

Submission by the United Nations High Commissioner for Refugees
For the Office of the High Commissioner for Human Rights' Compilation Report
Universal Periodic Review: *Fourth Cycle, 45th Session*

JORDAN

I. BACKGROUND INFORMATION

As of 1 April 2023, Jordan hosted 741,450 refugees and asylum-seekers registered with UNHCR: 660,646 are Syrians (including 174,772 women, 156,599 girls, 164,957 men, and 164,318 boys); in addition, Jordan also hosts 80,804 refugees and asylum-seekers from different countries, with the largest numbers coming from Iraq (61,081), Yemen (12,772), Sudan (5,163), Somalia (593), and other nationalities (1,195). Refugees in camps (Syrians) are 18.2% of the overall refugee population, while 81.8% of refugees and asylum-seekers live in urban areas.

The country has experienced an influx of refugees and an economic downturn for over a decade, linked to regional instability and the Syria crisis and disruption of cross-border trade. The COVID-19 pandemic exacerbated the pre-existing challenges, including economic performance challenges, food insecurity, water scarcity, and weak infrastructure. The unemployment rate has been increasing, reaching concerning figures of over 47% unemployment among youth and over 31% among women (figures as of 1 January 2023). Yet, the pandemic has provided an opportunity for areas of progress, most notably on the continued inclusion of refugees in core national services linked to the COVID-19 response. More broadly, Jordan continues to provide an overall favourable protection environment for large numbers of refugees and asylum-seekers and has strived to uphold and respect the principle of *non-refoulement*.

The Jordanian refugee response, aligned with the Sustainable Development Goals (SDGs) and the Global Compact on Refugees (GCR), is led by the Government of Jordan through the Jordan Response Plan (JRP), which applies to Syrian refugees and highlights both refugee and host community needs and aims to promote equitable burden sharing. More than 10 years have passed since the start of the Syria situation, and while some refugees have found ways to become self-reliant, humanitarian needs remain. In fact, the results of the 2021 Vulnerability Assessment Framework, conducted by UNHCR in collaboration with other actors, documents growing destitution faced by refugees and challenges in the domains of health, shelter, food security, debt levels, income, child labour and gender inequities.

Jordan is neither a State Party to the *1951 Convention relating to the Status of Refugees* nor its *1967 Protocol*, nor has it signed the *1954 Convention relating to the Status of Stateless Person* nor the *1961 Convention on the Reduction of Statelessness*. In 1998, the Government of Jordan concluded a Memorandum of Understanding (MOU) with UNHCR (amended in 2014), whereby it recognized the refugee definition as established in the *1951 Convention* and agreed to respect the principle of *non-refoulement*. The MOU also included commitments by UNHCR to conduct registration and refugee status determination, provide basic needs support to refugees, and to seek durable solutions. A Cabinet decision, dated 23 January 2019, limits any foreign individual entering Jordan on a medical, tourism, study, or work visa from access to international protection. The Government of Jordan has subsequently requested that UNHCR pause registration for asylum applicants who arrived to Jordan on any such visas.

II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS

Linked to 3rd cycle UPR recommendation no. 135.36 “Ensure effective protection of the rights of the child through developing a state strategy and national legislation.” (Ukraine).

UNHCR commends Jordan for issuing the Child Rights Law no. 17 of 2022, which addresses rights of all children, including refugees. The Law contains provisions relating to: free access to primary health (Art. 10); treatment of addicted children and mental health programs (Art. 11); and, coordination among specialized entities in charge of delivering services to children (Art. 10,12,13, 15,30).

Linked to 3rd cycle UPR recommendation no. 135.73 “Continue efforts to combat human trafficking, especially in the case of migrant workers.” (Bangladesh); **no. 135.81** “Accelerate its efforts to combat trafficking in persons and various forms of labour exploitation of non-Jordanians living in the territory, especially women and children.” (Myanmar); **no. 135.75:** “Step up efforts to combat trafficking, particularly in women and children from the migrant community, refugees, and asylum seekers, and improve the relevant legislation and its application.” (Belarus); **no. 135.131** “Strengthen legal protection for migrant workers by increasing labour inspections and public sector training, prosecuting employers who confiscate employees’ passports and bringing penalties for sex trafficking crimes into line with other serious crimes.” (United Kingdom).

UNHCR commends Jordan for amending Law no. 09 of 2009 through the issuance of Law no.10 of 2021. The amended law: stipulates an increase in penalties for human traffickers (Art. 10); allows prosecutors to seek restitution in trafficking cases (Art. 12); and, established a donations-based fund for victims of trafficking (art. 14). Moreover, in 2022, Jordan launched a “National Referral Mechanism and Standard Operating Procedures in Dealing with Human Trafficking Cases”. The mechanism focuses on strengthening the coordination of efforts to provide human trafficking victims with support, reintegration in society or safe return to their countries of origin. For past three years the Counter Trafficking Unit (CTU), jointly with Ministry of Labour and Ministry of Health, Ministry of Social Development, has intensified inspections in workplaces aiming at preventing human trafficking. Also, CTU in coordination with Ministry of Tourism, carries out around one hundred inspections every year in night clubs and tourist restaurants to identify possible cases of trafficking.

III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS

Challenges linked to outstanding 3rd cycle UPR recommendations

Issue 1: Equal and Effective Access to Employment Opportunities, and Protection from Harassment and Abuse in the Workplace

Linked to 3rd cycle UPR recommendation no. no. 135.17 “Continue to strengthen its legal and institutional frameworks, with a view to further ensuring the promotion and protection of the rights of migrant workers, especially domestic workers” (Nigeria); **no. 135.74** “Strengthen measures to safeguard the rights of foreign female domestic workers” (Bangladesh); **135-76** “Ensure effective protection of foreign domestic workers” (Congo); **no. 135-130** “Continue efforts to protect migrant workers by creating a healthy and favourable environment through amending legislation to strengthen the inspection of establishments.” (Tunisia).

While UNHCR commends Jordan for allowing Syrian refugees to work in several sectors since 2016, and for the introduction of a flexible work permit scheme in 2021, it remains concerned that only 8.5% of the work permits were issued to women (between January 2016 and March 2023), and that the permits were mostly limited to a few economic sectors (i.e.

agriculture, construction, and manufacturing). Furthermore, non-Syrian refugees and asylum-seekers remain excluded from these opportunities and are not permitted to apply for work permits (which are necessary to hold legal employment in Jordan) unless they renounce their international protection and/or asylum applications with UNHCR and opt for status as a migrant worker. It is also noted that Jordan is not a State Party to the International Labour Organization (ILO) Convention 190 published in 2019 regarding violence and harassment at work.

Recommendations

UNHCR recommends that the Government of Jordan:

- a) Ratify ILO Convention 190 of 2019 regarding violence and harassment at work;
- b) Extend access to work permits to refugees from all nationalities, without requiring individuals withdraw or abandon their applications for international protection or asylum;
- c) Expand the range of sectors where refugees are eligible to work, to enhance their self-reliance and right to decent work; and
- d) Establish policies and monitoring mechanisms to ensure equal and safe access to work and effective enjoyment of labour rights for asylum-seeking and refugee women.

Issue 2: Equal and unhindered access to education

Linked to 3rd cycle UPR recommendation no. 135.85 “Strengthen its labour protection with an emphasis on migrant workers, domestic workers and children, especially by increasing their access to health services and education and improving working conditions in line with international standards.” (Thailand); **no. 135-90** “Continue efforts to take all necessary measures to improve access to education for children in rural and remote areas and ensure that no child is deprived of education services.” (Mauritius); **no. 135.115** “Increase measures to ensure that all refugee children have access to education and ensure the protection of refugee children from labour exploitation.” (Argentina)

While UNHCR commends Jordan for the development of its Education Strategic Plan 2018-2025, specifically referring to ten vulnerable groups, including refugees, UNHCR is concerned about the sustainability of access to education enrolment for non-Syrian refugee and asylum-seeker children, that continues to be subject to an authorization granted by the Government of Jordan on a yearly basis. It is noted that, for Syrian refugees, the authorization does not have a time limit. Furthermore, the schooling infrastructure is insufficient to absorb the number of students.

Recommendations

UNHCR recommends that the Government of Jordan:

- a) Facilitate access of asylum-seeker and refugee children to education, including by removing the requirement for yearly authorisation for enrolling non-Syrian refugees and asylum-seekers at school; and,
- b) Further enhance school infrastructure and capacity, including for asylum-seeker and refugee children.

Issue 3: Relevant Legal Framework and Effective Mechanisms to Ensure Unhindered Access to Legal Identity on Equal Basis

Linked to 3rd cycle UPR recommendation no. 137.19 “Ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness” (Honduras) (Côte d’Ivoire); **no. 137.66** “Consider withdrawing its reservations to articles 9 and 16 of the Convention on the Elimination of All Forms of Discrimination against Women” (Sri Lanka); **no. 137.69** “Adopt measures to guarantee that Jordanian women can fully enjoy their civil rights, including by allowing them to pass on their citizenship”

to their children on an equal basis with men”. (Brazil)

Civil documentation is critical to legal identity and facilitates access to healthcare, education, employment, justice, etc. Jordan has already undertaken notable efforts in this respect, including in the framework of the cooperation with UNHCR, both in urban and semi-urban areas and in refugee camps. UNHCR emphasizes the need to introduce further measures to facilitate access to birth registration for refugees and asylum-seekers, in consideration of the vulnerabilities and obstacles linked to their legal status. Moreover, UNHCR notes the need to further strengthen administrative institutions’ capacity and to promote a coherent approach to legal identity across the relevant Government entities and stakeholders and to develop a legal identity system that ensures civil registration of all vital events for all refugees and asylum-seekers on its territory, and resulting in legal identity for all. This will assist Jordan to reduce the undocumented population, prevent statelessness, and ensure access of all persons in its territory to services and opportunities to strengthen human development. In addition, through such measures Jordan would improve its population data in order to better inform national planning and strategies. The above measures would also contribute to the realization of Sustainable Development Goal (SDG) 16.9, i.e., legal identity for all, with specific reference to Indicator 17.19.2 – proportion of countries that have achieved 100 per cent birth registration and 80 per cent death registration.

Jordan's nationality law (Law No. 6 of 1954) includes protection against lack of legal identity for foundlings and Jordanian women who acquire foreign nationality through marriage. The law's intention is to prevent automatic loss of original nationality in the aforementioned circumstances. In addition, foreign women who obtain Jordanian nationality by marrying Jordanian men maintain their nationality even in the event of divorce, in case of the death of their Jordanian spouse, or in case of a change in their husband's nationality. However, UNHCR is concerned about the fact that a gap remains within the law as Jordanian women can only transmit their nationality to their children under specific conditions - where the father is stateless, unknown, or paternity has not been legally established. This provision has the potential to render children stateless when their fathers cannot or do not assist them in obtaining foreign nationality and no legal safeguard is available to grant nationality to children born on the territory if they would otherwise be stateless. It is noted that Jordan maintains its reservation to article 9 (2) of the *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW).

Lastly, UNHCR recalls that Jordan is not a party to the *1954 Convention relating to the Status of Stateless Persons* or the *1961 Convention on the Reduction of Statelessness*.

Recommendations

UNHCR recommends that the Government of Jordan:

- a) Consider accession to the *1954 Convention relating to the Status of Stateless Person* and the *1961 Convention on the Reduction of Statelessness*;
- b) Consider legislative reform to ensure gender equality in Nationality Law, including by removing the reservation to art. 9 (2) of CEDAW;
- c) Consider legislative reforms to grant nationality to children born on the territory of Jordan who would be otherwise stateless; and,
- d) Further enhance effectiveness and consistency in administrative processes and practices relating to civil status registration and documentation, with a view to issuing birth registration to all refugees and asylum-seekers and enabling their access to rights and services, while preventing statelessness and ensuring more precise and inclusive population data.

Issue 4: Strengthening Child-protection by Ending Early-Marriage

Linked to 3rd cycle UPR recommendation no. 135.114 “Enforce more effective measures to tackle the issue of early and forced marriage, especially among refugee communities.”

(Myanmar); **no. 137.28** “Remove all exceptional conditions from legislation that allow the authorization of child marriage” (Croatia); **no. 137.29** “Repeal [...] article 10 (b) of the Personal Status Law that enables derogation from the prohibition of child marriage”. (France)

Article 10 of the Personal Status Law No. 15 of 2019 sets the age of eligibility for marriage at 18 years; it also seeks to prevent any marriage below the minimum age through stronger penalties, including fines and imprisonment.

Notwithstanding the above, UNHCR is concerned that the same article exceptionally allows the marriage of a child who has attained only 15 years if a Supreme Judge deems it necessary.

UNHCR notes that awareness raising among communities is key to ensure effective prevention and reduction of early marriages in Jordan. Besides UNHCR and partners’ efforts to raise the awareness of refugee communities on the subject, awareness raising initiatives involving the whole of society in Jordan are necessary for improved impact.

Recommendations

UNHCR recommends that the Government of Jordan:

- a) Amend the Personal Status Law 15 of 2019 to abolish the possibility for children under 18 years of age to be married when approved by a Supreme Judge; and,
- b) Further develop awareness campaigns on the risks inherent to early marriages, targeting asylum-seeker and refugee communities as well as the broader community in Jordan.

Issue 5: Asylum/Refugee-Related Legal Framework to Safeguard Refugees and Asylum Seekers’ Legal Status.

Linked to 3rd^d cycle UPR recommendation 136.21 “Deepen the measures to guarantee the principle of non-refoulement”. (Argentina)

The Memorandum of Understanding signed between the Government of Jordan and UNHCR sets the parameters of the cooperation and recalls important principles relating to refugees and asylum; however, it cannot be regarded as “national law”. The ratification of international instruments relating to asylum and/ or the introduction of legal provisions in national legislation, specifically referring to asylum, would be a recognition of Jordan’s already exemplary practice in many areas of the refugee response and would further facilitate refugees’ access to rights and services in consideration of their legal status and particular vulnerability, and would contribute to further preventing the risk of *refoulement* and the risk of deprivation of liberty in connection with residency status.

Recommendations

UNHCR recommends that the Government of Jordan:

- a) Consider accession to the *1951 Convention relating to the Status of Refugees* and its *1967 Protocol*;
- b) Consider adopting national legislation governing refugee and asylum matters in the country, in order ensure that all individuals in need of international protection are able to effectively exercise their fundamental rights and enjoy unhindered access to services; and,
- c) Include specific reference to the rights and entitlements of refugees and asylum-seekers in relevant national legislation, simplifying and facilitating their access to rights and services.

July 2023