



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

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Committee on the Elimination of Racial Discrimination

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

**Combined eighteenth to twentieth periodic reports of States
parties due in 2016**

Jordan*

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Combined eighteenth to twentieth periodic reports of the Hashemite Kingdom of Jordan under the International Convention on the Elimination of All Forms of Racial Discrimination

Preface

Overview of the Hashemite Kingdom of Jordan

1. General political structure

1. The Hashemite Kingdom of Jordan is an independent sovereign Arab State. The system of governance is a hereditary constitutional monarchy and executive power is exercised by His Majesty the King, who is also commander in chief of the armed forces. The King exercises power through his ministers who are answerable to the elected House of Representatives which, with the Senate, constitutes the legislative authority and is entirely independent from the executive. Under the Independence of the Judiciary Act, the Jordanian Judicial Council is the apex of the pyramid of judicial authority and, along with parliament and the ministers, embodies the principle of the separation of powers. The various components of the political system in Jordan may be summarized as follows:

1.1 The Crown (Hashemites of the House of Mohammed)

2. The Hashemites are the most historic and influential of Arab leaders, in both religious and nationalistic terms, and they have always pursued the liberation, independence and unity of the Arabs. The legitimacy of hereditary Hashemite rule was established by the pledge of allegiance made by the Arabs to Sharif Hussein bin Ali and his descendants on 9 December 1915.

1.2 The three powers

3. These may be summarized as follows:

- **The executive:** This is subdivided as follows:

(a) **The King:** The King is the head of the executive and exercises his prerogatives under the Constitution through the Prime Minister and the ministers. He does not, however, bear responsibility and it is the ministers who, individually and as a group, are answerable to the elected House of Representatives;

(b) **The Council of Ministers:** The Constitution of Jordan defines the tasks and prerogatives of the Council of Ministers and of the ministers themselves. The Council is responsible for running all the internal and external affairs of State.

- **The legislature:** Legislative authority is vested in parliament — composed of the Senate and the House of Representatives — and the King. The Constitution of Jordan, issued in 1952, describes how parliament is to be formed and defines its prerogatives, the legal status of its members, the conditions they must fulfil and the calling of parliamentary sessions. Under the 1952 Constitution, parliament is responsible for the enacting legislation and for exercising financial and political oversight.

- **The judiciary:** The independence of the judiciary is enshrined in the 1952 Constitution of Jordan. In fact, article 97 of the Constitution states that “Judges are independent, and are subject to no authority in the exercise of justice other than that of the law.” Article 101 (1) of the Constitution reads: “The courts shall be open to all and shall be free from any interference in their affairs.”

2. Land and people

4. Jordan has a surface area of 89,000 square kilometres and around 9,531,712 inhabitants, of whom Jordanians account for 69.4 per cent, or 6,613,587, and non-Jordanians for around 30 per cent. Half of the latter — 1.3 million persons — are Syrians. Over the coming decade, natural population growth is expected to maintain an annual rate of 1.35 per cent and the workforce to increase at a rate of 2.3 per cent.

5. At current prices, gross domestic product (GDP) for 2013 was US\$ 33.7 billion, with a growth rate of 2.7 per cent compared with the preceding year. At the end of 2014, per capita GDP stood at US\$ 5,250. The unemployment rate among Jordanians has remained at 12.5 per cent during the last four years. The government budget is heavily reliant on foreign aid and thus public debt had reached US\$ 29 billion — in other words, 81 per cent of GDP — by the end of 2014.

6. In 2014, an integrated general framework document was developed covering economic and social policies until 2025. It is rooted in the principles of opportunities for all, more effective rule of law, participation in decision-making, financial sustainability and more robust institutions. The document includes more than 400 policies and measures which are expected to be implemented within the time frame of the document through a joint methodology involving the business sector and civil society.

3. General legal framework for the protection of human rights

7. The protection of human rights is one of the main priorities of the legal and legislative system in Jordan. Chapter II of the Constitution, which is entitled “Rights and duties of Jordanians”, includes legal guarantees for human rights in provisions covering public rights and freedoms. The chapter’s 18 articles, numbers 5 to 23, are consistent with provisions in the Universal Declaration of Human Rights concerning public and religious freedoms.

8. Jordan has acceded to a number of United Nations human rights treaties. They are: the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, in 1975; the International Convention on the Elimination of All Forms of Racial Discrimination, in 1974; the Convention on the Elimination of All Forms of Discrimination against Women, in 1992; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 1991; the Convention on the Rights of the Child, in 1991; and the Convention on the Rights of Persons with Disabilities, in 2007.

9. Jordan has also ratified a number of conventions of the International Labour Organization (ILO). They are: the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), in 1963; the Forced Labour Convention, 1930 (No. 29), in 1964; the Abolition of Forced Labour Convention, 1957 (No. 105), in 1958; the Equal Remuneration Convention, 1951 (No. 100), in 1966; the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), in 1963; the Minimum Age Convention, 1973 (No. 138), in 1997; the Worst Forms of Child Labour Convention, 1999 (No. 182), in 2000; and the

Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159), in 2003.

10. Jordan has also signed a number of regional treaties including the Cairo Declaration on Human Rights in Islam, issued in 1990 by a conference of foreign ministers of Islamic States. It has also ratified the amended Arab Charter on Human Rights, which was adopted by the Arab Summit in Tunisia in May 2004. Since its ratification, the Charter has become part of the Jordanian legal order.

11. Many human rights institutions operate in Jordan including national bodies and NGOs. In addition, the House of Representatives has a committee for public freedoms and human rights.

12. The National Centre for Human Rights is the leading human rights institution at the national level. It was established under the law as an independent body the goal of which is to bolster human rights principles in Jordan, ensure non-discrimination among citizens, promote democratic governance, and monitor and eradicate any violations of human rights and public freedoms in the country. The Centre can request the authorities to provide any information it feels to be necessary to achieve those goals. It also has the right to visit correctional institutions, detention centres and any other location where human rights abuses are reported to have taken place, or to be taking place. The National Centre for Human Rights — which prepares an annual report on the state of human rights and public freedoms that is submitted to the Senate, the House of Representatives and the Council of Ministers — enjoys complete independence under the law and its governing council and members are not answerable for any measures they may take within the limits of their mandate. The law also sets forth the Centre's procedural immunity from inspections.

13. A number of NGOs operate in the field of human rights, including: the Adaleh Centre for Human Rights, the Centre for Defending Freedom of Journalists, the Arab Women Media Centre, the Arab Organization for Human Rights, the Amman Centre for Human Rights Studies and others.

14. Departments and offices dealing with human rights issues have been set up in a number of different ministries and the post of government human rights coordinator has been created in the Office of the Prime Minister.

I. Introduction

15. 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 earlier reports, the Hashemite Kingdom of Jordan hereby presents a single document containing its combined eighteenth to twentieth periodic reports. The document covers the efforts made by Jordan during the relevant period, its achievements and the steps it has taken to promote a culture that rejects any and all forms of racial discrimination.

16. The Hashemite Kingdom of Jordan attaches the utmost importance to the protection and promotion of human rights, whose advancement it consistently seeks to pursue. In this endeavour, it draws on a significant cultural heritage, well-established principles applied by national institutions and the forward-looking and open-minded guidance provided by His Majesty King Abdullah II Bin Al Hussein. Democratization and comprehensive reform with a human rights focus have been embraced as firm objectives that will be pursued without pause, notwithstanding the significant obstacles and challenges created by the regional situation and by the changes taking place there.

17. As His Majesty King Abdullah II Bin Al Hussein has stated on many occasions, the “Arab Spring” has provided Jordan with an opportunity to move forward with the reforms that were launched when His Majesty took up his constitutional powers. Since 2011, in an important phase of historical transformation, Jordan has been able to complete a series of unprecedented changes giving effect to a set of key human rights reforms. The country’s reform agenda is founded on gradual and continuous development, majority approval, the involvement of all sides, democratic change, pluralism, respect and acceptance for the opinions of others. Thanks to that, some success has already been achieved in meeting the hopes and aspirations of the Jordanian people.

18. Jordan has introduced constitutional amendments affecting 42 articles, or almost one third, of the Constitution. The changes have established the principle of the separation and balance of powers as well as promoting the independence of the judiciary and the concepts of justice and equality. Provisions to protect and support human rights and fundamental freedoms are included in articles 6, 7, 8, 15, 16, 18, 20 and 101 of the amended Constitution. Under those provisions, citizens’ dignity must be respected; no citizen may be subjected to any kind of physical or mental abuse; and Jordanians have the right to establish trade unions and political parties, the right to free and compulsory education and the right to work. Through those provisions, legal protection from abuse and exploitation is afforded to mothers, children, older persons and persons with disabilities. The amendments are also intended to guarantee freedom of opinion, freedom of the press and of printing and publishing, media freedoms, the freedom to participate in creative, literary, artistic, cultural and sporting activities. The freedom to correspond by letter or telegram and to communicate by telephone and other means is also recognized. Communications are confidential and may not be subject to censorship, surveillance, interception or seizure without a court warrant. No civilian may be tried in a criminal case that is not heard by a civilian judge.

19. A package of various pieces of legislation relating to political parties, elections and public assemblies has been updated, as has the Press and Publications Act and the State Security Court Act.¹ The Independent Election Commission has been brought into being to oversee and administer the electoral process and to promote fairness and transparency.

20. A number of constitutional oversight mechanisms have also been created, such as the Constitutional Court, which has the task of interpreting the Constitution and monitoring the constitutionality of laws and regulations. The Jordanian Teachers Syndicate was established in 2011.

21. During the course of 2013, Jordan took two important steps towards comprehensive democracy and reform. Firstly, parliamentary elections were held in January 2013, duly monitored and administered by the Independent Election Commission. Secondly, municipal elections were held in August 2013, monitored by the Independent Election Commission and administered by the Ministry of Municipal Affairs under local and international supervision. A new constitutional amendment will further promote reform by broadening the mandate of the Independent Election Commission, which can now monitor and administer municipal elections.

22. March 2016 saw the launch of a comprehensive national human rights plan for 2016-2025, which it is hoped will be an effective way to activate the human rights system in Jordan. The plan includes a framework that the Government must follow in order to achieve a set of official objectives relating to human rights and focuses on the themes of civil, economic and political rights and on the most vulnerable groups in society, particularly children and persons with disabilities.

¹ Under the Constitution, the jurisdiction of the Court is limited to crimes of treason, espionage and terrorism, as well as drugs-related offences and money counterfeiting.

II. Replies to the concluding observations of the Committee

Reply to paragraph 8

23. The International Convention on the Elimination of All Forms of Racial Discrimination has precedence in the legal system of the Hashemite Kingdom of Jordan. The national judiciary has taken up a clear position with respect to the ranking of international treaties in the Jordanian legislative system and the rulings of the Court of Cassation have always upheld the superiority of international treaties over national law, in the case of a divergence between the two. In other words, international treaties ratified by Jordan — including the International Convention on the Elimination of All Forms of Racial Discrimination — are an integral part of the country's national legislation and rank higher than domestic laws. Therefore Jordan is bound to abide by the definition contained in the International Convention.

Reply to paragraphs 9 and 10

24. In the protection it affords, Jordanian law does not discriminate between Jordanians and non-Jordanians resident on national territory. Anyone who resides in Jordan enjoys protection under the Constitution. Article 101 (1) of the Constitution states: "The courts shall be open to all and shall be free from any interference in their affairs", while article 6 (5) states: "The law shall protect mothers, children, older persons and persons with disabilities from abuse and exploitation". Under article 208 of the Code of Criminal Procedure and article 100 of the Bar Association Act, legal assistance is available to everyone resident on Jordanian territory, without discrimination, through the Ministry of Justice and the Bar Association. All acts of violence or incitement against persons or groups on account of their race, colour, descent or ethnic or racial origin constitute offences under Jordanian law.

25. In the same way, Jordanian criminal law — the Criminal Code — is applicable to all individuals, both citizens and residents, in the same degree and without discrimination. The Criminal Code and other pieces of criminal legislation penalize all forms of discrimination and the propagation of ideas based on racial superiority or racial hatred, as well as all incitement to racial discrimination and all acts of violence or incitement committed against any race or group on the basis of colour or ethnicity. Any form of contribution to racist activities is likewise punishable by law and any organizations involved in such activity are banned by law.

Reply to paragraph 11

26. The chapter of the Constitution entitled "Rights and duties of Jordanians", and more specifically article 5, states: "Jordanian nationality shall be defined by law." The concession and loss of nationality is regulated by Jordanian Nationality Act No. 6 of 1954, as amended. For further details on this subject, please see our comments on the right to nationality in part IV of the present report.

27. Under Decree of the Council of Ministers No. 6415, dated 9 November 2014, the children of Jordanian women married to non-nationals enjoy a series of benefits and privileges in a number of areas. In the field of education, they are entitled to study in State schools up to secondary level. In the area of health care, those resident in Jordan are offered the same level of treatment as that offered to their mothers in State-run hospitals and clinics. As regards work, they are given the right to practise professions which are reserved for citizens, on condition that Jordanians have priority. Furthermore, they can invest and own property in Jordan in accordance with the law and, under the privileges they enjoy, they have the right to obtain a "special category" driving licence.

Reply to paragraph 12

28. The withdrawal of nationality is not done arbitrarily but in accordance with the 1988 disengagement decision, the aim being to preserve Palestinian identity and ensure that the land is not emptied of inhabitants. The administrative and legal decision to disengage from the West Bank was taken on 31 July 1988 as a sovereign act on the part of the ruling authority. This has been established by rulings and jurisprudence of the Supreme Court of Justice, which considered the decision to disengage from the West Bank to be an act of State on the part of the Government acting in its capacity as a governing rather than an administrative power.

29. No national identification number can be withdrawn without the approval of the Council of Ministers, after confirmation has been given that the provisions of the disengagement decision are applicable to the case in question and on the recommendation of a ministerial committee headed by the Ministry of the Interior. The relevant procedures are carried out by the Follow-up and Inspection Department, being the executive body concerned, along with the Civil Status and Passports Department and other bodies. The restoration of national identification numbers requires the approval of the Prime Minister.

30. According to the 2014 report of the National Centre for Human Rights, that decision of the Council of Ministers brought transparency to the process whereby national identification numbers could be withdrawn, and the Centre received no complaints in that regard in 2014.

31. The Hashemite Kingdom of Jordan and the Office of the United Nations High Commissioner for Refugees (UNHCR) are bound by a memorandum of understanding under which UNHCR exercises its mandate to help refugees in the country. Thanks to the memorandum, refugees are able to enjoy all their rights under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees. Jordan, in fact, has one of the largest refugee populations in the world, particularly Iraqis, Syrians, Palestinians, Libyans and Yemenis. Given its limited resources and potential, it is also one of the country's most adversely affected by the refugee crisis, despite the substantial aid it receives from the international community.

Reply to paragraph 13

32. The new electoral law, Election Act No. 6 of 2016, underlines the principle of equality and non-discrimination. The open list proportional model has been adopted to guarantee that all political and societal forces are fairly reflected in the House of Representatives. The new Act also contains provision for the principle of positive discrimination whereby a number of seats are reserved for certain groups in society on the basis of the following quota system: four seats for Christians and three for Circassians and Chechens. At the same time, 15 seats have been allocated for women, 1 for each governorate, thereby giving them a greater chance to compete and enter parliament.

33. It should be noted that, in accordance with the Constitution, there is no discrimination among citizens in the matter of access to positions of leadership in the security forces. The principle criterion for attaining such positions is that of ability.

Reply to paragraph 14

34. Under article 2 of the Labour Code, all workers are to be treated equally irrespective of their origin or gender.

35. Article 4 (b) of the 2012 directives outlining the conditions and procedures for employing and recruiting non-Jordanian workers requires employers wishing to employ or recruit a non-Jordanian worker to present a certificate issued by the Public Institute of

Social Security showing that the worker concerned is covered by the Institute. In other words, it is obligatory to ensure that migrant workers have social security coverage.

36. The Ministry of Labour is currently in the process of reviewing ILO Domestic Workers Convention, 2011 (No. 189) with a view to the possibility of accession.

Reply to paragraphs 15 and 19

37. The constitutional amendments of 2011 included provision for the establishment of a Constitutional Court. In fact, article 58 (1) of the amended Constitution reads as follows: "A Constitutional Court shall be established by law as an independent and autonomous judicial body with its headquarters in the capital." According to article 59 (1), "the Constitutional Court shall monitor the constitutionality of laws and regulations", while article 59 (2) states: "The Constitutional Court shall have the right to interpret the Constitution if so requested."

38. The National Centre for Human Rights is one of the main official institutions for the submission of complaints concerning human rights violations. The Centre's Complaints and Legal Services Unit receives complaints, requests for assistance, appeals, statements of opinion, etc. from citizens. It then checks the veracity of the information it receives and follows up with the relevant authorities. The complaints office of the Jordanian National Commission for Women receives complaints of discrimination against women in the family, the workplace or daily life. It offers assistance to women, empowers them to obtain their rights and follows up on complaints with the relevant authorities.

39. Each individual has the right to fair and adequate compensation for any damages resulting from an act of racial discrimination. This matter is regulated by the provisions relating to compensation contained in the Civil Code (Act No. 43 of 1976). Article 256 of the Code states: "A person, even one incapable of exercising discretion, who injures another shall be liable to pay compensation for the injury caused." In all cases, the amount of compensation is determined on the basis of the injury suffered 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 liberty, 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 possibility of having recourse to the courts is afforded to all, whether in criminal cases or in cases in which a plaintiff only sues for damages.

40. In response to the Committee's suggestion in paragraph 19 that Jordan should consider the possibility of making the declaration provided for in article 14 of the Convention, it should be pointed out that at the present time national mechanisms are sufficient to examine complaints concerning allegations of racial discrimination and other violations. In addition to that, compensation and redress are also available through the courts

Reply to paragraph 16

41. The Government of Jordan supports the work carried out by the National Centre for Human Rights to promote and protect human rights, monitor violations, make recommendations and observations, and receive complaints. The Centre operates independently, in accordance with the Paris Principles.

42. The Government provides regular financial support to the Centre. In 2015, government contributions amounted to 547,992 Jordanian dinars (JD), which was the equivalent of US\$ 771,047 and represented 91 per cent of the Centre's budget. In 2016, contributions amounted to JD 550,000, which was the equivalent of US\$ 773,872 and represented 80 per cent of the Centre's budget.

Reply to paragraph 18

43. It should be noted that the Ministry of Labour is currently in the process of reviewing the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990 with a view to the possibility of accession.

Reply to paragraphs 21 and 22

44. The Government pursues a policy of openness based on the principle of active participation with national institutions, civil society organizations and other human rights partners. It continually seeks to maintain lines of communication and dialogue so that all sides can exchange opinions and points of view on human rights issues in Jordan and the best ways to promote them. In that context, the National Centre for Human Rights was involved in the drafting of this report, and it provided a number of comments and observations.

45. The standing committee on human rights, which is headed by the Minister for Foreign Affairs, has disseminated the combined thirteenth to seventeenth periodic reports of Jordan (CERD/C/JOR/13-17) and the concluding observations issued by the Committee on the Elimination of Racial Discrimination on 4 April 2012 (CERD/C/JOR/CO/13-17) among all ministries and national institutions as well as embassies and consulates of Jordan abroad. By making the documents widely available, it is hoped that they may help to promote a human rights culture among citizens and to address any deficiencies or shortcomings.

IV. Comments on articles 2-7 of the Convention**Articles 2 and 3**

46. All forms of racial discrimination and segregation are banned in Jordan. Article 6 of the Constitution states that all Jordanians are equal before the law, without distinction as to their rights and duties, regardless of differences of ethnicity, language or religion.

47. Under the Jordanian National Charter, Jordanian men and women have equal rights and obligations, while the Jordanian National Agenda sets forth a number of principles that aim to promote equality for Jordanian women and to ensure that they are duly represented in parliament and in public office.

48. Jordan has ratified a number of human rights treaties, including the International Convention on the Elimination of All Forms of Racial Discrimination, which was published in the Official Gazette on 15 June 2006, thereby becoming an integral part of domestic law. Jurisprudence in Jordan has established that international treaties rank higher than national legislation and have priority of application.

49. Never since it came into being has Jordan been accused of implementing racist policies against its citizens. The only standard applied in dealings with foreign citizens resident on Jordanian territory is that of the rule of law.

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

51. The principles of equality and non-discrimination on the basis of ethnicity, language or religion are enshrined in national law. For example, article 5 of Act No. 39 of 2015, concerning political parties, states as follows: "(1) Parties are to be established on the basis of the citizenship and equality of all Jordanians, commitment to democracy and respect for

political diversity. (2) No party may be founded on the basis of religion, sect, ethnicity or class, or rooted in discrimination on the basis of gender or origin.”

52. All acts of violence and incitement against persons or groups 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 JD 50 shall be imposed for writing, speaking or acting with the intention or effect of stirring up confessional or racial strife or of creating conflict between different confessional groups and other members of the nation.”

53. The Criminal Code (Act No. 16 of 1960) includes a number of provisions to criminalize acts offensive to people’s religious sentiments or beliefs. Article 278 of the Code provides that: “A term of imprisonment of up to 3 months or a fine of up to JD 20 shall be imposed on any person who: (1) Disseminates printed or handwritten material or an image, drawing or symbol that offends the religious sentiment or beliefs of others. (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 4

54. Jordanian law contains provisions intended to deal with any dissemination of racist and xenophobic ideologies, all incitement of racial discrimination and violence, and all acts of violence or incitement committed against any race or group on the basis of colour or ethnicity. Any support for racist activities, including financial support, 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.

55. 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 JD 50 shall be imposed for writing, speaking or acting with the intention or effect of stirring up confessional or racial strife or of creating conflict between different confessional groups and other members of the nation.”

56. Article 130 of the Code states: “Any person in Jordan 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.”

57. As for the criminalization of actions that support racist activity, article 80 of the Criminal Code addresses the instigation of or participation in such offences as follows: “(1) (a) 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 the other person; (b) The responsibility of the instigator is independent of that of the person instigated to commit the offence. (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 it about; (b) Provides the perpetrator with a weapon, instrument or any other article that can be used to commit the offence; (c) Is present at the scene for the purpose of intimidating anyone who resists, strengthening the resolve of the perpetrator or ensuring that the intended offence is committed; (d) Helps the perpetrator in acts that prepare or facilitate the offence or cause it to take place; (e) Colludes with the perpetrator or accessories before the commission of the offence, helps to conceal the traces of the offence or to secrete or handle 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, public safety, persons or property, or provides such persons with food or water or a hiding or meeting place.”

58. Organizations and propaganda activities (both organized and otherwise) that promote and incite racial discrimination are prohibited, and any involvement therein is 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 JD 50 — will be imposed on anyone belonging to a group created for the purposes mentioned 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 a group. In all cases, the group will be dissolved and its assets seized.

59. Jordanian law — in the licensing regulations that apply to advertising and media activities conducted in municipal areas — prohibits all forms of propaganda that instigate racial discrimination. Article 6 of Act No. 76 of 2009 regulating advertising and media activities 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 propagation of ideas based on racial superiority or racial hatred, as well as all incitement to racial discrimination against any person or group constitute punishable offences.”

60. Article 20 of Audiovisual Media Act No. 71 of 2002 states that licensees must:

1. Respect human dignity and individual privacy, the rights and freedoms of others and plurality of expression.
2. Not disseminate any material that offends public decency; instigates hatred, terrorism or violence; provokes religious, confessional or ethnic division and strife; damages the nation’s economy or currency or undermines national and social peace.
3. Not broadcast false information that damages the relations of Jordan with other States.
4. Not broadcast any information or publicity that tends to deceive, mislead, defraud or misinform consumers.

61. Article 7 of Press and Publications Act No. 27 of 2007, as amended, lays down a set of binding professional ethics for journalists. The rules are based on freedom of thought, opinion, expression and information, which are rights afforded to journalists and citizens alike. The article also prohibits the publication of any material likely to stir up hatred or to foment conflict among citizens.

62. Jordanian law does not stereotype people on the basis of their race or ethnicity and it includes safeguards to ensure that counter-terrorism measures are not motivated by, or do not result in, discrimination on the basis of race, colour, descent or ethnic or racial origin. The law criminalizes terrorism by defining certain prohibited acts and the intention behind their commission. It makes no reference to the gender, race or religion of the perpetrator.

Article 5

Various rights

(a) The right to equal treatment before the tribunals and all other organs administering justice

63. Article 6 (1) of the Constitution states that all Jordanians are equal before the law without distinction as to their rights and duties, and regardless of differences of ethnicity,

language or religion. According to article 7: “(a) Personal freedom shall be guaranteed. (b) Any infringement of public rights and freedoms or of the inviolability of the private life of Jordanians is a crime punishable by law.” For its part, article 8 of the Constitution states as follows: “(a) No one may be arrested, detained or imprisoned, or have their freedom restricted, except according to law; (b) Anyone who has been arrested, detained or imprisoned, and anyone whose freedom has been restricted, shall be treated in a manner that preserves their human dignity. They may not be tortured in any way or subjected to physical or mental abuse, and they shall only be detained in places designated for that purpose by law. Any statement made by a person as a result of torture, ill-treatment or threats shall be disregarded.” Finally, the independence of judges and the fact that they are subject to no authority in the exercise of justice other than that of the law is enshrined in article 97 of the Constitution.

64. Constitutional amendments have been introduced to strengthen judicial independence as a fundamental safeguard of a fair trial. Article 98 of the Constitution has been amended to read as follows: “1. Judges in ordinary and sharia courts shall be appointed and dismissed by royal decree and in accordance with the law. 2. A judicial council shall be established by law to deal with all matters pertaining to judges of the ordinary courts. 3. Having due regard to paragraph 1 of the present article, the judicial council shall have the sole right to appoint judges of the ordinary courts, in accordance with the law.”

(b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution

65. Article 7 of the Constitution states that “personal freedom shall be guaranteed”, while article 8 states that no one may be arrested, detained or imprisoned, or have their freedom restricted, except according to law. Those two articles form the foundation of all criminal legislation in Jordan, in which context the following should be noted.

66. According to the Code of Criminal Procedure, an arrested person may be held in police custody for up to 24 hours. That period is extended to seven days in the case of crimes falling within the jurisdiction of the State Security Court. All services and logistical requirements in respect of detained persons are duly provided throughout the period of their detention. Places of detention have been developed, refurbished, expanded and carefully adapted in accordance with national and international standards, while a number of model cells have been set up in security centres. Furthermore, committees have been created to examine and improve conditions in places of detention and a guidebook has been drafted and distributed to the security forces. At the same time, sustainable plans have been put in place to improve living conditions for persons in detention and bring them into line with international standards.

67. A number of mechanisms are in place to monitor the conditions in which detainees are held. These mechanisms include unannounced visits by representatives of the Public Prosecution Service and the courts, and by officials from relevant departments and offices such as the Office for Transparency and Human Rights. Such inspections of places of temporary detention normally take place jointly with the National Centre for Human Rights.

68. The Public Security Directorate has installed cameras in places of detention to help officials monitor conditions there. As soon as people are placed in detention, they are allowed to contact family members in order to inform them of their whereabouts. This is then recorded in registers held at the detention centres. A lawyer is allowed to attend the initial interrogation carried out by the police at the security centre. Lawyers are also allowed to communicate with their clients and to obtain power of attorney to defend them

before the courts. This takes place on the basis of a memorandum of understanding between the Public Security Directorate and the Bar Association.

69. Anyone who has suffered ill-treatment at the hands of the security forces may file a complaint with the chief of police or with a police prosecutor, whose job is essentially to look into complaints from citizens. Grievances can also be presented to the Office for Transparency, Human Rights and Complaints. If the person concerned is unable to do so personally, a relative may submit the complaint on his or her behalf and the matter will be investigated and an appropriate decision taken. The beating and ill-treatment of persons in detention is, in any case, forbidden and, if such an offence is proven to have taken place, the perpetrators are punished.

70. As regards the detention centre of the General Intelligence Department:

- It is known publicly as a detention centre and is subject to the Correctional and Rehabilitation Centres Act. All inmates are detained on the basis of a judicial warrant and are treated in accordance with the law.
- Regular periodic visits to the centre are carried out by local and international human rights organizations such as the Red Cross and the National Centre for Human Rights. The centre has also been visited by Human Rights Watch. All the visits include a review of services and private interviews with inmates in order to ascertain their state of health and living conditions and to listen to any observations and complaints they may wish to make.
- The centre is also subjected to judicial and administrative inspections to ensure that legal procedures are being duly followed. Some 203 judicial inspections have been carried out between 2011 and the present.
- A mechanism exists to receive any complaints or inquiries concerning the General Intelligence Department. Complaints or inquiries from the National Centre for Human Rights reach the Department through a designated liaison officer. In a context of transparency and flexibility, they are then verified, appropriate action is taken and the Department replies to the Centre. Complaints to the Department may also be delivered by e-mail. Such complaints are then submitted to the relevant authority for a reply.

(c) Political rights, in particular the right to participate in elections-to vote and to stand for election-on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service

71. Article 16 of the Constitution of Jordan states: “(1) Jordanians shall have the right to hold meetings within the limits of the law. (2) Jordanians shall have the right to establish political associations and parties provided that their aims are lawful, their methods peaceful, and their statutes not in violation of the Constitution. (3) The law shall regulate the manner in which political associations and parties are established and the supervision of their funds.” Article 22 of the Constitution states that “every Jordanian shall be entitled to hold public office under the conditions prescribed in laws and regulations”, while article 67 enshrines the right to participate in elections as the fundamental means of participation in political life and public affairs.

72. Jordan celebrated both parliamentary and municipal elections during the course of 2013. Despite the persistent regional instability, increasing violence, internal economic difficulties, soaring costs of refined petroleum products and ongoing street protests, not to mention the enormous influx of Syrian refugees to Jordanian territory with its onerous

burden of material, social and political obligations, the elections were held in a climate of peace and calm and with few clashes and confrontations.

73. The newly issued Act No. 39 of 2015, regulating political parties, includes a number of noteworthy features. The required number of founding members for a political party has been reduced from 500 to 150 and the condition whereby they have to represent five governorates has been abolished. Under the new law the founding members can all be from a single governorate or even a single tribe. The condition imposing a minimum of 10 per cent of women among the founding members has also been abolished and the new law imposes no conditions on the proportion of female founding members. Likewise, the minimum age for founding members has been reduced from 21 to 18. The new Act underscores the freedom of citizens to come together in parties chosen solely by their own will and without restriction. At the same time, parties may be dissolved only by judicial order.

74. The Decentralization Act of 2015 aims, for the first time in Jordanian history, to put the principle of decentralization into effect at the governorate level. It gives local authorities greater powers, seeks to ensure that democratic elections are more broadly accepted as a way of administering State affairs, and increases popular involvement in decision-making.

75. A new Act on municipalities, which also came out in 2015, aims to promote the independence of municipalities while extending the range of their functions and responsibilities. The principle of decentralization has also been promoted through the creation of local councils, which are a new element contemplated in the draft of the Act and composed of a minimum of five members — depending on regional subdivisions and numbers of inhabitants — with a president who is a member of the central municipality. Powers have also been distributed between the local and municipal councils.

76. Regulation No. 3 of 2013, concerning appointments to senior posts, sets forth a number of criteria — including specialized technical knowledge, job description and administrative and leadership competencies — as the main principles to adopt when appointing persons to positions of leadership without discrimination.

(d) Other civil rights

(i)and (ii) The right to freedom of residence and movement

77. Freedom of movement is enshrined in the Constitution, article 9 of which states: “(1) No Jordanian may be expelled from national territory. (2) No Jordanian may be prevented from residing in or moving from a particular place. Nor may they be obliged to reside in a specific location except as set forth in law.”

78. Judicial rulings have remained consistent with those principles; for example, Arbitration Court ruling 7658/1999 (single judge) of 26 December 1999, and High Court of Justice ruling 243/1997 (five judges) of 15 October 1999.

(iii) The right to nationality

79. Article 5 of the Constitution, in the chapter entitled “Rights and duties of Jordanians”, states that “Jordanian nationality shall be defined by law.” The concession and loss of nationality is regulated by Jordanian Nationality Act No. 6 of 1954, as amended.

80. Under article 3 of Jordanian Nationality Act No. 6 of 1954, as amended, the following persons are considered to be Jordanian citizens: “(1) Any person who acquired Jordanian nationality or a Jordanian passport under the Jordanian Nationality Act of 1928, as amended, Act No. 6 of 1954 or the present Act. (2) Any person who, not being Jewish,

possessed Palestinian nationality before 15 May 1948 and was a regular resident in the Hashemite Kingdom of Jordan between 20 December 1949 and 16 February 1954. (3) Any person whose father holds Jordanian nationality. (4) Any person born in the Hashemite Kingdom of Jordan to a mother holding Jordanian nationality and a father whose nationality is unknown, who is stateless or whose filiation has not been established. (5) Any person born in the Hashemite Kingdom of Jordan of unknown parents, who shall be considered as a foundling born in the country unless the contrary can be proven. (6) All members of the Bedouin tribes of the North mentioned in article 25 (j) of Provisional Election Act No. 24 of 1960, who were effectively living in the territories annexed to the Kingdom in 1930.”

81. According to articles 4 and 5 of the same Act: “Any Arab who has resided continuously in the Hashemite Kingdom of Jordan for not less than 15 consecutive years may acquire Jordanian nationality by decision of the Council of Ministers, on a proposal by the Minister of Internal Affairs, if he renounces his nationality of origin by written declaration. ... His Majesty the King may, with the approval of the Council of Ministers, grant Jordanian nationality to any emigrant who submits a written application to that effect, on condition that he relinquishes any other nationality possessed by him at the time of application.”

82. Under article 8 of the Act, the foreign spouse of a Jordanian man may acquire Jordanian nationality, subject to the approval of the Minister of Internal Affairs, by making a written application to that effect; three years after the conclusion of the marriage contract if she is an Arab and five years if she is non-Arab.

83. According to article 18, the Council of Ministers may, with the approval of the King, declare the loss of Jordanian nationality in the following cases: “(a) If a person enters the civil service of a foreign State and refuses to leave when appointed to serve the Government of the Hashemite Kingdom of Jordan; (b) If a person enters the service of an enemy State; (c) If a person commits or attempts to commit an act deemed to endanger the peace and security of the State.”

84. Articles 15 and 16 of the Jordanian Nationality Act give all Jordanians the right to renounce their nationality and take the nationality of another State, either foreign or Arab, with the approval of the Council of Ministers. Article 17 states: “(a) Jordanians who acquire the nationality of a foreign State retain Jordanian nationality unless they renounce it in accordance with the provisions of the current Act; (b) The Council of Ministers may, on a proposal of the Minister of Internal Affairs, restore Jordanian nationality to Jordanians who have renounced their nationality in order to acquire another nationality, in accordance with the provisions of the current Act, provided they make an application to that effect to the Minister of Internal Affairs.”

(iv) The right to marriage and choice of spouse

85. Article 5 of the Civil Status Act stipulates that marriage is a contract between a man and a woman whom he may lawfully marry, for the purpose of forming a family and generating offspring. Under the Act, the man and the woman are equal parties to the marriage agreement. The contract cannot be concluded without the freely given consent of the woman and any lack of agreement from either party means that the marriage cannot be duly contracted. Moreover, the law protects the woman by imposing the requirement that her spouse be capable of looking after her. Under article 6 of the Civil Status Act, the marriage can be contracted only by one party giving an undertaking and the other party accepting it. This, in fact, is a universally established method as it is the parties who fashion the contract, either directly or through legal representatives. The Act employs the term “proposal of one of the betrothed” and the acceptance of the other “and they, man and woman, are parties to the marriage contract”. Thus women have the right to marry as they please, giving their free and unfettered consent.

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

86. All citizens in Jordan have the right to own private property. Article 11 of the Constitution states: “No property belonging to any person may be expropriated except for purposes of public utility and in return for just compensation, as prescribed by law.”

87. Article 3 of Appropriation Act No. 12 of 1987 states: “No property may be appropriated except for purposes of public utility and in return for fair compensation”, while according to article 10: “If for any reason the party appropriating the property and the owner thereof cannot agree on an amount of compensation, either may apply to the courts to determine that amount.”

88. Articles 444-454 of the Criminal Code (Act No. 16 of 1960) include a number of provisions to criminalize attacks against private property, and perpetrators of such acts face imprisonment and/or a fine. The law covers attacks against moveable property; destruction or damage of buildings, enclosures or property, etc.; damage of agricultural land; destruction of agricultural machinery leading to the death of livestock, etc.

(vi) The right to inherit

89. The provisions in the Personal Status Act relating to inheritance are taken from Islamic sharia. The vast majority of the inhabitants of Jordan are Muslims and are content that Islamic tenets, including those regulating inheritance rights, should be applied to their daily lives; indeed, they are anxious that they should be applied. Inheritance provisions in Islamic sharia are extremely detailed and give comprehensive rules for calculating inheritance. Those rules cannot be gainsaid as they are categorical and leave no room for discretion or interpretation.

90. The principle underpinning inheritance is that of justice. It also depends upon the extent to which an heir needs the inherited money as well as upon the heir’s obligation towards the testator during the latter’s lifetime and the degree of kinship between them. Women may inherit in a number of ways. In some cases they inherit as much as men; in other cases they may inherit when the man does not — if he is prohibited from inheriting — while in others the woman may inherit more than the man.

91. Cases where the woman inherits only half as much as the man are not the norm and, when they arise, they are regulated by specific rules and conditions. Provisions governing inheritance are set forth in detail in the new Personal Status Act, unlike in the preceding version of the Act, which was not as clear, thereby enabling people to understand their rights more clearly.

(vii) The right to freedom of thought, conscience and religion

92. Under article 14 of the Constitution of Jordan, the State safeguards the free exercise of religious rites, in accordance with national custom and if such acts are not inconsistent with public order or morality.

93. Islamic sharia also guarantees freedom of thought and expression. This is underscored in a series of categorical passages in the Koran, such as: “There is no compulsion in religion”, Surah 2, verse 256, and “Wouldst thou compel men until they are believers?”, Surah 10, verse 99. Thus freedom of belief and worship are protected under Islamic sharia. Moreover, article 36 of the Civil Status Act of 2010 protects the right of a non-Muslim woman married to a Muslim man to continue to practise her own religious rites and ceremonies within the family home, a church or other place of worship. Under the Act, the husband has a duty to enable his non-Muslim wife to practise her own religious rites and ceremonies and he has no right in sharia or in law to stop her doing so.

94. Jordan has adopted a number of initiatives in this regard such as the Amman Message, the Common Word, and the Week of Interfaith Harmony.

(viii) The right to freedom of opinion and expression

95. Freedom of opinion and expression and freedom of the press are guaranteed under the Constitution and the law. At the same time, the law also regulates the balance of freedoms among individuals, so that one person's exercise of the right to freedom of expression does not encroach upon the rights of others or affect national security. Article 15 of the Constitution has been amended with the addition of the following text: "The State shall guarantee freedom of scientific research, literary and technical innovation, culture and sports provided that they do not violate the law or public order and morality."

96. One positive development affecting the right to freedom of opinion and expression was the inclusion of provisions on printing and publishing in General Amnesty Act No. 15 of 2011. Furthermore, the media strategy for 2011-2015 was designed to create a legal, political and administrative environment conducive to the development of the media sector, to protect and strengthen the independence of government and private media and to create a legal, political, social and professional environment favourable to media pluralism and the exercise of the right to information.

97. Pursuant to the Act amending Press and Publications Act No. 16 of 2011, a special criminal division has been established in first instance and appeal courts to hear cases relating to publishing activities. The division in the Amman court of first instance has been granted exclusive jurisdiction to hear offences under the Act that involve breaches of internal and external State security.

98. Pursuant to the Act amending Cultural Patronage Act No. 29 of 2000, the 5 per cent tax on newspapers has been abolished.

(ix) The right to freedom of peaceful assembly and association

99. The Public Assemblies Act of 2011 has been amended. Under article 4 of the Act, it is sufficient for the organizers of an assembly or demonstration to announce their intention 48 hours beforehand and they no longer have to get approval from an administrative governor. In a related amendment, a provision has been removed from article 5 of the original version of the Act whereby the administrative governor had a set period of time in which to approve a request to hold a public assembly or rally.

100. Article 16 of the Constitution of Jordan states: "(1) Jordanians shall have the right to hold meetings within the limits of the law. (2) Jordanians shall have the right to establish political associations and parties provided that their aims are lawful, their methods peaceful, and their statutes not in violation of the Constitution. (3) The law shall regulate the manner in which political associations and parties are established and the supervision of their funds." Article 22 of the Constitution states that "every Jordanian shall be entitled to hold public office under the conditions prescribed in laws and regulations", while article 67 enshrines the right to participate in elections as the fundamental means of participation in political life and public affairs.

101. According to article 23 of the Constitution: "(a) All citizens have the right to work and the State shall provide that opportunity to all Jordanians in order to develop and advance the national economy; (b) The State shall protect labour and, to that end, shall enact legislation founded on a number of principles, including the right to organize trade unions freely within the limits of the law."

102. Article 7 of Associations Act No. 51 of 2008 states as follows: “A group of persons may submit a request to the civil registrar to register their association, using the form provided for that purpose. Annexed to the form must be three copies of the following:

A list of names of the founding members of the association and their personal details including place of residence, profession, age and qualifications; the statutes of the association; and a declaration signed by all the founding members in which they approve the statutes and designate a person to pursue registration and legal procedures in their name to whom all notifications, decisions and correspondence issued by the registrar in that regard may be addressed. The provisions that must be included in the association’s statutes are set forth in a special law issued to that end.”

103. The right to form political parties, associations and trade unions is enshrined in the Constitution of Jordan, which allows Jordanian citizens to establish and participate in such associations, be they ordinary associations regulating relations between groups with shared customs and traditions, or charitable and cultural associations.

104. Amendments have also been introduced to the laws that regulate associations. A register of associations has been created as a way of simplifying the procedures that previously had to be followed when registering associations, which also used to involve obtaining approval from the Council of Ministers. The aim of the legislation is to promote involvement and raise public awareness in that regard. Under article 4 of the Associations Act of 2008, responsibility for the register lies with an administrative council.

(e) Economic, social and cultural rights

(i) The right to work

105. Citizens’ right to work is enshrined in articles 6 (2) and 23 of the Constitution of Jordan, and the State is required to provide them with the opportunity to work in order to develop and advance the national economy. The basis for the contractual relationship between workers and employers is set forth in the Labour Code (Act No. 8 of 1996).

106. Article 2 of the Labour Code defines a worker as “any person, male or female, performing work against remuneration for and under the direction of an employer, including minors, trainees and persons on a probationary period”. Thus, the Code makes no distinction between men and women or between foreign (migrant) and Jordanian workers. All are equal before the law and share the same rights and duties, and labour legislation is applied to all without discrimination.

107. The Labour Code (Act No. 8 of 1996), as amended, guarantees the rights of workers on the labour market. Under the Code, workers have the right to appeal to the Central Inspection Directorate in order to submit complaints, either openly or confidentially, against employers who have violated their rights. A free hotline has been set up and is accessible in five different languages in order to facilitate the process of submitting complaints. Workers can also file complaints against employers who have failed to pay their wages within the deadlines stipulated in law. Another avenue open to workers is that of the courts, where they can launch proceedings for arbitrary dismissal if their employment has been terminated without cause or reason.

108. Under the Code, employers are required to take the precautions and measures necessary to protect workers from work-related dangers and illnesses and to ensure a clean, safe and secure working environment. Employers must also abide by health and safety requirements, as set forth in the relevant laws, regulations, instructions and decrees.

109. Workers are protected from all forms of ill-treatment and sexual assault. In fact, article 29 (b) of the Labour Code states: “If the Minister learns that an employer or an

employer's representative has physically assaulted workers in his employment or subjected them to any form of sexual assault, the Minister may order the closure of the establishment for such a period as he deems fit, subject to the provisions of any other legislation in force." According to article 77 (b) of the Code, "An employer shall be liable to a fine of between JD 500 and JD 1,000 for any violations he perpetrates by employing a worker by force, under threat or by deception or coercion, including the withholding of travel documents. Any accomplice, instigator or accessory with respect to such acts shall be liable to the same penalty." Thus, employers or directors of institutions who violate any of the provisions of these articles, or any regulation or decree issued in that regard, face a fine of between JD 300 and JD 500. Courts may not impose a penalty lower than the minimum or take account of mitigating factors.

110. In 2014, staff of the Ministry's inspectorate visited places of work and other installations to ascertain the extent to which employers were applying the law and providing an appropriate working environment for their employees. A total of 88,208 establishments were visited; 4,643 complaints were received from workers; 3,597 complaints were resolved; 24,034 infractions were discovered; 11,871 cautions were issued; and 2,095 establishments were closed.

111. Jordan applies the Labour Code to workers irrespective of gender (male or female), nationality (Jordanian or non-Jordanian), race, colour or religion. The rights and privileges consecrated in the Code are applicable to all workers without discrimination, including the right to have recourse to law to demand any of the rights under the Code. Thus, migrant workers in Jordan are treated in the same way as Jordanian workers vis-à-vis rights such as weekly working hours and paid weekly and annual holidays.

(ii) The right to form and join trade unions

112. Article 98 (a) of the Labour Code (Act No. 8 of 1996) stipulates that a trade union may be established by at least 50 founding members who work in the same occupation or in similar or interrelated occupations, within one field of production. Under this article, then, workers in similar trades have a general right to establish unions, and that right is not restricted to a single category of workers. A decree from 1999 classifying the professions and industries in which workers have the right to establish trade unions defined 17 such unions. However, under the most recent amendment to article 98 (d) of the Labour Code the job of classifying the trades and industries in which unions may be founded is delegated to a tripartite commission which, in fact, has the prerogative to increase the number of trade unions and establish new unions if it feels it would be advantageous to do so. The tripartite commission is formed, in accordance with article 3 of its own statutes, as follows: the Government; employers' representatives, a representative from the agricultural sector, a representative from the industrial sector (the head of the Chamber of Industry), a representative from the commercial sector (head of the Chamber of Commerce), workers' representatives, the head of the General Federation of Labour Unions and two heads of trade unions.

113. Article 98 (b) of the Labour Code (Act No. 8 of 1996) stipulates that employers' associations may be established by at least 25 persons to protect their own professional interests related to the provisions of the Code. Between 2013 and 2014, two employers' associations were registered.

114. Under article 98 (e) of the Labour Code, migrant workers do not have the right to establish trade unions or employers' associations; however, there is nothing to prevent them from joining such groups if they fulfil the necessary conditions.

(iii) The right to housing

115. Jordan lays particular emphasis on the issue of housing and the provision of healthy and suitable dwellings for all groups in society, particularly persons on limited or low incomes. In that regard, the Government has launched a number of programmes to provide housing for those categories all over the country.

116. The General Organization for Housing and Urban Development, which is the government body responsible for the housing sector, provides housing services to the greatest possible number of citizens on limited or low incomes through the direct delivery of housing units and the development of underserved areas. The Organization has also begun encouraging the private sector to invest in housing as a way of ensuring that the targeted groups receive the best possible service.

117. A number of royal initiatives have been launched to promote the housing sector, including:

(a) The “Decent Housing for Decent Living” initiative. This royal initiative was launched in 2008 and its aim is to reinforce social and economic security by ensuring that a broad sector of the population across all governorates has access to adequate housing. The programme is being put into effect in two main areas: apartments and land serviced by utilities. Thus far, 8,448 apartments have been completed at 10 sites in the principal governorates while 980 land plots serviced by utilities have been provided at 8 sites;

(b) Housing for persons on limited income (“Decent Families”). This royal initiative was launched in 2005 with the aim of providing adequate housing for poor families. The first phase involved the construction of 600 dwellings for poor persons in 10 governorates, while the second phase involved building a further 1,400 housing units, also across a number of governorates. A large part of them have been completed and consigned to the beneficiaries;

(c) Housing for teachers. This initiative aims at improving living conditions for teachers. It has an annual cost of JD 20,000 and has benefited 1,000 teachers;

(d) Housing for the armed forces and security services. On 25 May 2007, His Majesty the King announced that he was supporting the military housing fund for members of the armed forces and security services with JD 20 million as a preliminary step to increasing the number of beneficiaries of armed forces housing and augmenting the value of loans granted by the housing fund to officers and enlisted men of the armed forces and security services. Moreover, some State land has been set aside for the construction of residential projects for the benefit of members of the armed forces and security services;

(e) The city of King Abdullah ibn Abdel Aziz Al Saud in Zarqa. This royal initiative was launched in 2007 with the aim of improving living conditions for the people of Zarqa governorate. It empowers families, particularly those on limited or low incomes, to purchase healthy and suitable houses at subsidized and affordable prices. The surface area of the city is around 21,000 dunums and it contains 70,000 housing units of between 100 and 160 square metres. Some 370,000 citizens have benefited from the project, which also includes public service facilities, commercial areas, banks and offices for the private sector. In addition, there is a large mosque with capacity for 5,000 worshippers as well as cultural, sporting and leisure facilities, meeting halls, gardens and parks.

(iv) The right to public health, medical care, social security and social services

118. The Hashemite Kingdom of Jordan guarantees this right for all its citizens. In fact, under Public Health Act No. 49 of 2008, as amended, it is the responsibility of the State to provide health care, in various forms, to all citizens. In that regard, the following information is worthy of note.

119. There has been a tangible improvement in national health indicators. The death rate for communicable disease has fallen and stands at 84 per 100,000 as compared with a global average of 230 per 100,000. Maternal mortality per 100,000 live births has been in constant decline as have mortality rates among infants and children under 5. Annex 6 gives information relative to housing and health for the years, 1997, 2007 and 2012.

120. The State facilitates access to centres where health-care services are provided free of charge, also taking account of the geographical factor. Annex 7 contains details about the number and national distribution of health centres while annex 8 contains information about the number of hospitals and hospital beds.

121. Various projects and programmes are in place across the country to combat and curb communicable and non-communicable diseases to the extent possible. At the same time, the Ministry of Health runs free vaccination campaigns against a number of diseases, including poliomyelitis and measles, for people of all nationalities present on Jordanian territory.

122. Persons with AIDS receive the care and treatment they need, including psychological counselling sessions for both affected individuals and their families.

123. The Ministry of Health provides health services for women and children at all its health centres. Those services include: pre and postnatal care for mothers, care for children up to the age of 5, family planning, counselling and health education. The centres also provide immunization services for pregnant women and children and early detection for breast cancer. Integrated reproductive health services for women have been introduced at 17 health centres, while health-care professionals are trained to provide services according to international standards.

124. Monitoring is carried out to help provide an environment conducive to human health and welfare. Measures are taken to ensure that all citizens have access to safe drinking water, also through the introduction of the concept of preventive safety checks. Controls are also in place on sewerage systems and measures are taken to guarantee the safe and secure disposal of medical waste and chemical substances. The provision of clean drinking water and sanitation is the responsibility of the water authority of the Ministry of Water and Irrigation and the water companies, while the environmental health directorate verifies the safety of the drinking water supplied to citizens and the safety of the procedures involved in the treatment and reuse of waste water.

125. School health services are regulated by the Ministry of Health, which provides periodic and comprehensive screening services for the general, dental and psychological health of students. It also provides vaccinations as part of the national vaccination programme. In addition, the environment in schools and school cafeterias is checked, health education is provided, spectacles are distributed free of charge and the school meals programme is monitored. In fact, comprehensive general medical screening takes place, dental checks are carried out and vaccination services are provided for primary and secondary students in accordance with the vaccination programme, which is the same for all schools in the country. Health-care pamphlets are distributed and awareness-raising lectures are organized for school students.

126. The regulations and directives issued under the Labour Code require employers to enrol all migrant workers in their employment in the social security system, and no application for a work permit may be made without producing a document showing that the person concerned is contributing to social security. Under the Social Security Act, even employers who have engaged just one worker are nonetheless required to enrol him or her in social security.

(v) The right to education and training

127. To the extent that it is able, Jordan guarantees the right to education for all its citizens, in accordance with article 6 of the Constitution. Jordan is also committed to free and compulsory basic education for Jordanians in State-run schools, as per article 20 of the Constitution. It should also be noted that Jordan ratified the International Covenant on Economic, Social and Cultural Rights in 1975, articles 13-14 of which recognize the right of all people to an education directed to the full development of the human personality and respect for human rights and fundamental freedoms. In this regard the Ministry of Education in Jordan has taken the following measures:

- The Ministry of Education runs an anti-illiteracy and adult education programme, an evening-class and home-learning programme and an academic programme for correctional institutions.
- The Government of Jordan is keen to ensure that educational opportunities are universally available, in accordance with the Constitution and the law. Under the Constitution, in fact, the right to education at all stages and levels is guaranteed for males and females alike, irrespective of race, gender or religion. The Constitution further stipulates that Jordanians and non-Jordanians are to be admitted to State-run schools and treated on an equal basis, and proof of this is to be found in the number of non-Jordanian students who are admitted to State-run schools each academic year. Article 10 of the Education Act No. 3 of 1994, as amended, states: “(a) Basic education shall be compulsory and free of charge in State-run schools; (b) Students shall be admitted to the first year of basic education if they have reached the age of 6 by the end of December in the school year in which they are admitted; (c) Students may not interrupt their education before reaching the age of 16.”
- The Ministry of Education, as part of the first stage of the plan to develop education for a knowledge-based economy, has introduced the concept of human rights and their promotion into its educational curricula, thereby reinforcing the provisions of the Education Act and the outcomes of educational development conferences. It is also distributing strategic educational materials to teachers to help support and enrich educational programmes.
- Jordan allows freedom of academic research and creative activity, as well as guaranteeing intellectual and literary property rights. In fact, creative activity and literary and artistic rights are safeguarded under the Copyright and Related Rights Act, which protects all aspects of those rights (intellectual, literary and artistic works). Responsibility in that regard lies with the judicial police at the Department of the National Library who refer offenders to the competent courts. Guidelines on supporting academic research were issued in 2012. They aim to encourage research and to define the rights of researchers and the role of the academic research fund, which is intended for all researchers working in Jordanian institutions, both public and private.

(vi) The right to equal participation in cultural activities

128. This right is guaranteed in Jordan under article 15 of the International Covenant on Economic, Social and Cultural Rights, which Jordan ratified in 1975 and which became part of national law following its publication in the Official Gazette.

129. The Ministry of Culture works to enhance awareness and enrich knowledge among citizens through a wide-scale publishing programme, which includes a large number of books and other projects such as monthly and quarterly periodicals (*Afkar*, *Wesam*, *Al-Fanoun al-Shaabiyya*).

130. The Ministry of Culture also provides specialist trainers and the necessary materials for creative activities such as drawing, ceramics and music. The trainers are paid by the Ministry and the training is free of charge.

131. The Ministry of Culture organizes cultural activities to enhance levels of artistic appreciation with various initiatives such as theatre festivals for professionals, young people and children; heritage festivals; film festivals, etc.

132. The Ministry of Culture has also set up a number of projects for children. They include a travelling children's library which moves between governorates, particularly in more remote areas, offering opportunities for schoolchildren to meet, read and study, and providing them with books. The Ministry also organizes various leisure and educational activities to encourage children's creativity such as theatrical performances, lectures, puppet shows and workshops. The Ministry has a monthly publication known as the Children's Book and a monthly magazine for children entitled *Wesam*. The Princess Salma Centre for Childhood in Zarqa governorate also helps to provide training opportunities for various categories of children. Furthermore, the Ministry runs the Jordanian Family Library through which it publishes 25 per cent of the 270,000 publications it produces for children. The Muhanna Al-Dura Centre for Art also provides training to help develop children's gifts.

133. The Ministry of Culture runs a number of activities in various governorates the aim of which is to advance cultural development at the national level. They include the Jordanian city of culture programme, which involves festivals, cultural seminars, art exhibitions, workshops and theatrical and musical performances. Financial support is also made available for cultural projects organized by cultural associations, groups of artists and individuals.

Article 6

The right to appeal to domestic courts and other institutions, and to fair compensation

134. Article 101 of the Constitution of Jordan states: "The courts are open to everyone 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". By virtue of that provision, everyone in Jordan has the right of recourse to the courts, regardless of race, colour, gender or nationality.

135. 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, pursuant to the present Constitution or any other applicable law."

136. In keeping with article 102 of the Constitution, article 2 of Regular Courts Act No. 17 of 2001, as amended, 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, pursuant to the present Constitution or any other applicable law."

137. According to the jurisprudence of Court of Cassation, "the right of legal recourse is afforded to everyone on an equal basis and is guaranteed under article 101 of the Constitution, subject to the proviso that it may not be used in bad faith or for the purpose of committing an offence" (Jordanian Court of Cassation, Criminal Division, ruling 1339/2008 (general chamber), 19 March 2009). Moreover, "where compensation was not offered to the complainant against the defendant, it is not illegal to apply to a court in order to seek compensation 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).

138. Article 9 of the Judicial Code of Conduct, which highlights the need to avoid any form of discrimination, states: “In administering justice, judges must respect the pluralism and diversity of society and, in word and action, treat all persons equally whether they be parties to the dispute or anyone else, and not discriminate against anyone on grounds of religion, confession, race, colour or nationality. And they must ensure that their officials behave in a like manner”.

139. 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.” In all cases, the amount of 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 Code. Thus, recourse to the courts is afforded to all, whether in criminal cases or in cases in which a person only sues for compensation.

140. 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: compensation for acts of racial discrimination; (b) In administrative cases: overturning administrative decisions taken on the grounds of racial discrimination and awarding compensation; (c) In criminal cases: awarding compensation if the case involves civil proceedings.

Article 7

141. Jordan guarantees the right to participate in cultural life, and cultural rights are clearly defined in part VI of the Jordanian National Charter. Most importantly, paragraph 4 of part VI states: “Attention must be given to enhancing the cultural attainments of Jordanian citizens in all regions of the country by promoting and developing national culture through all available means and enabling meaningful participation in the process of comprehensive cultural growth.” Paragraph 6 of part VI focuses on cultural pluralism when it states: “Care must be extended to all forms of Jordanian popular culture, as it constitutes a creative and enriching part of national culture. It is to be developed in keeping with the spirit of the times and in a manner that serves to promote the unity and cultural fabric of the nation.”

142. The Ministry of Culture registers, oversees and supports cultural associations and institutions. Such associations and institutions, as well as the artistic groups affiliated to the Ministry, represent the diversity of ethnic and religious groups that make up Jordanian society. They help to maintain the multicultural mosaic that characterizes that society and to disseminate national culture, both at home and abroad. There are 33 associations, institutions and groups, subdivided as follows: 3 Druze, 1 Chechen, 2 Circassian, 1 Kurdish, 19 Islamic and 6 Christian, plus 1 culturally pluralistic association. Religious minorities in Jordan also have the right to establish schools where they can teach their own languages alongside the national curriculum of the Ministry of Education.

143. Through the Ministry of Culture, Jordan seeks to enhance awareness and knowledge among citizens, infusing them with a sense of belonging and allegiance to the country and the Arab nation, and promoting comprehensive cultural development in such a way as to reinforce the country’s cultural identity as Jordanian, Arab, Islamic and humanistic, while

respecting pluralism, diversity and freedom of expression. This aim is furthered through a wide-scale publishing programme, which includes a large number of books and other projects such as monthly and quarterly periodicals (*Afkar, Wesam, Al-Fanoun al-Shaabiyya*).

144. Jordan has integrated the principles of human rights and basic freedoms, and the values of tolerance and the eradication of violence, hatred and racial discrimination into its school curricula, educational activities and training programmes. The Ministry of Education, as part of the first stage of the plan to develop education for a knowledge-based economy, has introduced the concept of human rights and their promotion into its educational curricula, thereby reinforcing the provisions of the Education Act and the outcomes of educational development conferences. It is also distributing strategic educational materials to teachers to help support and enrich educational programmes.

145. Human rights principles, including the culture of peace and shared global values, have also been introduced into Jordanian school textbooks where they are promoted and encouraged. Human rights feature prominently in modules and lessons, some of which are entirely focused on their historical development, the Universal Declaration of Human Rights and the values of tolerance and friendship between nations, as well as on the numerous provisions of the Constitution of Jordan that protect citizens' rights and the rights of women and children. The goal is to promote gender equality and to encourage dialogue and the acceptance of others among school students.

146. Human rights also had a prominent place in the new phase of curriculum development, which began in 2013 and included the curricula of the first three grades. Human rights culture has become a fundamental theme of school curricula, particularly in social and civil education. The novelty is not just that human rights have been introduced into the curricula but that they have become an educational centrepiece taught from first grade all the way through to secondary education. The curriculum department is continuing to prepare educational material on human rights for the fourth, fifth, sixth and ninth grades, which are included in the development phase for the year 2014/15. Modules have been introduced into textbooks on social and civil education, as well as into those of other subjects such as Arabic language, Islamic education, history, arts and sports.

147. In Jordan, a number of institutions, agencies and centres play an active role in promoting a culture of tolerance, interfaith dialogue and acceptance of others. Via its website (<http://www.aalalbait.org>), the Royal Aal al-Bayt Institute for Islamic Thought has launched a project entitled "A Common Word", which seeks to deepen Muslim-Christian dialogue and to highlight the common denominators between the followers of both religions. The Royal Institute for Interfaith Studies publishes a number of magazines and other works that encourage tolerance, coexistence and dialogue between the followers of different religions. The Jordanian Interfaith Coexistence Research Centre holds conferences which aim to promote principles of tolerance, rejection of extremism and respect for belief.

148. The Amman Message is a living example of the tolerance and openness that exist in Jordan and a paradigm for people to live together in tolerance, irrespective of their religious beliefs. It came into being in 2004 at the initiative of His Majesty King Abdullah II and, since its publication, has become one of the main documents on the subject of relations between followers of different cultures and religions. It sets forth the natural truths of Islam based on openness and moderation and opposition to extremism, fanaticism and xenophobia and promotes religious tolerance in which constructive dialogue is the dominant language, without discrimination from the State, and it explains how Jordan is a unique model of coexistence and tolerance between peoples.