



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

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Committee on the Elimination of Racial Discrimination

**Reports submitted by States parties under article
9 of the Convention**

**Thirteenth to seventeenth periodic reports of States parties
due in 2007**

Jordan^{*,}**

[1 June 2011]

* This document contains the thirteenth, fourteenth, fifteenth, sixteenth and seventeenth periodic reports of Jordan due in 1999, 2001, 2003, 2005 and 2007 respectively, submitted in one document. For eleventh and twelfth periodic reports and the summary records of the meetings at which the Committee considered this report, see documents CERD/C/318/Add.1 and CERD/C/SR.1288-1289.

** In accordance with the information transmitted to the States parties regarding the processing of their reports, the present document was not edited before being sent to United Nations translation services.

Introduction

1. Jordan is a major host State for Palestine and Iraqi refugees. Jordanian society is distinguished by its homogenous blend of different ethnic groupings: the population includes Chechens, Armenians, Circassians and Kurds.

2. No cases of racial discrimination against any particular segment of society have been recorded in Jordan. Jordanians of different origins are all integrated into society as citizens. Jordan has preserved the cultural and folklore heritage of the ethnic groups that live in the country and portrays these traditions as part of the national cultural mosaic.

3. Jordan has ratified various human rights treaties, including the International Convention on the Elimination of All Forms of Racial Discrimination, which was published in issue 4764 of the Official Gazette on 15 June 2006. The judiciary takes due account of the contents of the Convention, as international treaties are deemed to have priority for the purposes of the application of the law. Hence, the International Convention on the Elimination of All Forms of Racial Discrimination is an integral part of domestic law.

4. Jordan has played a highly constructive role in the elaboration of international human rights treaties and is a member of the relevant international organizations. Jordan is furthermore one of the first Arab States to have ratified a large number of international treaties and has taken steps to implement their provisions and bring domestic laws into line with them; it has ratified more than 16 such instruments. The Constitution of 1952 refers specifically to general rights and freedoms in the section entitled "Rights and duties of Jordanians" (part II, arts. 5–23). These rights and freedoms encompass such domains as equality; education; work; freedom of assembly; the establishment of associations and political parties; trade unions; personal freedoms; freedom of opinion and expression; and freedom of belief and religion. It is left to the relevant domestic laws to regulate these rights and freedoms, which are afforded protection by the Constitution through provisions on: the separation of State powers; parliamentary scrutiny of Government decisions; voting rights; judicial safeguards, in particular, guarantees of judicial independence; the right of legal recourse; and the obligation to ensure consistency between domestic laws and international treaties. In this connection, the provisions of the Jordanian Constitution on rights and freedoms are consistent with the Universal Declaration of Human Rights.

5. In the past few years, the Government has taken numerous, wide-ranging measures to institute reforms and promote political development in Jordan. In particular, it established the Ministry of Political Development, adopted two laws on political parties and elections and set up a complaints and human rights bureau within the Directorate of Public Security. Human rights departments, units and committees have furthermore been set up at the Ministry of Foreign Affairs, the Ministry of the Interior, the Ministry of Justice and the Ministry of Political Development. The Ministry of Education has its own human rights education committee, which is tasked with incorporating human rights education into school curricula.

6. Non-governmental organizations, civil society organizations and governmental institutions engage in efforts to influence public opinion and to raise awareness of civil and political rights. In this connection, Jordan has taken positive action, in conjunction with various organizations, centres and non-governmental associations, to promote freedoms through the National Human Rights Centre, a body that works on issues relating to human rights and freedoms. All the local associations and committees that deal with these issues operate in complete freedom.

7. In accordance with article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination, and having due regard to the concluding observations

adopted by the Committee on the Elimination of Racial Discrimination following its consideration of the State's previous report, the Hashemite Kingdom of Jordan hereby presents the Committee with this document containing its combined thirteenth to seventeenth periodic reports. The document describes the efforts made by the State since the submission of the previous report on the subject and outlines the achievements scored and the steps taken to foster the development of a culture in which all forms of racial discrimination are rejected. The State takes this opportunity to confirm the commitment of Jordan to human rights values and to working cooperatively with the international treaty bodies of the United Nations.

Implementation of articles 2–7 of the Convention

8. Jordan affirms its abiding commitment to upholding the principles of human dignity and equality for all and renews its commitment to internationally recognized human rights principles. It strongly condemns all forms of discrimination and prohibits all forms of inequality on its soil.

9. The Jordanian Constitution of 1952 recognizes the principles of equality and non-discrimination on any ground whatsoever, be it race, language or religion. The Constitution states that Jordanians are equal before the law, and that they have the same rights and duties without discrimination on the grounds of ethnic origin, language or religion. The Constitution furthermore affirms that the State must provide work and education to the extent that its resources allow and must ensure the well-being of and equality of opportunity for all Jordanians. The Constitution and domestic laws afford equal rights to nationals and non-nationals.

10. In addition to the provisions of article 6 of the Constitution, those of article 3 of the Political Parties Act No. 19 of 2007 state that political parties must be established on the basis of citizenship, without discrimination based on confessional, ethnic or social status or on sex, origin or religion. Article 3 of the Associations Act No. 51 of 2008, as amended, states that it is prohibited to register any association whose object is unlawful or incompatible with the maintenance of public order in the Kingdom. Moreover, there are no cases of slavery or servitude in Jordan. The Abolition of Slavery Act prohibits slavery. The Prohibition of Human Trafficking Act of 2009 states that the term "human trafficking offences" means the recruitment, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation, or the recruitment, transfer, harbouring or receipt of a person under the age of 18 for the purpose of exploitation, even if the exploitation is not accompanied by the threat or use of force or any other methods. The term "exploitation" means the exploitation of persons in servitude, forced labour, slavery or practices similar to slavery, or the removal of organs, or the exploitation of the prostitution of others or other forms of exploitation.

11. Article 67 of the Civil Service Act provides that public service is a responsibility and a trust discharged in the service of citizens and society. It is governed and its performance is guided by the religious, national and nationalist values of Arab and human civilization. It seeks to strengthen the moral standards, norms and principles that inspire the professional ethics and cultural values of civil servants and to reinforce their commitment to these norms, rules and values. It creates trust and a sense of appreciation among citizens and those who use public services and generates respect and appreciation for its role in providing the best service possible to both citizens and society. To that end, civil servants must abide by the following rules: "They must treat everyone with courtesy and respect, on

a basis of impartiality, objectivity and equity, without any discrimination based on sex, race, religious belief or any other discriminating factor.”

12. The law on elections to the House of Deputies stipulates that elections may be freely called, provided that national unity, security and stability are assured and that there is no discrimination between citizens (Interim Elections Act No. 9 of 2010, art. 17/3).

13. The National Human Rights Centre was established in 2002 and its activities are regulated by Act No. 51 of 2006. The centre has legal personality and enjoys financial and administrative independence. Its goal is to promote human rights in Jordan in keeping with the noble message of Islam, the values that stem from the Islamic Arab heritage, the rights set out in the Constitution and the principles enunciated in international treaties and covenants. The centre was set up to help develop human rights concepts and their application in Jordan and to help prevent discrimination among citizens on the grounds of race, language, religion or sex. In addition, it works to: promote democratic governance in the Kingdom with a view to creating an integrated and balanced model; disseminate freedoms; foster political diversity; ensure respect for the rule of law; safeguard the right to economic, social and cultural development; and assist the State in acceding to Arab and international human rights treaties. According to article 20 of the Act, the centre’s financial resources are to come from Government subsidies, income earned from financial and cultural activities and projects, donations and gifts, and such other resources as the board decides to accept, subject to the approval of the Cabinet, if the source is non-Jordanian. Funding is also provided through bequests and endowments.

14. The centre receives complaints about human rights issues and works with the authorities concerned to find solutions. The centre also plays a monitoring role, conducting surprise visits to evaluate reform and rehabilitation centres, as shown in its annual report.

15. Jordan has taken action to promote a culture of tolerance and dialogue and to ensure that Islam is portrayed in its proper light so as to counter extremist ideologies. The “Amman Message” guides this information effort with the goal of eliminating violence and dissent among people of different Islamic denominations and preventing Muslims from denouncing other Muslims as apostates.¹

Article 4

16. Jordanian law contains provisions intended to deal with: all those who disseminate racist and xenophobic ideologies; all incitement of violence and racial discrimination; and all acts of violence or incitement committed against any race or group on the basis of colour or ethnicity. To contribute to racist activities, including by providing financing for them, is deemed a legally punishable offence. The same applies to illegal organizations, organized propaganda and other activities conducted for the purposes of racial discrimination or incitement thereof. Such organizations and activities are unlawful and participation in them is a legally punishable offence.

17. All acts of violence and incitement against persons or a group on account of their race, colour, descent or ethnic or racial origin constitute offences under Jordanian law. Article 150 of the Criminal Code states: “A term of from 6 months to 3 years’ imprisonment and a fine of up to 50 dinars shall be imposed for producing any piece of writing, or speech or act with the intention or effect of stirring up confessional or racial

¹ For information on the Amman Message, see the following website:
<http://ammanmessage.com/index.php?lang=en>.

strife or of creating conflict between different confessional groups and other members of the nation.”

18. Article 130 of the Code states: “Any person in the Kingdom who, in time of war or the expected outbreak of war, spreads propaganda with a view to weakening national sentiment or stirring up racial or confessional strife shall be subject to a penalty of a fixed term of hard labour.”

19. As for the criminalization of acts that lend support to any racist activity, article 80 of the Criminal Code refers to incitement and participation in such offences as follows: (1) An instigator is a person who induces or attempts to induce another person to commit an offence by giving that person money or a gift or by using threats, a ruse, deception or abuse of position or authority to influence that other person. (b) The responsibility of an instigator is different from that of a perpetrator of a crime. (2) An accessory to a major or serious offence is any person who: (a) Aids and abets in the commission of an offence by providing information to help bring about the offence; (b) Provides the perpetrator with a weapon, an instrument or any other article that can be used to bring about the commission of the offence; (c) Is present at the scene of the crime for the purpose of intimidating those who put up resistance, strengthening the resolve of the perpetrator or ensuring that the premeditated offence is committed; (d) Colludes with the perpetrator or accessories before the commission of the offence, helps to conceal the offence or articles that constitute all or part of the proceeds of the offence, or harbours one or more persons who took part in the offence or a notorious criminal who engages in robbery and acts of violence against State security or public safety or persons or property, or gives these persons food or water or a hiding or meeting place.

20. With regard to the prohibition on organizations and organized and all other propaganda activities which promote and incite racial discrimination, and recognition of participation in such organizations or activities as an offence punishable by law, article 151 of the Criminal Code states that the same penalties — a term of from 6 months to 3 years in prison and a fine of up to 50 Jordanian dinars (JD) — apply to all those who belong to an association founded based on the criteria stipulated in article 150 of the Code. The minimum prison term is raised to 1 year in prison and the fine is increased by JD 10, if the culprit has an official function in such an association. In any event, the association will be dissolved and its assets will be seized.

21. Jordanian law prohibits all organized propaganda activities and forms of propaganda which instigate racial discrimination in the licensing regulations that apply to advertising and media activities conducted in municipal areas. Article 6 of Act No. 76 of 2009 regulating publicity and advertising in municipal areas states: (a) The following shall be deemed an infringement of this regulation: (i) The inclusion in publicity or advertisements of material that offends national or religious sentiment or public morals or that is prejudicial to the maintenance of public order. The publicization of ideas based on racial superiority, racial hatred and the instigation of racial discrimination against any person or group constitute punishable offences.

22. Article 20 of the Audiovisual Media Act No. 71 of 2002 states: “The licensee shall not broadcast or rebroadcast any material that is likely to provoke confessional and inter-ethnic strife, to undermine national unity or to instigate terrorism, racism or religious intolerance or to damage domestic relations in the Kingdom.”

23. Article 7 of the Printing and Publications Act No. 8 of 1998 sets out the ethical rules that apply to journalism and the conduct of journalists. These rules are based on freedom of conscience, opinion and expression and freedom of information, which are rights afforded to both journalists and citizens. It is illegal to publish material likely to stir up hatred or to make propaganda with a view to setting citizens against one another. Article 38 of the Act

states that it is prohibited to denigrate religious sentiment or beliefs or to provoke confessional strife. Such acts are punishable by a fine of from JD 10,000 to JD 20,000 (art. 46).

24. With regard to the application of domestic laws and of decisions handed down by the judicial authorities, the Jordanian judiciary has upheld the right to protection from racial discrimination in several rulings, including Jordanian Supreme Court of Justice ruling 206/1993 of 26 October 1993. (Article 40 (a) (iv) of the Print and Publications Act No. 10 of 1993 states that it is prohibited to publish articles that are likely to jeopardize national unity, incite others to commit crimes, stir up hostility, and foment hatred, division and discord between members of society. Paragraph 8 of the same article states that it is prohibited to publish articles and news items likely to undermine the dignity or damage the reputation of individuals or to infringe their personal freedoms.)

Article 5

25. With regard to safeguards to ensure that counter-terrorism measures are not motivated by, or do not result in, discrimination founded on race, colour, descent or ethnic or racial origin, Jordanian law criminalizes terrorism on the basis of a definition of the acts that are prohibited and the intention behind their commission. It makes no reference to the sex, race or religion of the perpetrator and thus ensures that counter-terrorism measures do not involve any form of discrimination.

26. To make sure that all cases, including individual complaints about racial discrimination, are investigated thoroughly and that complaints brought against individuals, particularly in connection with allegations of discrimination or racism, are examined closely, impartially and energetically, article 101 of the Constitution was worded to read: "The courts are open to all and are protected from interference in their affairs. Moreover, court sessions shall be held in public, unless a court decides that they should be held in camera in the interests of maintaining public order or protecting public morals." This makes it clear that all claimants have the right of legal recourse in Jordan, regardless of their ethnic origin, colour, sex or nationality.

27. Article 102 of the Constitution provides: "The regular courts in the Hashemite Kingdom of Jordan exercise the right to judge all persons in all civil and criminal cases, including in cases filed by or against the Government, except in those matters which may fall within the purview of the religious courts or the special courts further to the present Constitution or any other applicable law."

28. In keeping with article 102 of the Constitution, article 2 of the Regular Courts Act No. 17 of 2001, as amended, provides: "The regular courts in the Hashemite Kingdom of Jordan exercise the right to adjudicate all persons in all civil and criminal cases, including in cases filed by or against the Government, except in those matters which may fall within the purview of the religious courts or the special courts further to the present Constitution or any other applicable law."

29. The Court of Cassation has issued rulings on this subject, including one in which it states: "The right of legal recourse is afforded to all and is assured under article 101 of the Constitution, subject to the proviso that it may not be abused intentionally or for the purpose of committing a crime" (Jordanian Court of Cassation, Criminal Division, ruling 1339/2008 (general bench), 19 March 2009). Moreover: "Where damages were not sought from the defendant by the complainant, it is not illegal to apply to a court in order to seek damages for the injury caused, otherwise, the constitutional right would be usurped whereby the courts are open to all and protected from interference in their affairs (Jordanian Constitution, art. 101/1, Jordanian Court of Cassation, ruling 1073/2004)."

30. In addition to the explanation provided in the previous paragraph on the right of legal recourse, we should point out that this right is afforded under the Constitution without regard to the origin, ethnicity, sex or nationality of the rights-holder. The right to claim fair and adequate compensation for injury suffered in a case of racial discrimination is regulated under the provisions on compensation of the Civil Code (Act No. 43 of 1976). Article 256 of the Code provides: "A person, even one incapable of exercising discretion, who injures another shall be liable to pay compensation for the injury caused." The amount of the compensation will be determined on the basis of the injury done and the earnings lost, provided that the injury is the natural outcome of the harmful act (art. 266). The right to compensation encompasses moral damages and damage done to the liberties, honour, good name, reputation, social status or financial standing of another person. The culprit is liable to pay compensation under article 267 of the Act. Consequently, the opportunity to have recourse to the courts is afforded to all, whether in criminal cases or in cases in which a plaintiff only sues for damages.

31. As for court proceedings, some forms of legal assistance are offered free of charge to crime victims. The Ministry of Justice oversees a fund for witnessed crimes which covers experts' fees, including interpretation assistance and the expenses of witnesses in criminal cases. There is also a system for deferring payment of costs for those without means.

32. As for the right to protection from arbitrary arrest and detention and the right of the person to know the reasons for his or her arrest and to have the assistance of an interpreter, the Criminal Code (art. 178) prohibits infringements of liberties. Hence, any civil servant who illegally arrests or detains a person faces a penalty of from 3 months to 1 year in prison. Article 179 of the Code states that if a governor or a guard of a reform and rehabilitation centre or a correctional or reform institution admits a prisoner without a court warrant or judgement or keeps a prisoner in prison for longer than the established term, he or she will be subject to a penalty of from 1 month to 1 year in prison.

33. The fundamental principle that a defendant must be informed promptly and in detail of the charges against him or her is recognized in the Jordanian Code of Criminal Procedures. It applies both to law enforcement measures and to proceedings conducted before a public prosecutor or a court, regardless of whether the offence involved is a major offence or a serious crime.

34. As for the right to be tried before an independent and impartial tribunal, article 37 of the Judicial Independence Act No. 15 of 2001 states: "(a) Any breach of duty and any act against honour, dignity or decency shall constitute a lesser offence that is punishable by disciplinary sanctions. (b) A breach of duty means inter alia undue delays in the adjudication of a case; the failure to explain a court judgement; discrimination between opposing parties at law; a breach of the confidentiality of proceedings; an unjustified absence; and the failure to keep to official working hours."

35. Article 18 of the Judicial Code of Conduct highlights the importance of protection from discrimination of all kinds. It states that judges are required to speak to and behave towards all persons, whether they are parties in a dispute or others (witnesses, lawyers, court employees or colleagues), in a way that ensures the equality of treatment. Judges must not discriminate between people on grounds of religion, race, colour or any other factor. They must also instruct their staff to comply with this same code.

36. Article 22 of the Code of Conduct states that a judge must carry out his or her duties without demonstrating any preference, bias, intolerance or bigotry. The judge must perform these duties in a manner that promotes confidence in the independence and impartiality of the judiciary.

37. Court officers are subject to the Civil Service Regulation, which prescribes sanctions for breaching the above-mentioned article.

38. Article 29 of the Judicial Code of Conduct states that judges must not allow court officers under their supervision to breach the rules on equitable treatment of opposing parties in a case, nor must they accept a gift, payment or a loan from such parties. Consequently, any person who commits such an act will be prosecuted. Article 24 of the Code states that a judge must initiate legal proceedings against any civil servant under his or her supervision who is responsible for committing a breach of conduct. Article 25 states that a judge may not delay the commencement of legal proceedings against a person who commits a breach of conduct in a court.

39. The document “We are all Jordan”, under the Political Reforms Programme, affirms that equality and non-discrimination among citizens must be assured, otherwise disciplinary sanctions must be applied for infringing the Constitution and the Judicial Code of Conduct.

40. The Code of Criminal Procedures specifies the conditions under which persons may be questioned or they or their homes may be searched when a crime has been committed and there is sufficient evidence to link the suspect to the crime. None of these measures are taken on the basis of the suspect’s appearance, colour, physiognomy or origin.

41. In order to ensure the security and safety of all victims or potential victims of racial discrimination, measures have been instituted to provide such persons with protection from racially-motivated violence and to ensure that the law enforcement authorities, public prosecutors and investigating judges that deal with these offences take prompt action and do not allow the perpetrators, whether they be public officials or others, to escape punishment. Hence, article 208 (2) of the Criminal Code (Act No. 16 of 1960), on the subject of confessions and the extraction of information, states: (1) Any person who subjects another to any form of illegal torture for the purpose of obtaining a confession to or information about a crime shall be subject to a penalty of from 6 months to 3 years in prison. (2) For the purposes of this article, torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. (3) If the torture results in the victim sustaining a serious illness or injury, the penalty shall be a fixed term of hard labour. (4) Without prejudice to the provisions of article 54 bis and article 100 of the present Code, a court may not suspend a sentence handed down to a person for committing an offence under the present article, nor may it take mitigating factors into account.

42. Article 41 of the Military Criminal Code (Act No. 58 of 2006), concerning war crimes, states: (a) The following acts committed during an armed conflict shall be deemed war crimes: ... (17) The practice of racial discrimination and other forms of racism that offend against human dignity. The perpetrators of these crimes shall be subject to a penalty of a fixed term of hard labour.

43. Article 8 of the Constitution provides that no person may be unlawfully arrested or imprisoned. The security services must operate in accordance with the law, which defines the mechanisms for using force with a view to preventing the unlawful use of force against any person.

44. Article 9 of the Public Security Act No. 38 of 1965 specifies the circumstances and conditions in which security officers may resort to force.

45. Jordanian law provides safeguards to protect citizens from being returned or expelled to a country or region where they would risk being subjected to grave human rights violations, including torture and cruel, inhuman or degrading treatment.

46. With regard to Jordanian citizens, article 9 of the Jordanian Constitution provides that the removal of any Jordanian from the territory of the Kingdom is prohibited. It states that: (1) No Jordanian may be expelled from the territory of the Kingdom. (2) No Jordanian may be prevented from residing in a particular place, unless he or she is required by law to live in a given locality.

47. As for foreigners, Jordan has ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Convention was published on page 2246 of the Official Gazette (issue 4764 of 15 June 2006). Thus, the Convention is part of Jordanian law, as explained above. Article 3 of the Convention states: (1) No State party shall expel, return (“refouler”) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture. (2) For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

Information grouped under particular rights

Political rights

48. All Jordanians enjoy the right to vote, regardless of their religion, descent or ethnicity. Article 3 of the Interim House of Deputies Elections Act No. 9 of 2010 provides that: “All Jordanians who have reached 18 years of age by the first day of the first month of the year have the right to elect members of the House of Deputies, provided that their names are registered in one of the final electoral rolls.” A total of 12 additional seats in the House of Deputies are set aside for those women who receive the highest number of votes cast for female candidates in the relevant electoral district. Moreover, under the Municipalities Act, 20 per cent of seats in municipal assemblies are set aside for women and, under the electoral district regulations of 2010, a quota system has been established to ensure that Christians, Circassians and Chechens are represented in the Jordanian House of Deputies.

49. Article 18 of the House of Deputies Elections Act states: “Speeches, statements, declarations and electoral publicity shall exclude all material that, directly or indirectly, causes damage to any candidate or stirs up sectarian, tribal, regional, provincial or racial strife among citizens.” The Act also provides for universal suffrage by direct and secret ballot. Article 21 of the Act states that elections shall be held on the basis of general suffrage, by secret and direct ballot.

50. Article 3 of the Political Parties Act No. 19 of 2007 provides that political parties in Jordan are established on the basis of citizenship, without discrimination on the basis of confessional, ethnic or class identity, or on the basis of gender, origin or religion.

Other civil rights

The right to freedom of movement and residence within the borders of the State

51. Article 9 of the Constitution stipulates: (1) No Jordanian may be expelled from the territory of the Kingdom. (2) No Jordanian may be prevented from residing at any place or compelled to reside in a particular location, except under the circumstances specified by law.

The right to leave any country, including one's own, and to return to one's country

52. All persons, whether citizens or foreign nationals, have the right to leave the Hashemite Kingdom of Jordan. Under Jordanian law, no person may be prevented from exercising that right except by a court decision that may involve inter alia a travel ban imposed with a view to ensuring that a person fulfils his or her legal obligations in Jordan. Furthermore, all Jordanians have the right to return to the country and no Jordanians may be expelled from the Kingdom, as stated in article 7 of the Constitution, which provides that: "Personal freedom shall be guaranteed." Moreover, article 9 provides that: (1) No Jordanian may be expelled from the territory of the Kingdom. (2) No Jordanian may be prevented from residing at any place or compelled to reside in a particular location, except under the circumstances specified by law.

53. Jordanian case-law on this subject:

(a) Under article 7 of the Jordanian Constitution, personal freedom is safeguarded. This freedom allows individuals to conduct their own affairs and to defend their dignity and right to life and acknowledges their inalienable human rights. It also includes freedom of movement, whereby persons have the right to move freely and without hindrance within the territory of their country (Magistrate Court ruling 7658/1999 (single judge) of 26 December 1999, Adaleh Center publications);

(b) Personal freedom is guaranteed under article 7 of the Constitution, as it is the essence of human life. Personal freedom is an individual right and may not be curbed or impaired, except as sanctioned by law. The individual's right to obtain and renew a passport constitutes an element of freedom of movement, which in turn is one aspect of personal freedom, as provided for under article 7 of the Constitution. It constitutes one of the foundations of modern democratic systems (Jordanian High Court of Justice, ruling 243/1997 of 15 October 1997, Judicial Review, issue No. 4 of 1 January 1997, p. 55);

(c) As the applicant is a Jordanian national, and since article 9 (1) of the Constitution prohibits the expulsion of any Jordanian from the territory of the Kingdom, the defendant must provide the applicant with the travel document that he needs to be able to return to his country in accordance with article 4 (b) of the Passports Act No. 2 of 1969 (Jordanian High Court of Justice, ruling 517/1998 of 14 March 1999, Judicial Review, issue No. 3 of 1 January 1999, p. 618).

The right to a nationality

54. Under Jordanian law, Jordanian nationality is transmitted through the father, not the mother. This reflects local and national political conditions. However, exceptions to the law provide for children born in Jordan to a Jordanian mother to be granted Jordanian citizenship if the nationality of the father is unknown, if the father is stateless or if the paternity of the child cannot be legally established. Similarly, children of Jordanian women may be granted Jordanian citizenship on the basis of their residency in Jordan.

55. The Ministry of the Interior reviews humanitarian cases in which requests are made for citizenship to be granted to children of Jordanian women who are married to non-Jordanians. Under Interim Passports Act No. 5 of 2003, the Minister of the Interior may, in certain humanitarian cases and upon obtaining the consent of the Prime Minister, issue Jordanian passports to the children of Jordanian women who are married to non-Jordanians.

The right to own property alone as well as in association with others

56. The Jordanian Constitution establishes the right of citizens to own property and places no restrictions on that right. Article 11 of the Constitution provides that: "No

person's property may be expropriated, except for the public good and in exchange for fair compensation, as determined by law."

57. Article 3 (a) of the Sale and Leasing of Immovable Property to Non-Jordanians and to Legal Persons Act No. 47 of 2006 stipulates: "Having due regard to the legislation in force and to the requirement of reciprocity, non-Jordanian natural persons may own immovable property as private accommodation for themselves and for their families, subject to building regulations and the approval of the competent authorities."

58. Article 4 of the Use of Immovable Property by Legal Persons Act No. 61 of 1953 provides that: "Jordanian associations, companies, charities and religious organizations may acquire, possess and manage immovable property in towns and villages that they need in order to carry out their activities, provided that the aim is not merely to acquire or buy and sell the property." Article 6 of the same law states that: "Subject to a decision of the Council of Ministers, any charitable association or religious organization that is established in a country other than the Hashemite Kingdom of Jordan, that has legal personality under the laws in force in that country and that is registered in the Kingdom of Jordan may acquire and own immovable property in towns and villages, that it needs to carry out its activities, provided that the aim is not merely to acquire or buy and sell the property. Land that is registered with land registration departments under the name of the aforementioned organizations and institutions and which has been managed by those entities and institutions for an extended period of time, shall continue to be managed in the same manner as in the past."

The right to freedom of thought, conscience and religion

59. Article 14 of the Jordanian Constitution stipulates that: "The State shall safeguard the freedom to engage in all forms of worship and in religious rites in accordance with the customs observed in the Kingdom and without prejudice to public order or public decency."

60. The Jordanian Criminal Code criminalizes a number of acts which offend the religious sentiment or beliefs of individuals. Inter alia, article 278 of the Criminal Code (Act No. 16 of 1960) provides that: "A term of up to 3 months in prison or a fine of up to 20 dinars shall be imposed on any person who (1) Disseminates printed or handwritten material or an image, a drawing or a symbol that offends the religious sentiment or beliefs of others, or who (2) Utters, in a public place and within the hearing of another person, words or sounds that offend that person's religious sentiment or beliefs." Article 276 of the Criminal Code stipulates: "Any person who deliberately, unjustifiably and for no legitimate reason disturbs a group of persons that have lawfully gathered to perform religious rites, or who mocks such a group, or who causes a disturbance during performance of those rites, or who attacks any person lawfully performing religious rites at the gathering or any other person present at the gathering shall be subject to a penalty of up to 3 months in prison or a fine of up to 20 dinars." Furthermore, article 277 of the Criminal Code provides that: "A term of up to 3 months in prison or a fine of up to 20 dinars shall be imposed on any person who violates, desecrates or destroys a burial site or place where funeral rites are held or the remains of the dead are preserved, or who violates, desecrates or destroys funeral monuments, or who violates the sanctity of the dead, or intentionally disturbs persons gathered for a funeral, and, by so doing, injures the feelings of any person or offends that person's religion, or who carries out such actions in the knowledge that they are likely to injure the feelings of any person or to insult a person's religion." Article 273 of the Criminal Code stipulates: "Any person who ventures to insult the prophets and messengers in public shall face a penalty of between 1 and 3 years in prison." It should be noted that the bill of 2000 which amended the Criminal Code (Act No. 16 of 1960), increased the penalties for the aforementioned offences against religious freedom.

Right to freedom of opinion and expression

61. Article 15 of the Constitution stipulates: “(1) The State shall guarantee freedom of opinion. All Jordanians shall be free to express their opinions in speech, in writing, or by means of photographic representation and other forms of expression, provided that they do not breach the law. (2) Freedom of the press and the freedom to publish shall be ensured within the limits of the law. (3) Newspapers shall not be suspended, nor shall newspaper licences be revoked, except in accordance with the provisions of the law. (4) In the event of a declaration of martial law or a state of emergency, limited censorship of newspapers, publications, books and broadcasts on subjects relevant to public safety and national defence may be imposed by law. (5) Monitoring of the resources of newspapers shall be regulated by law.”

62. Jordan has enacted a specific law on publications. The Government has also taken positive action to strengthen press freedom through legislative and practical measures. In this regard, amendments were made to the Press and Publications Act in 2007 and 2010 which, inter alia, make it illegal to arrest a person for expressing his or her opinions orally, in writing or by other means of expression; recognize the right of the press to freedom of information; make it incumbent on the authorities and public institutions to facilitate the work of the press and grant it access to information on their programmes, projects and plans; prohibit any restrictions on press freedom so as to ensure that information reaches citizens; prohibit measures that hinder citizens’ access to information; prohibit interference in any work undertaken by a journalist in his or her professional capacity; prohibit attempts to influence journalists or to compel them to reveal their sources of information, including by preventing them from carrying out their work or from writing or publishing material for no good reason. This is without prejudice to the recognized authority of editors to decide whether material should be published. The amended Act also provides for the establishment of a specialized judicial chamber within each court of first instance named the “Press and Publications Chamber”. The chamber deals with offences under the Press and Publications Act and offences committed under any other law through licensed publications or the audio-visual media. The Press and Publications Chamber at the Amman Court of First Instance enjoys exclusive jurisdiction to consider: the aforementioned offences, where perpetrated within the Capital Governorate, and offences against the State’s internal and external security under the Criminal Code, where the offences were committed through licensed publications or the audio-visual media. Cases relating to publications are addressed as a matter of urgency. Jordan has, moreover, enacted the Access to Information Act No. 47 of 2007.

63. While efforts are made to prevent the publication or dissemination of material that would provoke strife or sow the seeds of hatred, the principle of press freedom is enshrined in the Press and Publications Act. Article 6 of the Act specifies that press freedom entails: (a) Informing citizens about events, ideas and matters in all fields; (b) Providing a forum where citizens, political parties, trade unions and cultural, social and economic organizations can express their ideas and opinions and highlight their accomplishments; (c) Ensuring the right to obtain, analyse, process, publish and comment on information, news and statistics that are obtained from various sources and are relevant to citizens; (d) Ensuring the right of periodicals and journalists to protect the confidentiality of their sources of information and news. Article 8 of the Act provides that “(a) Journalists have the right to have access to information. All governmental authorities and public institutions shall facilitate their work and grant them access to information about their programmes, projects and plans. (b) To ensure the free flow of information to citizens, no restriction may be imposed on press freedom and no measures that obstruct the right of citizens to have access to information may be imposed.”

The right to freedom of peaceful assembly and association

64. Article 16 of the Jordanian Constitution establishes the right of Jordanians to freedom of assembly within the limits set by law and the right to establish societies and political parties, provided that the object of such societies and parties is lawful, their methods peaceful, and their regulations are not contrary to the Constitution. The Constitution also provides that the establishment of societies and political parties and the monitoring of their resources shall be regulated by law.

65. Article 3, paragraph (a), of the Public Gatherings Act No. 7 of 2004 provides that: "Jordanians enjoy the right to hold public gatherings or organize marches in accordance with the provisions set forth in articles 4 and 5 of the present Act."²

66. Pursuant to amendments introduced to the Public Gatherings Act No. 7 of 2004, an administrative governor may no longer withhold permission for an event to be held. However, all events must still be announced 48 hours in advance.

Economic, social and cultural rights*The right to work*

67. Article 6 of the Jordanian Constitution provides that: (1) Jordanians are equal before the law. There may be no discrimination between them as regards their rights and duties on the basis of race, language or religion. (2) To the extent that its resources allow the State must provide work and education and ensure well-being and equal opportunities for all Jordanians.

68. Article 22 of the Jordanian Constitution states: (1) Every Jordanian shall be entitled to take up public employment under the conditions specified by law or in regulations. (2) Appointment to any permanent or temporary Government post or position in public administration or a municipality or to any municipal office shall be made on the basis of merit and qualifications.

69. Article 23 of the Jordanian Constitution stipulates: (1) Work is a right afforded to all citizens. The State shall provide opportunities for work to Jordanians by directing and developing the national economy. (2) The State shall protect labour and enact related legislation based on the following principles: (i) Workers shall receive wages commensurate with the quantity and quality of their work. (ii) The number of hours of work per week shall be defined and workers shall be given paid weekly and annual rest days. (iii) Special compensation shall be given to workers who support dependents, have been laid off, are ill, are incapacitated, or who face a work-related emergency. (iv) Special arrangements shall be made for the employment of women and young persons. (v) Factories and workshops shall be subject to health regulations. (vi) Free trade unions may be established in accordance with the law.

² Article 4 of the Act provides that: (a) A request to hold a gathering or to organize a march must be submitted at least 48 hours prior to the time set for the gathering or the march. (b) The request must include the names, addresses and signatures of the applicants and must state the purpose and time of the gathering or march. Article 5 of the Act states: (a) The administrative authority must grant or refuse the request within 24 hours of its submission. To learn whether or not the request has been granted, the applicant must contact the administrative authority. If a decision refusing the request is not issued, that shall be deemed to mean that authorization has been granted for the gathering or march to take place. (b) The party to whom permission has been granted to organize the gathering or march and all parties participating therein shall, under penalty of law, comply with the instructions issued by the Minister on the regulation of gatherings and marches.

70. Article 4 of the Civil Service Regulation No. 30 of 2007 provides that: “The Civil Service shall operate based on the following principles and values: (a) Equality of opportunity through non-discrimination on the basis of gender, race, religion or social status.”

The right to form and join trade unions

71. Pursuant to article 23, paragraph (f), of the Constitution, workers enjoy the right to form their own trade unions under Jordanian law. In that regard, article 98 of the Labour Code (Act No. 8 of 1996) stipulates that: (a) A trade union may be established by at least 50 founding members that work in the same occupation or in similar or interrelated occupations within one field of production. (b) A group of 25 or more employers engaged in the same profession may establish an association with a view to safeguarding their professional interests in accordance with the provisions of the present Code. (c) No workers’ union or employers’ association may be established if its goals and objectives include the pursuit of activities based on racism, religious discrimination or sectarianism. Any such union or association shall also be prohibited from carrying out such activities once it is established.

72. Moreover, under Interim Act No. 26 of 2010, amending the Labour Code, workers are no longer required to be Jordanian citizens in order to join trade unions. Article 97 of the Code provides that workers in any trade may establish a trade union in accordance with the provisions of the Code. Workers in such a trade may join the trade union, if they fulfil its membership conditions, which do not include the requirement that they must hold Jordanian nationality.

73. The Kingdom of Jordan has ratified the International Labour Organization (ILO) Right to Organise and Collective Bargaining Convention, 1949 (No. 98). The Convention was published in issue 1629 of the *Official Gazette* on 16 June 1963.

The right to education and training

74. Under article 6, paragraph (b), of the Jordanian Constitution, the State is required, to the extent that its resources allow, to provide work and education and to ensure well-being and equal opportunities for all Jordanians.

75. Article 10, paragraph (a), of the Education Act stipulates: “Basic education shall be compulsory and free of charge in Government schools”.

The right of access to places of service

76. Article 15 of the Constitution stipulates: “(1) The State shall guarantee freedom of opinion. All Jordanians shall be free to express their opinions in speech, in writing, or by means of photographic representation and other forms of expression, provided that they do not breach the law. (2) Freedom of the press and the freedom to publish shall be ensured within the limits of the law. (3) Newspapers shall not be suspended, nor shall newspaper licences be revoked, except in accordance with the provisions of the law. (4) In the event of a declaration of martial law or a state of emergency, a limited censorship of newspapers, publications, books and broadcasts in matters affecting public safety and national defence may be imposed by law. (5) Monitoring of the resources of newspapers shall be regulated by law.”

77. In that regard, article 4 of the Memorandum of Understanding signed by the Hashemite Kingdom of Jordan and the Office of the United Nations High Commissioner for Refugees in 1998 (*Official Gazette*, issue 4277, 3 May 1998, p. 1463) states that the two parties agree to ensure, as far as possible, that refugees will not be treated any less favourably than Jordanian nationals in terms of their religious practices and the religious

education of their children. In keeping with the Jordanian Constitution, there will be no discrimination between refugees on the grounds of race, religion or country of origin, and those religious practices of refugees must not violate the laws and regulations in force or offend public decency.

Article 6

78. The Commissioner-General of the National Centre for Human Rights is empowered to carry out the duties entrusted to him under the National Centre for Human Rights Act. Those duties include, in particular, using communication media to raise citizens' awareness of their constitutional rights, of applicable laws and of international charters and conventions. These rights include the right not to be subjected to discrimination. The Commission-General helps citizens to safeguard those rights, inter alia, by familiarizing complainants or concerned persons with appeal and legal review mechanisms. The Commissioner-General is also responsible for defraying the costs of measures taken to end violations of a complainant's rights when the complainant lacks the means to pay. Special funds are allocated for that purpose in the budget of the Centre.³ Persons who are unable to pay the costs of criminal proceedings and proceedings related to human rights or appeals against administrative decisions may submit a request to the judiciary for deferment of payment.⁴

79. Article 12 of the Office of the Ombudsman Act No. 11 of 2008 stipulates that that Office must undertake the following duties: (a) Investigate complaints concerning decisions, procedures, acts or omissions of the public administration or its employees. No complaint against the public administration will be considered, if a legal challenge has already been filed with an administrative or judicial body, if the subject of the complaint is already under consideration by a tribunal, or if a judicial ruling has been issued thereon. Article 14 of the Act states: (a) Any aggrieved party that has suffered damages as a result of decisions, procedures, acts or omissions of the public administration may file a complaint with the Office of the Ombudsman in accordance with the conditions and procedures set forth in the Act. (b) The Office of the Ombudsman must initiate investigations into

³ National Centre for Human Rights Act, art. 17, paras. (d) and (f).

⁴ Article 15 of the amended Court Fees Statute No. 43 of 2005 stipulates: "(a) If a party claims that he or she is unable to pay costs in a rights-related case, the president of the court or the judge or magistrate deputized to act on his behalf shall verify that the party is impoverished and, if the claim proves true, shall authorize deferment of payment of the costs of the proceedings. (b) If a party granted the right to defer payment is able to pay costs at any stage of the trial, the court shall order proceedings to be suspended pending the payment of all costs outstanding from the proceedings. (c) If a ruling is issued in favour of a party whose request for deferment of costs has been accepted in the aforesaid manner, the chief registrar of the court shall draw up a table setting out all outstanding costs of the proceedings and shall call upon an enforcement agency to collect the costs from the convicted party. The costs shall be considered to be a preferred debt. (d) If a party granted a deferment refuses to pay, or if the enforcement agency is unable to collect the outstanding amount in view of the fact that the convicted person is impoverished or for any other reason, the chief registrar of the court or the magistrate may order the outstanding costs to be paid wholly or in part, or may issue instructions with a view to settling the matter. (e) No party authorized to represent the Government shall be required to pay court costs. However, if a ruling or decision is issued that requires the other party in the case to pay court fees, the court fees that are usually associated with such cases shall be considered part of the sanction imposed, shall be mentioned in the judgement, and upon collection, shall be paid to the court that issued the judgement. With regard to the costs of civil actions brought before criminal courts, article 56 of the Code of Criminal Procedure states: "The civil party shall be exempt from the prompt payment of costs and fees, if a decision to defer such costs and fees is issued in accordance with the Court Fees Statute."

complaints and grievances laid before it on the standard form used for that purpose. The form must include a summary of the facts relating to the complaint, background information and details about the party concerned. The complaint form must be submitted with any supporting documentation and must be signed by the complainant or by his or her legal representative. As stated in article 16 of the Act, if the President of the Office of the Ombudsman becomes aware, in the course of investigations into a complaint, that a criminal offence has been perpetrated, he has a legal obligation to refer the case and all related documents to the competent authority and must decide whether it is more appropriate to complete or to abandon the administrative complaint procedure.

80. The following are examples of the types of reparation and satisfaction that are considered adequate in domestic law in cases of racial discrimination:

- (a) In civil cases: damages for acts of racial discrimination;
- (b) In administrative cases: overturning administrative decisions taken on the grounds of racial discrimination and awarding damages;
- (c) In criminal cases: awarding damages to parties that sue for damages in criminal proceedings.

Article 7

81. Jordan has exerted considerable efforts, particularly in the educational, cultural and the media spheres, to combat prejudices that lead to various forms of discrimination. At the domestic and international levels, moreover, Jordan has also been working to promote understanding, tolerance and friendship between nations and cultures.

Education and teaching

82. Article 19 of the Jordanian Constitution affirms that associations have the right to establish and maintain their own schools to educate their members, provided that they comply with the general provisions of the law that their curricula and instruction are subject to government oversight. Article 20 also provides that basic education is compulsory and is free of charge in Government schools.

83. Articles 3 and 4 of the amended Education Act No. 43 of 1994 affirm that the educational philosophy of Jordan is inspired by the Jordanian Constitution, Arab Islamic civilization, the principles of the Great Arab Revolt and the Jordanian national experience. That philosophy underpins the intellectual, nationalist, humanitarian and social values on which the country is founded. The most important nationalist and humanitarian values are: the unity and cohesiveness of the Jordanian population; the rejection of intolerance on the basis of racial, regional, confessional, tribal or family ties; the balancing of personal, nationalist and Islamic elements of identification with openness to the cultures of the world; the promotion of international understanding based on justice, equality, freedom and positive engagement with, and the promotion of, a global civilization. The overarching goals of education in Jordan derive from an educational philosophy, according to which students in the final stages of education should be open to the positive values and goals of different cultures, should demonstrate personal flexibility, and should have learned the rules of social and moral behaviour and be able to apply them in their dealings with others and when facing life's changes.

84. The curriculums developed by the Ministry of Education reflect the educational philosophy of Jordan; they focus on the values of tolerance, dialogue and acceptance of others, regardless of their religion or race.

Culture

85. Article 4 of the Cultural Development Act No. 43 of 2006 stipulates that, with a view to applying the principles on cultural development set forth in article 3 of the Act, the Ministry of Culture undertakes to promote democracy in all its forms through endeavours to uphold human rights and the right to freedom of opinion and expression, as enshrined in the Constitution. As mentioned above, these rights include the right to equality, which is recognized in article 6 of the Constitution.

86. The royal initiative to proclaim World Interfaith Harmony Week was adopted by the General Assembly of the United Nations. The initiative was inspired by noble core values derived from firmly established religious beliefs that seek to foster peace and reconciliation and reject hatred, racism and discrimination and that will thus help to bridge the gap between followers of different religions, encouraging them to engage voluntarily and actively with each other with a view to achieving much needed global justice.

Other areas

87. Article 4 of the Jordanian Olympic Committee Act No. 13 of 2007 provides that: “(1) With a view to achieving its objectives, the Committee shall undertake the following tasks: (a) Fostering and developing sports at the national level; (b) Promoting high moral principles, Arab and Islamic values and a sporting spirit, while also combating doping; (c) Actively participating in activities that aim to: 1. Achieve social harmony and combat discrimination.”

88. Article 3 of the Sports Federation’s Internal Regulations of 1988 provides that: “(a) A sports federation shall avoid involvement in any political, racial, sectarian or tribal issue.”
