



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

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## Committee on the Elimination of Racial Discrimination Ninety-fourth session

### Summary record of the 2592nd meeting

Held at the Palais Wilson, Geneva, on Thursday, 23 November 2017, at 3 p.m.

*Chair:* Ms. Crickley

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article 9 of the Convention (*continued*)

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*The meeting was called to order at 3.10 p.m.*

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

*Combined eighteenth to twentieth periodic reports of Jordan* ([CERD/C/JOR/18-20](#) and [CERD/C/JOR/Q/18-20](#))

1. *At the invitation of the Chair, the delegation of Jordan took places at the Committee table.*
2. **Ms. Majali** (Jordan) said that the National Centre for Human Rights and NGOs had provided input on the combined periodic report and comments had been circulated to all relevant ministries and institutions. The promotion and protection of human rights were prioritized by her Government, on the basis of national principles and heritage, the Constitution, international commitments and obligations under international law, and despite current challenges in the Middle East.
3. Legislative elections in 2016 and elections of mayors and governors in 2017 had taken place under new legislation that included quotas for specific groups, including women, Christians, Circassians and Chechens. A constitutional tribunal had been established to oversee the implementation of the Constitution and the law, which would ensure that all citizens could enjoy their rights and freedoms under the Constitution. The rule of law was a guarantee of citizens' rights and an area of focus, as made clear by the publication of the Sixth Discussion Paper of the King on the rule of law and the civil state, and the subsequent establishment of a royal commission to promote the justice system, amendments to the laws regulating the justice system and the creation of a government coordinator and national unit for human rights within the office of the Prime Minister. That new unit would monitor implementation of the law and propose amendments to legislation. A comprehensive national human rights plan for 2016-2025 had been launched in 2016.
4. Over the previous 10 years, successive waves of refugees had had an impact on limited national resources. Jordan hosted the largest number of refugees per capita in the world, the majority of whom lived in the community, which had consequences for employment, economic growth and infrastructure. In particular, the education system was struggling to cope and many schools were overcrowded or ran a double-shift system. Approximately 2,800 additional classrooms were needed to meet growing demand for education. The annual direct financial impact of the refugee crisis amounted to approximately 5 per cent of gross domestic product (GDP).
5. A pilot project had been introduced in cooperation with international partners and the United Nations that linked humanitarian needs to development. The refugee crisis should be tackled in cooperation with the international community, which must honour its financial pledges in that regard, in order to ensure that services could continue to be provided for refugees. In keeping with the memorandum of understanding signed between his Government and the Office of the United Nations High Commissioner for Refugees (UNHCR) refugees enjoyed their rights under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees. The return of any refugee to any place should be voluntary. No Syrian was returned without a thorough study of the environment in the proposed place of return. Decisions on the return of refugees could be appealed. Assistance to refugees should not be provided at the expense of national interests or security. The situation of citizens in Rukban required an international and Syrian response, since the matter involved Syrian citizens on the territory of the Syrian Arab Republic.
6. The law protected all families, women and children living in Jordan. Female victims of violence, including Syrian women, could access health care free of charge. A refuge had been opened for female victims of violence in 2016. The authorities were working with NGOs and the United Nations to address gender-based violence and provide protection for Syrians living in refugee camps. Cases of gender-based violence and sexual and domestic violence were documented and investigated irrespective of the citizenship of the victims. Domestic violence services were provided to all, regardless of race, and measures and training to tackle gender-based violence were implemented in refugee camps and host communities. Those living in refugee camps also benefited from access to justice.

Programmes had been launched in 2016 and 2017 to protect vulnerable groups that were victims of the refugee crisis by providing enhanced social and legal protection in all areas, including with respect to domestic violence.

7. The suffering of Palestinian refugees was a priority issue for her Government, which sought to foster a lasting resolution for the problem in accordance with General Assembly resolution 194 (III) and other relevant resolutions. Direct and indirect services had been provided to Palestinians for more than 70 years, despite limited resources. In that regard, the international community should ensure support for the United Nations Relief and Works Agency for Palestine Refugees in the Near East. Palestinian refugees in the Syrian Arab Republic had the right to return to their homeland in accordance with international law.

8. A number of measures had been taken to provide for the rights and privileges of children born to Jordanian women who were married to foreign citizens. Such children could access education, including university places; they enjoyed full access to health care and could freely choose a profession and take up posts in the public sector. They also had the right to invest in the country and could apply for a driving licence.

9. Access to Jordanian citizenship was governed by national and international law. Decisions could be appealed in the courts, which were fully independent. Jordan was not a party to the 1954 Convention relating to the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness. The withdrawal of nationality from Jordanians of Palestinian origin was effected in accordance with the 1988 disengagement decision.

10. Migrant workers and migrant domestic workers were protected by the law; the Labour Code applied to all workers, regardless of citizenship. Regulations on domestic work set out the obligations and rights of workers and employers, and had been amended in 2016. Migrant workers could access justice in accordance with the Government's international commitments. A law had been adopted on shelter for victims of domestic violence, along with legislation and legislative amendments to protect all persons from racial discrimination.

11. All persons living in the country could access justice, irrespective of their race, citizenship or sex. No cases of discrimination had been recorded. All Jordanians were fully integrated in society, irrespective of their origin. Training was provided to employees of the security forces and government institutions to ensure that all were equal before the law and received protection when needed. Acts of violence and provocations against any person or group of persons were a crime. Propaganda based on racial discrimination and any incitement to terrorism or religious or racial discrimination were prohibited.

12. Jordan had run several human rights education campaigns over the past five years to promote the principles of non-discrimination and respect for the dignity of all citizens, as set forth in the 1994 Education Act. The school curriculum was designed to foster attitudes of tolerance and respect among the younger generation by teaching the observance of human rights, including the prohibition of racial discrimination. Racial diversity was considered to enrich the nation and the use of terms such as "minorities" had been abandoned decades earlier, in favour of a relationship of true brotherhood based on diversity within a common identity. Each of the various religious groups had, after all, had a part to play in the history and development of Jordan.

13. Initiatives to encourage respect for all sectors of society regardless of religion, colour, race or gender included the Amman Message, which called for peaceful coexistence among religions, and World Interfaith Harmony Week, proclaimed by General Assembly resolution 65/5 at the proposal of King Abdullah II, and observed in February.

14. **Mr. Avtonomov** (Country Rapporteur) said that the State party was to be commended on its report, which contained replies to the Committee's previous recommendations and new information on constitutional and legislative amendments. He recommended updating the State party's common core document ([HRI/CORE/1/Add.18/Rev.1](#)), which was of 1994 vintage and contained data from 1991 or earlier. Fresh information was needed for all the treaty bodies to which Jordan reported.

15. He would appreciate more detail on the role of the government human rights coordinator in ensuring protection from racial discrimination within the meaning of article 1 of the Convention.

16. Noting that Jordan was a party to two regional instruments, the League of Arab States Arab Charter on Human Rights and the Organization of Islamic Cooperation (OIC) Cairo Declaration on Human Rights in Islam, he said that he would be interested to know in what way it cooperated with the OIC Independent Permanent Commission on Human Rights.

17. He asked the delegation to provide the Committee with disaggregated data relating to the various population groups in the State party's territory. Discrimination was not necessarily the product of a deliberate policy; it could be structural, resulting from historical attitudes and ways of life, and more specific information would help the Committee determine if racial discrimination was in fact a problem. That was all the more important as the distinction between race and religion was often blurred by the overlap between religious and ethnic identities.

18. Given that personal status in the State party was closely tied to religious affiliation, he wondered how the law protected the personal status of a visitor or foreign resident who was not religious or who professed a religion such as Hinduism.

19. According to some reports, Palestinians living in the refugee camps encountered problems with provisional passports and a lack of documentation.

20. The creation of a unit to combat human trafficking had facilitated the investigation of such offences. He would appreciate information on the measures in place to identify and protect the victims of trafficking. He also requested details of any prosecutions brought and convictions handed down under section 3 of the Anti-Human Trafficking Act on the use or procuring of children for the purposes of prostitution or pornography; the Committee was aware that children from certain countries, such as the Syrian Arab Republic, were the victims of trafficking in the State party and wished to understand how such crimes were tackled. Recalling that the Committee on the Rights of the Child, in its most recent concluding observations on the State party, issued in 2014, had expressed concern that child victims might be placed in detention facilities owing to a lack of available accommodation ([CRC/C/JOR/CO/4-5](#), para. 61), he asked whether that situation had changed; such a solution was quite inappropriate.

21. **Ms. Mohamed** (Country Rapporteur), noting that under the Labour Code all workers were to be treated equally irrespective of their origin or gender, asked how that applied to domestic workers. She would like to know what measures were in place to protect them against abusive practices such as excessive working hours, sexual abuse and beating. What guarantees existed to protect their rights under the Convention, notably the right to freedom of movement?

22. She enquired whether there were any regulations covering the recruitment of domestic workers and whether any employment agencies registered such workers illegally. She would like to know what monitoring measures were in place to ensure domestic workers' well-being and how complaints and compensation were handled.

23. According to the State party's report, migrant workers were covered by social security; did the same apply to domestic workers? She would appreciate confirmation from the delegation that no minors were employed in domestic work. She asked whether there was a minimum wage for domestic workers.

24. In the light of the memorandum of understanding between the State party and UNHCR, she would be interested to know whether it was possible for the State party to close its borders to refugees and asylum seekers; she would appreciate information on the application in practice of the principle of non-refoulement. She enquired as to the State party's current policy on admission of Palestinian refugees from the Syrian Arab Republic.

25. She asked the delegation to provide details of measures in place to protect victims of human trafficking, and of any investigations and prosecutions that had taken place under

the relevant legislation. She would be interested to know what protection existed for persons who were deaf.

26. The State party had incorporated human rights into its educational curricula and training programmes; she would like to know how that had affected ethnic and ethno-religious minorities. She would appreciate information on training for civil servants, the police and judiciary, and local government in combating racial discrimination and in the rights enshrined in the Convention. She asked what proportion of those employed in those institutions were women.

27. **The Chair** said that, in relation to the last point, the Committee's particular interest was in the risk of multiple discrimination; the information sought therefore concerned women belonging to groups that were also subject to racial discrimination.

*The meeting was suspended at 4.15 p.m. and resumed at 4.30 p.m.*

28. **Mr. Kut** (Special Rapporteur for follow-up on concluding observations) said that, in its previous concluding observations ([CERD/C/JOR/CO/13-17](#), para. 23), the Committee had asked the State party to provide information within a year on its follow-up to certain of the recommendations made. Regrettably, no follow-up report had been received and he wished to remind the delegation that the Committee attached great importance to the follow-up procedure.

29. The request for disaggregated data on the situation of the various ethnic groups had not subsequently been addressed in the State party's report. The issue of Jordanian women's transmission of nationality to their children in cases where the husband was not Jordanian had been raised in the current report and in the delegation's introductory statement. There had been some improvement but not to the extent requested by the Committee. Lastly, in its report, the State party had declined the Committee's suggestion that Jordan should consider making the declaration provided for in article 14 of the Convention, on the ground that existing national mechanisms were sufficient to examine complaints of racial discrimination.

30. **Ms. Dah** said that the common core document of Jordan ([HRI/CORE/1/Add.18/Rev.1](#)) should be updated to provide more relevant information on the State party, as core documents were useful to the entire treaty body system.

31. Accepting that the issue of nationality was a complex one and that the State party could not disregard its history, she nonetheless considered that it might be advisable to amend article 3 (2) of the Jordanian Nationality Act No. 6 of 1954, which stipulated that any person who, not being Jewish, had possessed Palestinian nationality before 15 May 1948 and had been a regular resident in the Hashemite Kingdom of Jordan between 20 December 1949 and 16 February 1954 was considered to be a Jordanian citizen. In that regard, she would be interested to know whether any Jewish people still chose to live in Jordan and, if so, whether the Act might be modified to take them into account. Similarly, she asked whether the Bedouin tribes mentioned in article 3 (6) of the Act were still present on Jordanian territory. How did the State party define the term "Arab", in the context of the provision that any Arab who had resided continuously in the country for not less than 15 years, and who had renounced their nationality of origin, could acquire Jordanian nationality? Noting that while women from Arab countries could obtain nationality through marriage after three years, women from non-Arab countries could only do so after five years, she queried whether those criteria amounted to preferential treatment and complicated the procedures for acquiring nationality.

32. In the light of the Committee's recommendation in its previous concluding observations ([CERD/C/JOR/CO/13-17](#)) that the State party should review and amend the Jordanian Nationality Act in order to ensure that a Jordanian mother married to a non-Jordanian man had the right to confer her nationality on her children, she asked what steps had been taken to facilitate children's access to their mother's nationality. Lastly, she wondered what progress had been achieved in implementing the Committee's recommendation to consider acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness (the statelessness conventions).

33. **Mr. Kemal**, noting that the State party had tactfully disagreed with some of the Committee's previous concluding observations, said that the Committee had a duty to continue making requests that it believed would improve the situation in the country. Owing to its geographical location, Jordan had been profoundly affected by the events that had followed the Arab Spring and the situation had become so serious that refugees now accounted for 20 per cent of the population. He hoped that the international community was providing some assistance to alleviate that situation, which was a staggering burden for a small country to bear.

34. Notwithstanding that international treaties took precedence over domestic laws, so that Jordan was bound to abide by the definition of racial discrimination contained in the Convention, the Committee's position was that that definition of racial discrimination should be incorporated into domestic law, thus making the concept easier to invoke by persons exercising their rights. Moreover, during the previous review of Jordan, the country rapporteur had pointed out that non-self-executing provisions of the Convention required specific legislation in order to take effect; he therefore hoped that the State party would consider adopting such legislation.

35. Concerning nationality, the Committee had been informed during its recent constructive dialogue with the United Arab Emirates that children born to an Emirati mother and a foreign father received their father's nationality but could apply to take their mother's nationality upon reaching the age of 18. He wondered whether the State party might consider introducing a similar provision, which would be in line with the country's progressive stance on women's rights and would provide greater security for the children in question.

36. In the light of a distressing report that the Committee had received about conditions in the Jerash camp — namely the lack of jobs, poor housing, inadequate education facilities and health concerns — he underscored that past experience had shown that improving the living conditions in such camps would eventually be beneficial for the economy of the host country. Lastly, he asked whether the State party had taken steps to register children born to stateless parents so that they would eventually have a pathway to acquiring nationality.

37. **Mr. Bossuyt**, noting the adoption of constitutional amendments that established the principle of the separation and balance of powers and guaranteed fundamental rights and freedoms, asked whether previously there had been no such separation of powers or guarantees of rights and freedoms in Jordan.

38. Furthermore, he wondered whether the statement contained in paragraph 27 of the report, namely that the children of Jordanian women married to non-nationals could invest and own property in the country, implied that foreign nationals were not permitted to do so. The delegation might also shed light on the need for a "special category" of driving licence mentioned in the same paragraph, since it was unclear what a person's nationality had to do with his or her ability to drive. The Committee would be grateful for clarification of paragraph 28, concerning the withdrawal of nationality from persons originating from the Occupied Palestinian Territory with the aim of preserving Palestinian identity. It did not accept the use of the term "positive discrimination" in paragraph 32 — since by definition discrimination could not be positive — but it would be grateful for information about any additional positive action measures that had been implemented other than in the electoral and political sphere.

39. Finally, recalling that he had travelled to Jordan to hold consultations with the Constitutional Court soon after its establishment, he asked that more information be provided on the functions and the work of the Court, particularly with regard to the protection of human rights and the fight against racial discrimination.

40. **The Chair**, expressing agreement with Mr. Bossuyt, said that the term "positive discrimination" was unhelpful and that the Committee preferred alternatives such as "special measures".

41. **Mr. Yeung Sik Yuen** said that he would appreciate more details about the "other pieces of criminal legislation" besides the Criminal Code that were used to penalize all forms of discrimination. More importantly, the Committee would welcome statistics on the

number of complaints of racial discrimination lodged in the courts and on the outcomes of those proceedings.

42. Although paragraph 47 of the report stated that Jordanian men and women had equal rights and obligations under the Jordanian National Charter, he questioned whether the Charter was entirely consistent with article 6 of the Constitution, which provided that “all Jordanians are equal before the law, without distinction as to their rights and duties, regardless of differences of ethnicity, language or religion”. In respect of the latter, he noted that the list of differences possibly giving rise to distinction did not include sex and he wondered whether that might explain the differential treatment of Jordanian women married to non-Jordanian men.

43. **Mr. Amir** asked whether women married to Palestinian men were able to transmit their nationality to their children or whether Palestinians were deemed to be foreigners for the purposes of the Jordanian Nationality Act. Conversely, in the event that Palestinians were classed as refugees, did that mean that they were able to relinquish their former nationality and apply for Jordanian citizenship? Considering the State party’s location in a highly sensitive, conflict-prone region, neighbouring countries and the international community ought to be cognizant of the difficulties that Jordan faced and the efforts it had undertaken in hosting more than 1 million Palestinian and Syrian refugees.

44. **Mr. Lindgren Alves** said that the Committee’s request for disaggregated statistics was not intended to call into question the unity of the State party, but rather to understand its diversity. He had been interested to learn that Jordan no longer made official use of the term “minorities”, which might be seen in a positive light, since human rights were by definition universal and should be guaranteed for all; however, special measures might be required by certain minorities in specific circumstances. He welcomed the assurance in paragraph 141 of the report that Jordan guaranteed the right to participate in cultural life.

45. **Mr. Khalaf** said that in a region ravaged by war and often characterized by social exclusion and a lack of respect for differences, Jordan set an outstanding example of hospitality and responsibility while preserving the values of coexistence and diversity. The Committee welcomed its efforts to reinforce democratic processes while upholding and promoting human rights principles. In that regard, he was interested to know whether the Jordanian National Charter had legal effect or whether its value was ethical or moral. Moreover, he asked how the State party justified the role that the King played in both the executive and legislative branches, which seemed to be contrary to the principle of the separation and balance of powers referred to in paragraph 18 of the report.

46. Noting the primacy of international conventions over all laws except the Constitution, he asked whether certain articles of the Convention might be suspended in the event that they were found to contradict those of the Constitution. Were the articles of the Convention implemented in the Jordanian courts?

47. Racial discrimination was a reality all over the world: acknowledging that individual acts of that nature sometimes occurred did not bring shame upon the country, nor did it mean that racial discrimination was widely practised in society as a whole. Considering that Jordan was not a racist or sectarian society, the Committee nonetheless believed that it would be useful for the State party to examine why no complaints of racial discrimination had been filed. Reasons for the lack of complaints might include fear of going to police stations, lack of confidence in the outcome of complaints procedures, or fear of deportation.

48. In view of the statement in the common core document that the Ministry of Foreign Affairs collaborated with various government agencies in preparing national reports on human rights, he asked whether civil society had been involved in drafting the report and, if so, which organizations had participated.

49. Noting that domestic work in Jordan was regulated by the sponsorship (*kafalah*) system, he asked whether workers recruited through that system received protection under the Labour Code or other laws, enjoyed weekly leave and were allowed to keep their passports and identity documents. Were participants in the system registered with the agencies or offices that were responsible for combating human trafficking, sexual exploitation and forced labour?

50. Under the Jordanian Nationality Act, children born in Jordan to a mother holding Jordanian nationality and a father of unknown nationality, a stateless father or an unknown father were deemed to be Jordanian nationals. He wished to know why a distinction was made between Jordanian mothers based on the origin of their husband.

51. The crises in Iraq and Syria had weighed heavily on Jordan and raised some important concerns. Infants born to unregistered refugees were an extremely vulnerable population category: he therefore wished to know what steps were taken to register the newborn infants of refugees. Furthermore, he respectfully asked with what justification the Jordanian authorities prevented Palestinians fleeing the war in Syria from crossing the border in search of protection, especially given that protection had been granted to all other refugees. Lastly, he wondered whether the withdrawal of nationality from Jordanian nationals of Palestinian origin, ostensibly to preserve their Palestinian identity and to maintain their right of return, contravened the Jordanian Nationality Act and risked making them stateless.

52. **Ms. Li Yanduan** said that she would appreciate detailed information on measures taken to end the *kafalah* system.

53. **Mr. Avtonomov** said that he would like to learn more about the population groups known as the Dom and the Nawar, who were historically associated with Roma groups. An estimated 25,000 to 70,000 Dom and Nawar lived in Jordan and, although he did not believe that they were subjected to deliberate discrimination, their situation was precarious. Accordingly, he suggested that the State party should conduct a study of their needs, rights and social and economic development and include the findings in its next periodic report. He invited the State party to consider the Committee's general recommendation No. 27 on discrimination against Roma, which could provide useful guidance for examining the situation of the Dom and the Nawar.

54. **The Chair**, observing that the Committee members had posed many questions on a variety of issues, said that where questions touched on similar topics, the delegation should group its responses accordingly. She reiterated that the Committee's concerns about women referred specifically to how they were affected by racial discrimination as defined in the Convention.

*The meeting rose at 5.50 p.m.*