ensure that “individuals who have been trafficked and who fear being subjected to persecution upon a return to their country of origin, or individuals who fear being

⁶ UN Committee against Torture, *Concluding observations of the Committee against Torture: Jordan*, 25 May 2010, CAT/C/JOR/CO/2, available at:

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/426/30/PDF/G1042630.pdf?OpenElement>

⁷ UN High Commissioner for Refugees, *Guidelines on International Protection No. 7: The Application of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees to Victims of Trafficking and Persons At Risk of Being Trafficked*, 7 April 2006, HCR/GIP/06/07, available at: <http://www.unhcr.org/refworld/docid/443679fa4.html>

trafficked, whose claim to international protection falls within [the 1951 Convention and/or its 1967 Protocol] are recognized as refugees and afforded the corresponding international protection.”⁸

Therefore, a proper referral system to the refugee status determination procedure should be established, to ensure that the victim’s right to seek and be granted asylum is fully and duly respected. In particular, the Government should adopt proper measures, including the development of standard operating procedures, to facilitate their prompt identification and referral to the asylum system, when appropriate. RSD procedures ensure that asylum claims from victims of trafficking are fairly and appropriately examined, in line with international standards. Additionally, specialized programmes and policies to protect and support victims who cannot return to their countries of origin should be adopted.

This topic was also brought up by CEDAW, which stated in its Concluding Observations that while it welcomed “*the adoption by the State party of the Human Trafficking Act in 2009 and consequently the adoption of a national strategy to combat human trafficking,*” it remained concerned “*that the new Act does not define adequately human trafficking, and at the continuing prevalence of trafficking in women and girls in the State party, as well as at the low reporting rate and the lack of data on the magnitude of human trafficking.*”⁹

Recommendations:

- Establish appropriate mechanisms aimed at early identification, referral, assistance and support for victims of trafficking;
- Establish an effective referral system to ensure that the victim’s right to seek and be granted asylum is fully and duly respected; and enhance coordination among all relevant institutions.

**Human Rights Liaison Unit
Division of International Protection
UNHCR
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⁸ Ibid, para 5.

⁹ UN Committee on the Elimination of Discrimination against Women (CEDAW), *Concluding observations of the Committee on the Elimination of Discrimination against Women: Jordan*, 23 March 2012, CEDAW/C/JOR/CO/5, available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/414/26/PDF/G1241426.pdf?OpenElement>

ANNEX

Excerpts of Concluding Observations and Recommendations from UN Treaty Bodies and Special Procedures Reports

Universal Periodic Review:

Jordan

We would like to bring your attention to the following excerpts from UN Treaty Monitoring Bodies' Concluding Observations and Recommendations relating to issues of interest and persons of concern to UNHCR with regards to Jordan, as well as extracts from the report of the Special Rapporteur on Violence Against Women on her mission to Jordan.

Committee on the Elimination of Racial Discrimination

CERD/C/JOR/CO/13-17, 80th Session

9 March 2012

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". (Article 5).

Recalling its General Recommendation No. 30 (2004) on 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, §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. (Articles 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. 7 of 1954), children of Jordanian women who are married to non-nationals are precluded from obtaining Jordanian nationality at birth. (Article 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 the 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 by 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. (Article 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.

Committee on the Elimination of Discrimination Against Women

CEDAW/C/JOR/CO/5, 51st Session

9 March 2012

Discriminatory laws

15. While commending the State party on forming the National Dialogue Commission in 2011 to carry out legal reforms of national legislation in response to popular demand, the Committee is highly concerned that women were substantially underrepresented in the Commission's composition; legal reform is not progressing at a desired pace; discriminatory provisions in various domestic laws persist, including in the Penal Code, Personal Status Act, Labour Code and Nationality Act; and, that women's demands are not fully incorporated in the proposals made by the Commission to the Parliament.

16. The Committee urges the State Party to accelerate its efforts in repealing all remaining discriminatory provisions in its domestic legislations with the aim of ensuring full compliance with the provisions of the Convention, in accordance with article 2. In this regard, the Committee calls upon the State party to, inter alia, raise significantly the number of women members in the National Dialogue Commission and to incorporate women's demands in conformity with the Convention, in the Commission's proposals to the Parliament while fully cooperating with civil society.

Trafficking and exploitation of prostitution

29. While welcoming the adoption by the State party of the Human Trafficking Act in 2009 and consequently the adoption of a national strategy to combat human trafficking, the Committee expresses its concern that the new Act does not define adequately human trafficking, and at the continuing prevalence of trafficking in women and girls in the State party, as well as at the low reporting rate and the lack of data on the magnitude of human trafficking. The Committee is also concerned at the lack of shelters and counseling assistance for victims of trafficking and prostitution.

30. The Committee recommends that the State party:

- a) **Includes in its Act on Human Trafficking a comprehensive definition of trafficking, as well as safeguards for investigation, prosecution and punishment of such acts in accordance with the Protocol to Prevent, Suppress and Punish, Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and adopt effective measures for the implementation of the Act and its national strategy, including by providing training to the judiciary, prosecution and police officials on this law to ensure its strict application;**
- b) **Collects data on incidents of trafficking and on victims who have been detained, prosecuted or deported since 2009 for acts such as prostitution; and**
- c) **Ensures that trafficked women and girls, including foreign domestic workers who had become victims of trafficking, have access to quality medical care, counselling and shelter.**

Nationality

33. The Committee expresses its serious concern that under the Nationality Act, Jordanian women are not entitled to pass on their nationality to their foreign spouses and their mutual children. The Committee is also concerned that measures to facilitate residence permits to foreign spouses of Jordanian women as well as access to education and health services to their children, are protracted and that in many instances members of these families fall out of these services' ambit.

34. The Committee urges the State party to:

- a) **Review the Nationality Act, while taking into consideration practices of neighbouring State parties who have successfully amended their nationality laws, to ensure equality between women and men with regard to the acquisition, change and retention of nationality and to enable Jordanian women to pass their nationality to their foreign spouses and their mutual children; and**
- b) **Accelerate its efforts in facilitating provision of residence permits to foreign spouses of Jordanian women and access to health and education services to their children, as a temporary special measure until the Nationality Act is amended accordingly.**

Refugees and stateless women

47. While appreciating the continuous efforts by the State party to host refugees and asylum seekers from neighbouring countries, the Committee notes with concern that

refugees and asylum-seekers who are unable to obtain legal residency have no access to formal employment opportunities or to basic social services.

48. The Committee encourages the State party to:

- a) **Regularize the status of refugees recognized under the UNHCR mandate in order to provide them with basic rights and services, especially for refugee women;**
- b) **Consider acceding to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and adopt an asylum law;**
- c) **Consider acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness; and**
- d) **Strengthen cooperation with regional and international aid organizations including the United Nations' entities, with a view to seeking the required technical and financial resources to enable it to host the increased number of refugees.**

Human Rights Committee

CCPR/C/JOR/CO/4, 100th Session

18 November 2010

7. While noting the prohibition of discrimination enshrined in the Constitution (art. 6), the Committee remains concerned that this provision does not explicitly mention discrimination on the basis of sex. It further notes with concern the discrimination against women under the Personal Status Act (2010) relating to their right to request divorce and to remarry. While welcoming the fact that this Act places certain restrictions on polygamy, the Committee regrets that polygamy is still permitted. The Committee is also concerned at the inequalities that exist between men and women in matters of inheritance. It is further concerned that Jordanian women cannot transmit their nationality to their children. In general, the Committee expresses its concern about the existence of stereotypes and customs in Jordan that are contrary to the principle of equality of rights between men and women and hinder the effective implementation of the Covenant (arts. 2, 3 and 26).

The State party should bring its legislation, including the Personal Status Act, into conformity with the Covenant and ensure that women are not subjected to de jure or de facto discrimination, inter alia in matters of marriage, divorce, custody of children, inheritance or the transmittal of nationality to children. The State party should also continue and strengthen its efforts to address discriminatory traditions and customs, including polygamy, through education and awareness-raising campaigns. In this connection, the Committee draws the attention of the State party to its general comment No. 28 (2000) concerning equality of rights between men and women.

Committee against Torture

CAT/C/JOR/CO/2, 44th session

25 May 2010

Trafficking

22. While welcoming the adoption, in 2009, of the Human Trafficking Prohibition Act No. 9 which criminalizes all forms of human trafficking, the Committee expresses its concern at reports of trafficking in women and children for sexual and other exploitative purposes. The Committee is also concerned at the general lack of information on the extent of trafficking in the State party, including the number of complaints, investigations, prosecutions and convictions of perpetrators of trafficking, as well as on the concrete measures adopted to prevent and combat such phenomena. (arts. 1, 2, 4, 12 and 16)

The State party should increase its efforts to prevent and combat trafficking of women and children, including by implementing the current laws combating trafficking, providing protection for victims and ensuring their access to medical, social, rehabilitative and legal services, including counselling services, as appropriate. The State party should also create adequate conditions for victims to exercise their right to make complaints, conduct prompt, impartial and effective investigations into all allegations of trafficking and ensure that perpetrators are brought to justice and punished with penalties appropriate to the nature of their crimes.

Refugees, violations of article 3 and lack of investigations

23. The Committee regrets the absence of domestic legislation in the State party that guarantees the rights of refugees and asylum-seeking persons. The Committee expresses its concern at the absence of legal provisions, including in the Fugitive Offenders Act of 1927 or the Residence Alien Affairs Act No. 2 of 1973 that would explicitly prohibit the expulsion, refoulement or extradition of a person to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to torture. The Committee is also concerned at reports that individuals have not been afforded the full protection provided for by article 3 of the Convention in cases of expulsion, return or deportation. Such cases include those of Maher Arar, Mohamed Farag Bashamilah and Salah Naser Salem Ali Darwish. The Committee is further concerned at reports that the cooperation of Jordan with other governments in the context of the “war on terror” has resulted in additional human rights violations, including secret detentions and renditions of terrorism suspects, in breach of the Convention. In this respect, the Committee regrets the lack of information as to whether the State party is considering the establishment of an independent investigation to follow up on such allegations. (arts. 3, 12 and 13)

The State party should formulate and adopt domestic legislation guaranteeing the rights of refugees and asylum-seeking persons. The State party should also formulate and adopt a legal provision to implement article 3 of the Convention into its domestic law. Under no circumstances should the State party expel, return or extradite a person to a State where there are substantial grounds for believing that he or she would be in danger of being subjected to torture or ill-treatment. Furthermore, the State party should establish an independent investigation to review and follow up on allegations of its involvement in “extraordinary renditions” and inform the Committee of the outcome of such investigation.

Withdrawal of nationality

24. While acknowledging that more than 200,000 Palestinian refugees have been granted Jordanian citizenship, the Committee expresses its concern at the reported withdrawal of nationality from more than 2,700 Palestinian-origin Jordanians. Notwithstanding the explanation provided by the delegation as well as its statement that such allegations are a gross distortion of facts and numbers, the Committee notes with concern that such withdrawal is conducted in an arbitrary and random manner, with no clear basis in law, thereby denying such persons basic citizenship rights and putting them at risk of expulsion without the guarantees pursuant to article 3 of the Convention. (arts. 3 and 16)
The Committee calls upon the State party to put an end to its arbitrary withdrawal of nationality from Jordanians of Palestinian origin.

Data collection

23. The Committee welcomes the various efforts made by the State party to improve data collection but it notes that in some areas covered by the Convention, for example violence against children, children with disabilities, sexual exploitation of children, trafficking in children, migrant, refugee and asylum-seeking children and children in conflict with the law, data are lacking or insufficient.

24. The Committee recommends that the State party strengthen its mechanisms for data collection by establishing a central database on children. The Committee also recommends that the State party ensure that data are collected on all areas of the Convention and disaggregated, inter alia, by age for all persons under 18 years, sex, urban and rural areas and by those groups of children who are in need of special protection. The Committee further recommends that the State party develop indicators consistent with the Convention and use these indicators as well as collected data to formulate policies and programmes for the effective implementation of the Convention.

Committee on the Rights of the Child

CRC/C/JOR/CO/3

29 September 2006

Non-discrimination

29. While noting that article 6 of the Jordanian Constitution contains the principle of equality of all Jordanians before the law and that some law provisions emphasize the principle of nondiscrimination, the Committee is deeply concerned at de jure discrimination against children of Jordanian mothers on account of their father's non-Jordanian nationality and children born out of wedlock, as well as de facto discrimination against children living in extreme poverty and children living in the remote areas of the country. The Committee is of the view that, in general, a classification of children as "illegitimate" is discriminatory and violates the principles and rights of the child enshrined in the Convention.

30. The Committee recommends that the State party make greater efforts to ensure that all children within its jurisdiction enjoy all the rights enshrined in the Convention without discrimination, in accordance with article 2, by effectively implementing the existing laws that guarantee the principle of non-discrimination. The Committee also recommends that the State party abolish the discriminatory classification of children as "illegitimate" and adopt a proactive and comprehensive

strategy to eliminate de facto discrimination on any grounds and against all vulnerable groups of children, and prioritize social and health services and equal opportunities to education for children belonging to the most vulnerable groups.

Best interests of the child

36. The Committee is encouraged by the provisions of the draft Child Rights Act which incorporate the principle of the best interests of the child and it takes note of the legislative amendments which enshrine this principle. However, the Committee is concerned that this general principle is not fully applied and duly integrated in the implementation of the legislation, policies and programmes of the State party as well as in administrative and judicial decisions. For example, the implementation of the Jordanian Nationality Act may result in statelessness of the child.

37. As regards article 3, paragraph 1 of the Convention, the Committee emphasizes that the Convention is indivisible and its articles are interdependent and that the best interests of the child is a general principle of relevance to the implementation of the whole Convention. The State party should ensure that the best interests of the child is a primary concern, taken into account in all revisions of the legislation as well as in judicial and administrative decisions, and in projects, programmes and services which have an impact on children.

Right to a nationality

44. The Committee welcomes the amendment of the Jordanian Passport Act in 2003 according to which women and their children may obtain passports without the written permission of their husbands. However, the Committee notes that children of Jordanian fathers acquire Jordanian nationality at birth, regardless of the child's birthplace, but that Jordanian women cannot transmit their nationality to their children born from a marriage with a non- Jordanian man, except under special humanitarian circumstances. The Committee is concerned that in some cases this may result in statelessness.

45. 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.

2. Special Procedures Reports

Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo

Addendum: Mission to Jordan

A/HRC/20/16/Add.1

14 May 2012

VII. Conclusions and recommendations

Law and policy reforms

88. The Special Rapporteur recommends that the Government:

...

(b) Amend the Nationality Act to grant Jordanian women the right to confer their citizenship on their children, and remove the reservation to article 9 of the Convention on the Elimination of All Forms of Discrimination against Women with regard to granting equal rights to women with respect to nationality;

(j) Further amend the Protection against Family Violence Act:

(ii) To provide for sufficient and adequate services and shelters for women victims of violence, including refugee women and migrant domestic workers, including in governorates outside the capital;

(m) Eliminate any restrictions in the access of the refugee population to education, jobs, property, health services and social benefits. Promote the effective access of refugee women to judicial and other services;

(o) Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the 1954 Convention relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness and International Labour Organization Convention No. 189 (2011) concerning Decent Work for Domestic Workers.