



ASILE

Global Asylum
Governance and
the European
Union's Role

Country Note JORDAN

International protection issues and recommendations
from international and regional human rights mechanisms
and bodies

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This Country Note provides a synthetic overview of key issues and recommendations in the field of international protection put forward by international and regional human rights mechanisms and bodies. In line with the ASILE project research agenda, this Country Note pays specific attention to aspects related to 'containment' of people in need of international protection. The notion of containment is used here to refer to a broad range of policies and practices aimed at preventing access to territory, increasing the expulsion and restricting mobility of asylum seekers and refugees.

The Country Note covers documents released by United Nations (UN) human rights mechanisms and bodies. These include the UN Charter-based system of human rights protection, including the Universal Period Review and the Special Procedures of the Human Rights Council, and the UN Human Rights Treaty bodies. The Note also encompasses monitoring bodies established under regional human rights systems to which the country under consideration is party.



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1. International and regional human rights obligations

The Hashemite Kingdom of Jordan is party to the two international human rights Covenants, the International Covenant on Civil and Political Rights (CCPR) and the International Covenant on Economic, Social and Cultural rights (CESCR). However, Jordan has ratified neither the CCPR first optional protocol establishing a communication procedure nor the CCPR second optional protocol on the abolition of the death penalty. Jordan is also not party to the CESCR optional protocol, which allows victims of violations of rights under the Covenant to present a complaint to the UN Committee on Economic, Social and Cultural Rights.¹

Jordan is party to several other core UN human rights instruments, including the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT) and the International Convention on the Elimination of all Forms of Racial Discrimination (CERD). Jordan also ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), but not its optional protocol on a communications procedure.²

Jordan is also party to the Convention on the Rights of the Child (CRC) and its two optional protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and pornography, but not of the CRC third optional protocol on a communication procedure. Jordan is not party to the International Convention for the Protection of the Rights of all migrants workers and members of their families (CMW).³

UN Treaty bodies and international organisations have invited Jordan to ratify other universal human rights instruments to which the country is not party.⁴ These include the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, as well as the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.⁵

At the regional level, Jordan is a member of the League of Arab States and a party to the Arab Charter on Human Rights. Art. 26 of the Charter states that 'collective expulsions are prohibited in all cases', while Art. 28 establishes the right to seek political asylum in other countries to escape persecution.⁶

The League of Arab States human rights system currently suffers from major shortcomings, due to the lack of any enforcement mechanisms and the absence of a regional court of

¹ OHCHR, Status of Ratification of International Human Rights Treaties: Jordan. Last accessed 26 October 2020 [\[online\]](#)

² Declarations, reservations, objections and notifications of withdrawal of reservations relating to the Convention on the Elimination of All Forms of Discrimination against Women, 10 April 2006. CEDAW/SP/2006/2, p.16 [\[online\]](#)

³ OHCHR, Status of Ratification of International Human Rights Treaties: Jordan [\[online\]](#)

⁴ OHCHR, Universal Human Rights Instruments [\[online\]](#).

⁵ Human Rights Council, Compilation on Jordan, Report of the Office of the United Nations High Commissioner for Human Rights, Universal Periodic Review, 3rd cycle, 2018, A/HRC/WG.6/31/JOR/2, par. 2-6.

⁶ Arab Charter on Human Rights 2004 Translation by Dr. Mohammed Amin Al-Midani and Mathilde Cabanettes Revised by Professor Susan M. Akram [\[online\]](#)



justice on human rights.⁷ The Arab Human Rights Committee, the body tasked with monitoring the Arab Charter of Human Rights' implementation, lacks the mandate and competencies to receive and adjudicate individual complaints, to receive and consider alternative reports, and address urgent human rights situations in the member states. While a Statute of the Arab Court of Human Rights was approved by the Ministerial Council of the League of Arab States on 7 September 2014, no state party has ratified the Statute yet.⁸ The statute has been widely criticized for falling short of regional and international human rights standards.⁹

2. Scope to international protection and quality of asylum procedures

In its 2018 submission to the 3rd cycle of the Universal Periodic review for Jordan, the UNHCR praised the country for setting a remarkable example of humanitarian commitment and capability by welcoming, protecting and assisting large numbers of people in need of protection for over 70 years.¹⁰ According to UNHCR, Jordan played a critical role in establishing a new and powerful paradigm for international cooperation in response to the Syrian humanitarian crisis. Under the so-called 'Jordan Compact', agreed upon in 2016 between Jordan and a number of international partners, expansion of refugee rights to education, work, and legal status and documentation have been areas of significant progress.¹¹

At the same time, UNHCR underlined how Jordan is not party of the 1951 Refugee Convention and its 1967 protocol and lacks a comprehensive refugee law. Back in 1998, the Jordanian government signed a Memorandum of Understanding (MoU) with the UNHCR, later amended in 2014. The document includes a definition of refugee, confirms the *non-refoulement* principle and provides the legal basis for the stay of refugees in Jordan. The MoU also includes commitments by UNHCR to carry out registration, conduct refugee status determination, provide support to meet the basic needs to refugees, and seek durable solutions for recognized refugees.¹²

The two largest refugee communities in Jordan are Palestinians and Syrians. Palestinians constitute the largest refugee population in Jordan, with 2,206,736 refugees registered by United Nations Relief and Work Agency for Palestinians Refugees (UNRWA).¹³ According to UNHCR, in October 2020, Jordan hosted 661,997 registered Syrians refugees.¹⁴ The majority

⁷ See Emerging Arab States Human Rights Mechanisms', Human Rights Law, University of Melbourne [\[online\]](#); International Commission of Jurists, 'The Arab Court of Human Rights: A Flawed Statute for an Ineffective Court', 2015 [\[online\]](#).

⁸ 'Emerging Arab States Human Rights Mechanisms', Human Rights Law, University of Melbourne [\[online\]](#)

⁹ International Commission of Jurists 'The Arab Court of Human Rights'.

¹⁰ Submission by the UNHCR for the OHCHR's Compilation Report – 17th Universal Periodic Review: Jordan, p.1

¹¹ Ibid.

¹² Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, 14 May 2012. A/HRC/20/16/Add.1, par. 49 [\[online\]](#); See also Gerasimos Tsourapas & Simon Verduijn, ASILE Country Fiche Jordan.

¹³ UNWRA website, Protection in Jordan [\[online\]](#)

¹⁴ UNHCR, Jordan, Operational Update, October 2020 [\[online\]](#)



of the registered Syrian refugees in Jordan (533,825 people) live in urban areas, while 125,848 refugees reside in four main refugee camps.¹⁵

As of October 2020, UNHCR reported that a further 90,000 refugee and asylum-seekers from 45 countries resided in Jordan. Among this last group, Iraqi nationals are the majority (66,801), followed by Yemenis (14,675), Sudanese (6,039) and Somalis (742)¹⁶.

The refugee and asylum seekers' communities in Jordan enjoy differentiated levels of protection based on their nationality and immigration/residence status.¹⁷ Of the over 2 million Palestinians refugees living in the country, the largest group is composed of people who arrived in the aftermath of the 1948 exodus and their descendants. This group of refugees has been granted Jordanian citizenship and enjoy the full spectrum of political rights, including the right to vote and access to governmental services.¹⁸

Jordan also hosts a population of 158,000 Palestinians refugees who fled the Gaza Strip in the aftermath of 1967 hostilities. With the exception of a few families, most of these refugees were not granted citizenship and hold temporary residency permits.¹⁹ 'Ex-Gazan' refugees face several legal restrictions deriving from their lack of citizenship, in particular restrictions in terms of their access to work, education, health and other rights and benefits.²⁰

A third group of 17,000 Palestinian refugees arrived in Jordan fleeing the war in Syria from 2011 onward, referred to as Palestinians refugees from Syria (PRS). According to UNRWA, the irregular status of Palestinians Refugees from Syria means they endure a considerable degree of insecurity, in particular difficulties in civil processes such as registration of births and in access to government services and they are at constant risk of *refoulement*.²¹

In its 2018 submission to the UPR for Jordan, UNHCR stated that efforts of the Government of Jordan to ensure protection of refugees could be improved through the adoption of comprehensive refugee law. In particular, adopting a national refugee law incorporating provisions of the 1951 Convention would provide clarity and consistency for both refugees and national authorities.²²

UNHCR further underlined that the adoption of a national refugee law could allow establishing a basis for procedural due process and judicial review of deportations, which is currently lacking in the Jordanian legal system. Furthermore, the adoption of a national asylum law would also help ensuring equal treatment for refugees of all nationalities as the current approach results in different treatment or requirements for different nationalities.²³

¹⁵ UNHCR. Operational Portal Refugee Situations. Syrian Regional Refugee Response in Jordan [\[online\]](#)

¹⁶ UNHCR, Operational Update Jordan, October 2020 [\[online\]](#)

¹⁷ UNHCR. Submission for the UPR, 3rd cycle – Jordan, 2018, p. 3

¹⁸ Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, 14 May 2012, A/HRC/20/16/Add.1, par. 38.

¹⁹ UNRWA, 'Protection in Jordan'.

²⁰ Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, 14 May 2012, A/HRC/20/16/Add.1, par. 38-39, 44.

²¹ UNRWA, PRS in Jordan [\[online\]](#)

²² UNHCR. Submission for the UPR, 3rd cycle – Jordan, 2018, p. 3

²³ Ibid.



A similar recommendation was also put forward by the UN Committee against Torture in its 2016 Concluding Observations. The Committee called on Jordan to strengthen its domestic legislative framework by adopting a comprehensive law on asylum that is consistent with international standards and in accordance with article 3 of the Convention.²⁴

UN Treaty bodies have also stressed the obstacles faced by refugees in accessing rights in Jordan, in particular in the case of women and children. The Committee on Racial discrimination underlined how thousands of Syrian children remain without access to education, with many of them facing labour exploitation. Syrian refugee women and girls are reported as victims of widespread domestic violence and as victims of trafficking for the purposes of sexual exploitation and forced marriage.²⁵

The Committee on the Rights of the Child, in its 2014 Concluding Observations, expressed concern that most Syrian refugee children remain without access to education and experience malnutrition, labour exploitation, widespread domestic violence and forced marriages. The Committee urged the Jordanian government to implement specific programmes to improve the living conditions of Syrian refugee children, ensuring their access to education, health care and good nutrition and protecting them from various forms of labour exploitation, violence and, with regard to young girls, forced or early marriage practices.²⁶

The Committee on the Elimination of Violence against Women, in its 2017 Concluding Observations, welcomed the measures put in place by Jordan to cope with the massive arrival of Syrian refugees, half of whom are women and girls. At the same time, the Committee expressed concerns about the precarious and insecure living conditions of female refugees in Jordan, in particular those who live outside refugee camps and/or are undocumented.²⁷

The Committee stressed the particularly difficult situation of Palestinian refugee women fleeing the conflict in Syria, who are often deprived of basic services and essential goods, including education, economic opportunities and health care, and are at a heightened risk of gender-based violence.²⁸

The Committee recommended that the government of Jordan take measures to improve the security of women and girl refugees and asylum seekers, increase their access to education, training, livelihood opportunities, health care, basic services, and ensure that they are not subjected to sexual or labour exploitation.²⁹

²⁴ Committee against Torture, Concluding Observations Jordan, 2016, CAT/C/JOR/CO/3, par. 14.

²⁵ Committee on the Elimination of Racial Discrimination, Concluding Observations Jordan, 26 December 2017, CERD/C/JOR/CO/18-20, par. 16.

²⁶ Committee on the Rights of the Child. Concluding observations on the combined fourth and fifth periodic reports of Jordan, 8 July 2014, CRC/C/JOR/CO/4-5, par. 55.

²⁷ Committee on the Elimination of Discrimination against Women. Concluding observations on the sixth periodic report of Jordan, 9 March 2017. CEDAW/C/JOR/CO/6, par. 11.

²⁸ Ibid.

²⁹ Ibid., par. 12.



3. Admission to territory and safeguards against removal of asylum seekers and refugees

In the initial months of the Syrian crisis the Jordanian authorities adopted an ‘open door’ policy towards refugees from Syria and did not differentiate between Syrian and Palestinian refugees arriving from Syria. However, since April 2012, Jordanian authorities started implementing an unofficial policy of refusing Palestinian refugees access at the border. Systematic refusal of entry to Palestinians became an official policy in January 2013.³⁰

In its 2017 Concluding Observations, the Human Rights Committee expressed concerns about reported cases of forcible returns of Palestinian refugees to Syria. It recommended the Jordanian government to take the measures necessary to ensure compliance with the principle of *non-refoulement*, including for Palestinian refugees, and develop procedural safeguards against refoulement, including review by an independent judicial body and effective remedies.³¹

Similar concerns were expressed by the Committee on the Elimination of Racial Discrimination in 2017. The Committee recommended the Jordanian government to end denial of entry to Palestinian refugees and asylum seekers from the Syrian Arab Republic on the basis of their Palestinian origin and enact procedural safeguards against refoulement, with effective oversight and remedies.³²

The Committee against Torture, while noting the Jordanian delegation’s statement that the principle of non-refoulement is applied in practice, expressed concerns at reports of inconsistent border policies, pointing in particular to several cases of *refoulement* of Palestinian refugees fleeing the conflict in Syria, without an individualised procedure. The Committee also pointed at reports indicating the Jordan’s involvement in ‘extraordinary renditions’ in the context of the war against terrorism.³³

The Committee asked Jordan to ensure procedural safeguards against *refoulement* and effective remedies with respect to *refoulement* claims in removal proceedings, including review of rejections by an independent judicial body. It further recommended to ensure that no one under its control is subject to an ‘extraordinary rendition’. In this regard, it called on the national authorities to conduct effective, impartial investigations into any such cases, prosecute and punish those responsible and compensate the victims.³⁴

³⁰ UNHCR, Return and Readmission of Palestinian Refugees from Syria (PRS) to Lebanon and Jordan, 2017 [[online](#)]; UNRWA, PRS in Jordan [[online](#)].

³¹ Committee on Human Rights, Concluding Observations Jordan, 4 December 2017 CCPR/C/JOR/CO/5, par. 24-25.

³² Committee on the Elimination of Racial Discrimination, Concluding observations Jordan, 2017, CERD/C/JOR/CO/18-20, par. 11, 16(a).

³³ Committee Against Torture, Concluding Observations Jordan, 2016, CAT/C/JOR/CO/3, par. 13-14.

³⁴ *Ibid.*



The Committee on the Rights of the Child commended Jordan for all the measures it had put in place to cope with the massive arrival of Syrian refugees, half of them children, including the establishment of a Subcommittee on Syrian Refugee Child Labour. However, the Committee expressed deep concern about the treatment of Palestinian refugee families and children fleeing Syria, and especially on the systematic denial of entry to Palestinian refugee families since 2013, as well as the deportation back to the Syrian Arab Republic of dozens of Palestinian children who had entered the country.³⁵ The Committee urged Jordanian authorities to ensure that Palestinian refugee children fleeing Syria are not prevented from entering Jordan or deported, and that they receive the same treatment as Syrian children in Jordan.³⁶

4. Detention and restrictions to freedom of movement

4.1. Legal framework for detention and detention conditions of asylum seekers and beneficiaries of international protection

The Jordan 1973 Residence Law criminalises irregular entry into Jordan through unauthorised ports of entry. Article 31 of the Law states that any person who enters the country in violation of Article 4 (requiring all foreigners to hold valid passports or travel documents as well as valid visas to enter or exit the country) or Article 5 (requiring foreigners to enter and exit Jordan via recognised border checkpoints or ports and airports designated for this purpose) shall be arrested and may be liable to a term of imprisonment between one and six months and/or to a fine.³⁷

As underlined by observers and civil society actors in the country, non-nationals (notably migrant workers) may also be criminalised as a result of their status in the country, in particular as a result of punitive steps taken by their employer or employment agent. Non-nationals held in detention for being without legal work or residency permits are detained alongside citizens in criminal facilities.³⁸

In 2016, the Committee against Torture expressed concern at the continuous recourse to administrative detention by Jordan, and in particular at the increasing number of persons held in administrative detention and for long periods, during which detainees are deprived of procedural guarantees. The Committee stressed that administrative detention is used, among others, against migrant workers fleeing abusive employers.³⁹

The Committee reiterated its recommendation to abolish the practice of administrative detention, including and in particular the holding of migrant workers who are fleeing

³⁵ Committee on the Rights of the Child, Concluding Observations Jordan, 2014, CRC/C/JOR/CO/4-5, par. 55.

³⁶ Ibid., par. 56.

³⁷ Jordan: Law No. 24 of 1973 on Residence and Foreigners' Affairs [[online](#)]

³⁸ Global Detention Project, Country Report. Immigration detention in Jordan: detained by employers, locked inside refugee camps, pushed back into conflict zones, July 2020, p. 13 [[online](#)]

³⁹ Committee against Torture, Concluding Observations Jordan, 2016, CAT/C/JOR/CO/3 par. 21.



abusive employers. According to the Committee, Jordan should also ensure that guarantees exist regarding all fundamental procedural safeguards for all detainees and take immediate measures to bring existing legislation into compliance with international human rights standards and with the State party's obligations under the Convention.⁴⁰

The Special Rapporteur on Trafficking in Persons, Especially Women and Children visited Jordan in January-February 2016.⁴¹ In her Report following the visit, the Special Rapporteur noted that the economy of Jordan relies to a large extent on the low or semi-skilled labour of migrant workers, particularly in sectors such as construction, manufacturing, services, agriculture and domestic work. All migrant workers in Jordan are required to possess a work permit, which is renewed annually, and a residence permit obtained by their employers.⁴²

According to the Special Rapporteur, such sponsorship system (called *kafala*) gives employers excessive power and control over migrant workers. Domestic workers who leave exploitative work conditions or are in search of better-paid employment become irregular migrants in Jordan and risk detention and expulsion. In the case employers fail to secure or renew permits of migrant workers or when request them to work in another sector than the one for which they obtained their work permit, migrant workers are liable to detention or the payment of fines and expulsion.⁴³

The special Rapporteur further underlined that given the influx of migrant workers, refugees and asylum seekers in the country and the Jordanian immigration policy based on repatriation of undocumented migrants, victims of trafficking may not be identified or be misidentified as irregular migrants, resulting in their arrest, detention and deportation.⁴⁴

The Special Rapporteur addressed a number of recommendations to the Jordan government to avoid that victims of trafficking are criminalised and end up in detention. She recommended in particular to expedite the revision of the country Anti-Human Trafficking Law on the basis of a human rights approach, providing victims with freedom of movement, a regular stay and employment in Jordan while awaiting the outcome of their legal proceedings.⁴⁵

Acknowledging that the current approach to migration management in Jordan, especially evidence that the sponsorship system and the recruitment of migrant labour may force migrant workers in an irregular situation and expose them to risk of detention, the Special Rapporteur recommended to revise existing labour regulations in order to provide better

⁴⁰ Ibid., par. 22.

⁴¹ Report of the Special Rapporteur trafficking in persons, especially women and children, on her mission to Jordan, 8 June 2016 A/HRC/32/41/Add.1.

⁴² Ibid., par. 21.

⁴³ Ibid., par. 22.

⁴⁴ Ibid., par. 47.

⁴⁵ Ibid., par. 89.



protection to migrant workers, as well as refugees and asylum seekers seeking employment, and increase options for safe migration and legal employment channels.⁴⁶

4.2. Restrictions to freedom of movement

In the aftermath of the Syrian emergency, Jordanian authorities introduced a legal procedure allowing refugees to leave the camps - commonly known as the 'bailout' system. In order to access this possibility, camps residents had to submit a formal application to the Syrian Refugee Assistance Department and meet certain requirements, including having a Jordanian sponsor, that is a Jordanian citizen in a direct family relation with the applicant.⁴⁷

The authorities, however, suspended the bailout system in early 2015.⁴⁸ As underlined by the Jordan INGOs Forum, this implies that refugees residing in the camps have been left with limited legal ways for to leave permanently in order to settle in host communities, save for cases of family reunification, medical cases or other vulnerable profiles.⁴⁹

The same report described how refugees who fail to demonstrate that they left the camp through the formal bail-out procedure as well as refugees without proper documentation are at risk of 'involuntary relocation' to the camps. Syrians lacking documentation are identified by Jordanian Police through roadside checks, random checks and workplace inspections. As a consequence of restrictions to freedom of movements imposed on them, "Syrian refugees are left with the choice of staying in a camp or overstaying a leave permit in the host community under the constant fear of being caught again and possibly detained or deported to Syria".⁵⁰

In September 2020, Amnesty International reported that Jordanian authorities had transferred at least 16 Syrian refugees to an informal camp located in the desert between Syria and Jordan. Amnesty International commented that forcibly detaining and transferring refugees is a clear violation of their rights to liberty and freedom of movement and urged the Jordan authorities to stop forcible transfers immediately.⁵¹

NGOs observers have also pointed out that the conditions of Syrian refugees living in camps in Jordan amount to *de facto* detention, due to the restrictions on freedom of movement that are imposed to the inhabitants.⁵² In particular, the situation in Zaatari Camp (hosting around 76,000 refugees in early 2020) has been described by civil society actors as

⁴⁶ Ibid.

⁴⁷ Jordan INGO Forum, Syrian Refugees in Jordan: A protection overview, 2017 Report, January 2018, p. 5. [[online](#)]

⁴⁸ Norwegian Refugee Council, Securing Status: Syrian Refugees and the documentation of legal status, identify and family relationship in Jordan, 2016, p. 9. [[online](#)].

⁴⁹ Ibid.

⁵⁰ Ibid., p. 13. The reports further states that more than 25,600 involuntary relocations had been recorded to Azraq camp since the camp opened in April 2014, contributing to 44 per cent of the registered camp population. While UNHCR officially recorded 9,647 in 2016 and 2017, relocations but NGOs working in the camp counted as many as 20,2197 relocations.

⁵¹ Amnesty International, Jordan: Stop forcible transfer of Syrian refugees to a no-man's land in the desert, 15 September 2020 [[online](#)].

⁵² Global Detention Project, 2020, p. 7.



amounting to detention, since refugees face administrative detention and deportation back to the camp if they attempt to leave without authorization. Measures amounting to detention have also been reported in the Azraq camp, the second largest camp in Jordan. NGOs have reported how an area of the camp known as 'Village 5' has been used as a detention centre for people considered as a potential security threat by Jordanian authorities.⁵³

5. Other key protection issues

5.1. Withdrawal of nationality and revocation of identification documents to Jordanian nationals of Palestinian descent

Several UN-Treaty bodies have denounced the government's practice of arbitrary revocation of citizenship or withdrawal of national identification numbers from Jordanians of Palestinian origin.⁵⁴ Such practice exposes Jordanians and Syrians of Palestinian origin to the risk of unlawful expulsion and compromises their access to education, employment, health care and their right to property.⁵⁵

The Committee against Torture recommended the government of Jordan to put an end to the arbitrary withdrawal of national identification numbers from Jordanians of Palestinian origin. The Committee called on Jordan to ensure that decisions concerning revocation of nationality are taken by a competent authority and meet relevant international criteria, including the right of persons concerned to be heard and to challenge such decisions.⁵⁶

The Committee on the Elimination of Racial Discrimination urged the government of Jordan to put an end to the withdrawal of nationality from persons from the Occupied Palestinian Territory and restore the nationality of those who have been affected by that practice. The Committee requested Jordan to provide detailed information in its next periodic report on the legal status of persons who had their nationality withdrawn and the consequences with regard to the enjoyment of their rights under the Convention.⁵⁷

5.2. Discriminatory provisions in Jordan Nationality Law

Jordan has ratified the UN Convention on the Elimination of Discrimination against Women (CEDAW), which provides that States Parties shall grant women equal rights with men to acquire, change, or retain their nationality. The Convention also ensures 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

⁵³ Ibid., pp. 7-8.

⁵⁴ OHCHR, Compilation on Jordan, UPR 3rd cycle, par. 78

⁵⁵ Committee against Torture, Concluding Observations Jordan, 2016, CAT/C/JOR/CO/3, par. 15.

⁵⁶ Ibid.

⁵⁷ Committee on the Elimination of Racial Discrimination, Concluding Observations Jordan, 2017, CERD/C/JOR/CO/18-20 par. 15



nationality of the husband.⁵⁸ However, Jordan maintains a reservation to Article 9 paragraph 2 of the Convention and does not consider itself bound to ensure equality of rights between men and women with respect to the nationality of their children.⁵⁹

The Committee on the Elimination of Racial Discrimination expressed regret that, under the Jordanian Nationality Act (law No. 6 of 1954), citizenship is still not granted to children of Jordanian women married to non-nationals, negatively affecting their rights and freedoms. The Committee was also concerned by article 8 of the Act which discriminates against foreign nationals who are married to Jordanian men with regard to the period of time that must elapse before they can apply for nationality, as this is determined on the basis of whether the foreign national is of Arab or non-Arab ethnicity.⁶⁰

The Committee recommended Jordan to bring its legislation into line with the CERD and, to this end, amend the Jordanian Nationality Act to eliminate provisions that discriminate against non-Arab spouses of Jordanian citizens and to include provisions allowing all Jordanian women to transmit their citizenship to their children from birth, without discrimination.⁶¹

The Committee on the Rights of the Child expressed similar concerns, underlying that preventing children of Jordanian mothers to acquire the nationality of their mother if she is married to a non-Jordanian national, may result in statelessness and lead such children and their families to be discriminated against and suffer economic difficulties. The Committee recommended that the Jordan government review and amend Law No. 6 of 1954 on nationality in order to ensure that a Jordanian mother married to a non-Jordanian man has the right to transmit her nationality to her children equally and without discrimination.⁶²

UNHCR underlined how discriminatory provisions under the 1954 Nationality Law have a direct impact on refugees in Jordan, in particular in the case of children born to Iraqi or Syrian refugee fathers and Jordanian mothers who reside in Jordan and who remain in the care of their Jordanian mothers. When the non-Jordanian father is missing, deceased, or refuses to assist or acknowledge the child, risks of statelessness may arise.⁶³

UNHCR concluded that access to the *1954 Convention relating to the Status of Stateless Persons* or the *1961 Convention on the Reduction of Statelessness* would assist Jordan to establish a framework to prevent and reduce statelessness and guide the country in mitigating the detrimental effects of statelessness on individuals and society by ensuring minimum standards of treatment for stateless persons.⁶⁴

⁵⁸ UNHCR, submission UPR Jordan, 2018, p. 3.

⁵⁹ Declarations, reservations, objections and notifications of withdrawal of reservations relating to the Convention on the Elimination of All Forms of Discrimination against Women, 10 April 2006. CEDAW/SP/2006/2, p.16 [[online](#)]

⁶⁰ Committee on the Elimination of Racial Discrimination, Concluding Observations Jordan, 2017, CERD/C/JOR/CO/18-20, par. 22.

⁶¹ *Ibid.*, par. 23.

⁶² Committee on the Rights of the Child, Concluding Observations Jordan, 2014, CRC/C/JOR/CO/4-5 par. 25-26.

⁶³ UNHCR, Submission Universal Periodic Review Jordan, 2018, p. 3.

⁶⁴ *Ibid.*, p. 4.



Annex 1. Methodological Note

Human rights systems at the international and regional levels have established a range of mechanisms and bodies to monitor and promote states' compliance with their treaty obligations.

This Country Note describes key issues and recommendations in the field of asylum and international protection highlighted by international and regional human rights bodies in the context of existing monitoring and reporting procedures. In so doing, this Country Note complements research conducted under the ASILE project, in particular Country Fiches as well as the Catalogue of International and Regional Legal Standards.⁶⁵

The Country Note is based on desk research covering reports, documents and observations provided for by the following human rights monitoring mechanisms and bodies:

- The United Nations Charter-based system of human rights protection, including the Universal Periodic Review Process (UPR)⁶⁶ and the Special Procedures of the UN Human Rights Council;⁶⁷
- UN human rights Treaties Bodies tasked with monitoring the implementation of provisions of the core international human rights treaties;⁶⁸
- Human rights monitoring bodies established under relevant regional human rights systems to which the Country under consideration is party. These may include, depending on the country under consideration, bodies of the Council of Europe Human Rights system,⁶⁹ the Inter-American Human Rights System,⁷⁰ the African Human Rights system,⁷¹ and the League of Arab States human rights system.⁷²

⁶⁵ See ASILE, Our research [\[online\]](#)

⁶⁶ OHCHR, Basic facts about the UPR [\[online\]](#)

⁶⁷ OHCHR, Special Procedures of the Human Rights Council [\[online\]](#)

⁶⁸ OHCHR, Monitoring the core international human rights treaties [\[online\]](#)

⁶⁹ See the website of the Council of Europe [\[online\]](#)

⁷⁰ See Inter-American Commission on Human Rights [\[online\]](#)

⁷¹ See African Commission on Human and Peoples' Rights [\[online\]](#)

⁷² See Arab Human Rights Committee [\[online\]](#)



Annex 2- Jordan: Selected documents from International and Regional Human Rights Monitoring Bodies

1. United Nations Charter-based bodies

Universal Periodic Review 3rd cycle (2018)

- National report submitted in accordance with paragraph 15(a) of the annex to Human Rights Council Resolution 5/1 – Jordan, 24 August 2018, A/HRC/WG.6/31/JOR/1 [[online](#)]
- Compilation on Jordan. Report of the Office of the United Nations High Commissioner for Human Rights, 24 August 2018, A/HRC/WG.6/31/JOR/2 [[online](#)]
- Summary of Stakeholders' submission on Jordan. Report of the Office of the United Nations High Commissioner for Human Rights, 24 August 2018, A/HRC/WG.6/31/JOR/3 [[online](#)]
- Report of the Working Group on the Universal Periodic Review – Jordan, 7 January 2019, A/HRC/40/10 [[online](#)]

UN Special Procedures

- Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo: Addendum. Mission to Jordan. 14 March 2012, A/HRC/20/16/Add.1, [[online](#)]
- Report of the Special Rapporteur trafficking in persons, especially women and children, on her mission to Jordan. Note by the Secretariat, 8 June 2016, A/HRC/32/41/Add.1. [[online](#)]

2. UN-Treaty Bodies

Human Rights Committee (HRC)

- Concluding observations on the fifth report on Jordan. 4 December 2017, CCPR/C/JOR/CO/5 [[online](#)]

Committee on Economic, Social and Cultural Rights (CESCR)

- Consideration of Reports Submitted by States Parties under Articles 16 and 17 of the Covenant. Concluding observations of the Committee on Economic, Social and Cultural Rights – Jordan, 1 September 2000, E/C.12/1/Add.46 [[online](#)]

Committee against Torture (CAT)

- Concluding observations on the third report of Jordan, 29 January 2016, CAT/C/JOR/CO/3 [[online](#)]

Committee on the Elimination of Discrimination against Women (CEDAW)



- Concluding observations on the sixth periodic report of Jordan, 09 March 2017. CEDAW/C/JOR/CO/6 [[online](#)]

Committee on the Rights of the Child (CRC)

- Concluding observations on the combined fourth and fifth periodic reports of Jordan, 8 July 2014, CRC/C/JOR/CO/4-5 [[online](#)]

Committee on the Elimination of Racial Discrimination (CERD)

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