

**The First Shadow Report**

**Submitted by the Jordanian National Centre for Human Rights (NCHR) in Response to the Human Rights Committee List of Issues in Relation to the Fifth Periodic Report of Jordan**

**Adopted by the Committee at its 119th Session (6-29 March 2017)**

**(121 Session)**

**NCHR Profile:** The National Center for Human Rights is a public-benefit national institution, endowed with administrative and financial autonomy, and with legal personality. It exercises all of its human rights-related functions and activities, including monitoring, and receiving complaints, by virtue its Law no. (51) for the year of 2006 as amended, with full independence. The Center is accredited by the Subcommittee for Accreditation (SCA) of the GANHRI with "A status".

The Center is mandated to protect human rights, promote its culture, monitor its status, provide legal consultations and assistance where needed, take administrative and legal measures for addressing complaints relating to human rights violations and transgressions in order to bring an end to such violations and eliminate their effects, prepare studies and research; provide information; hold seminars and training courses; run campaigns and declare positions; publish data and printed materials; and prepare reports on the human rights situation, in addition to election observation and preparing shadow reports.

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**General Information:**

The National Center for Human Rights in Jordan hereby presents to your esteemed Committee its first shadow report in response to the list of issues in relation to the fifth periodic report of Jordan adopted by the Committee at its 119th Session. The Report is submitted by virtue of the legal powers granted to the Center under its Law No (51) for the year 2006, as amended, which vested it with the competence to monitor, protect, and verify respect for human rights in the Kingdom, to address any abuses or violations thereof, and follow up the adoption of the necessary measures to this end, including their settlement or referral to the competent Executive, Legislative or the Judicial authority to halt them and eliminate their effects, as well as to ensure the dissemination of the culture of human rights, monitor its situation, and provide legal advice or aid to people who could otherwise not afford it.

The Center observed a significant change, over the past five years, in the public authorities’ perceptions of human rights and the way they address these issues, as demonstrated by the numerous positive steps taken by the Government within the framework of the protection and promotion of human rights, where the period between 2013 and 2017 witnessed receptiveness to the NCHR recommendations. The Center in its 19th Annual Report of 2011 had explicitly highlighted that the government does not give proper attention to its recommendations contained in its pervious periodic reports issued over the past nine years. After that Report had been submitted to His Majesty the King, the Prime Minister, and the Presidents of the tow Champers of Parliament, and heightening the government's disregard of the NCHR recommendations, then the years 2013-2015 witnessed responding to the NCHR recommendations issued in the years 2012-2014. One of the most prominent steps in this direction, and which rectified the situation, was that the Monarch directed the Prime Minister and the Head of the Judicial Council, at the time, “to examine the Center's recommendations and implement them”. Accordingly, the government complied with this royal directive. The most salient manifestation of this compliance was the development of a national human rights action plan, where the government established a committee for this purpose, entrusted with the task of elaborating a comprehensive national human rights action plan. In this connection, it is recalled that the Center had the most prominent role in the preparation of the Plan, including through holding the initial consultations with the stakeholders. Even though the Plan was after all issued as a governmental document, one of the most stressed in that Plan is the need to bring national legislation into line with international conventions and treaties, and to reveal the gaps or shortcomings in the national legislation pertaining to the fundamental rights and freedoms, compared to what is enshrined in the international standards. The Implementation Plan to Disseminate a Human Rights Culture was also adopted in 2014.

Furthermore, the creation of the Government Coordinator for Human Rights at the Prime Ministry in 2014 constitutes another instance of the government's positive attitude towards the Center's recommendations and human rights issues in general. This step has contributed to the follow up of the Center's recommendations, through the involvement of the competent institutions in this trend and requesting them to present their achievements, initiatives and the measures taken in implementation of the royal directives. The government issued their responses on the Center's recommendations in the form of periodic illustrative reports for the last three years, published successively, the latest of which was issued in the second week of May, 2017.

In addition, the Jordanian government took the initiative by proposing amendments to certain domestic legislations that have contributed to the reinforcement of human rights, in particular, those made to the Penal Code, pursuant to which (Article 308) has been repealed, and the concept of alternative community sanctions has been adopted. These reports constitute in their entirety a highlight of the concrete actions undertaken by all governmental institutions, whether they relate to policies, regulations or draft bills submitted to the Lower House, in response to the NCHR recommendations and observations.

The Center is of the opinion that irrespective of its view concerning the impact of these actions on the reality of human rights and the degree of their compatibility with its recommendations, this level of responsiveness is deemed more positive for dealing with Jordan's national and international obligations and in addressing human rights issues. However, these governmental efforts being made towards human rights issues, still face challenges due to; the inconsistencies that exist between the national legislations and the international human rights conventions, as well as the existence of evident practices, which have resulted in remarkable increase in the number of complaints, in particular against law-enforcement authorities. This is in addition to the policies pursued by the authorities towards issues of public freedoms, particularly, the freedom of opinion and expression, the freedom of assembly and of association. Also sometimes the official handling of the complaints submitted to the Center and referred to the relevant official institutions has some shortcomings, such as the lack of commitment by some official institutions to responding to the Center's correspondences, the delayed arrival of such responses, or receiving partial responses. Key areas of poor response are sometimes, those relating to the achievement of a balance between national security considerations and respect for human rights. As a result, combating terrorism and extremism has become a serious challenge to guaranteeing the right to freedom of opinion and expression, and to the right to respect for privacy. On the other hand, there is an increase in complaints of torture and ill-treatment; this is in addition to the nonobservance of the fair trail guarantees, as the Center noted, through monitoring prisons and temporary detention facilities, that there are cases, albeit in limited numbers, indicate that this had occurred. Nonetheless, it needs to be stressed that such cases are limited and do not constitute a common and systematic practice or an approach of security institutions, which have taken, in many cases, decisive measures to hold the perpetrators accountable. These procedures, however, suffer from the fact that they are being done by a judicial body within a system which serves as both [judge and interested party](http://context.reverso.net/translation/english-arabic/judge+and+interested+party).

**(NCHR) response to the Human Rights Committee List of issues in relation to the fifth periodic report of Jordan**

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. There is a limited application of the provisions of the ICCPR in the domestic courts. This is despite the publication of the core human rights conventions ratified by Jordan in the Official Gazette in 21/6/2006, thus making them part of the national legal system, and the Jordanian Court of Cassation case-law, which has established that international conventions take precedence over domestic law and that they have priority of application in the event of any incompatibility. The level of application of the provisions of the ICCPR in the Jordanian courts is either very limited or rare. Except for the issuance of Amman Implementation Judge decision on 30 March 2014, whereby he refused the request of the judgment creditor to imprison the judgment debtor, on the grounds that this violates article (11) of the International Covenant on Civil and Political Rights, there have been no similar court decisions but only in very limited cases over the last year.

The Judge concerned, explained in its appealable decision that the international conventions take precedence over domestic laws. Although article (22) of the Implementation Law permits a creditor to request for the imprisonment of a debtor in certain circumstances, such as in cases of failure to reimburse a debt or offer a settlement in accordance with his financial capabilities, nevertheless, this domestic Law which is lower in rank than the international agreements, failed to convince the Judge to grant the plaintiff’s request based on this article, which contravenes article (11) of the ICCPR, which stipulates "No one shall be imprisoned merely on the ground of inability to fulfill a contractual obligation".

As for the provisions of the Islamic Sharia, it is applicable on adherents of Islam and Christianity at the desire of the Christian churches in respect of the inheritance issues only, while the ecclesiastical courts adjudicate the personal status matters of non-muslins.

1. **The NCHR Budget is divided into 2 major sections:**
2. Operational costs: salaries, wages, premiums, supplies, purchases, maintenance services, utilities, activities, contributions, participation in conferences, holding of workshops and delegations’ activities).
3. Capital costs: (technical and office supplies, books, journals, documents, seminars supplies, seminars and workshops, funding projects.

It is worth highlighting that the NCHR budget has increased by (36%) in 2017, amounting to (750.000) JD while it was previously (550.000) JD during the period 2014-2016. The NCHR Board of Trustees adopts the Center’s draft general budget and financial statements and appoints an auditor for the Center, pursuant to Article (14/H). According to the decision no (3) of 2009, issued by the Law Interpretation Bureau, the Center's accounts and expenses are not subject to the control of the Audit Bureau, which is responsible for auditing all public institutions. In addition to this, Article (19/ D &E) of its Law provides that " the Supervise the Center’s organizational, administrative and financial affairs, including personnel affairs, and managing and investing the Center’s funds and movable and immovable assets all falls within the responsibility of the NCHR Secretariat in accordance with the bases approved by the Board of Trustees. This degree of the financial and the administrate autonomy is considered a unique privilege of the Center that sets it apart from other similar national human rights institutions.

At present, the NCHR has an overall staffing of (44), (57%) out of them hold professional level posts specialized in human rights, which include monitoring and verifying respect of human rights, follow up complaints, studying and analyzing legislations ,awareness training and education, , as well as conducting studies. The majority of the professional staff are lawyers and human rights activists, and many of them had previously worked in CBOs and gained a wide experience in monitoring, verifications and complaints handling.

The remaining staff members provide administrative backstopping and secretarial support for the above-mentioned activities. In 2014, in response to the increased workload in the field of the promotion and the protection of human rights in the Kingdom, the professional level staff members increased compared to the year 2010, by the appointment of 7 new staff members. The Center, during the last four years has been pursuing a recruitment policy that take due regard of the standard rules of the equalization of opportunities and transparency in the procedures. Vacancy announcements are posted in the local newspapers, while the recruitment was carried out by an independent committee where only the Commissioner General from the Center participated in its work. The new staff members were employed on the basis of merit, and according to written tests results and personal interviews. The budget is deemed sufficient to cover all of the running and the salary expenses etc., however, the Center aims for increasing its budget in order to be able to implement awareness-raising and education human rights programs, open branches in other governorates, build networks and alliances to perform its functions, and enhance the capacities of its own staff as well as of its partners from among the civil society, judges, lawyers and media personnel, in the area of promoting monitoring and human rights.

In relation to the NCHR recommendations, it is to be noted that the Jordanian government follows up these recommendations and responds to Center's reports directly or through the Human Rights Coordinator Office at the Prime Ministry, at the direction of the Prime Minister to all ministers and official institutions and the Government Coordination Team, which is comprised of liaison officers working in the ministries and other official institutions. The team has issued three “explanatory reports”. The reports indicated the procedures taken by the Jordanian Government with regard to the implementation of the recommendations in the areas of legislation, policies, and procedures, as well as in addressing the recommendations issued by the international governmental, non-governmental, and treaty-based committees. In addition, in March, 2016 the Jordanian Government launched the Comprehensive human Rights Plan for the period (2016-2025), which could be deemed, despite its length, a road map towards operationalizing the human rights system in Jordan, as it includes a concrete framework that obligates the government to attain a series of key objectives related to human rights. The Plan includes the following main components: the political, civil, economic, social, and cultural rights as well the rights of the most vulnerable groups. The NCHR reports and recommendations were considered as one of the key reference documents for the elaboration of the Plan.

**Amendments on the NCHR Law No (51) for the Year 2006**

In 2017 the NCHR Law No (51) for the Year 2006 has been amended, as a response from the Government to the recommendations of the GANHRI Sub-Committee on Accreditation. The Law amending the National Centre for Human Rights Law Number (4) for the Year 2007 was published in Page (1593) of the Official Gazette No. (5447) on 01/03/2017. The below table shows the amendments

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| **Text after amendment: (Articles amended pursuant to the Law amending the National Centre for Human Rights Law Number (4) for the Year 2007 Published in Page (1593) of the Official Gazette No. (5447) on 01/03/2017** | **Text before amendment (based on the NCHR Law No. (51) for the Year 2006)** |
| **Article 4:**  The Center shall aim to achieve the following:   1. Promote the principles of human rights in the Kingdom and shall be inspired in doing so by the tolerant message of Islam, and the values inherent in the Arab-Islamic heritage. 2. Promote and protect human rights in the Kingdom based on the rights and obligations stipulated in the Constitution and the commitments enshrined in international covenants and conventions. | **Article 4:**  The Centre aims to achieve the following:  (A) Enhance the principles of human rights in the Kingdom and shall be inspired in doing so by the tolerant message of Islam, and the values inherent in the Arab-Islamic heritage, the rights stipulated in the Constitution, and the principles emphasized in international charters and covenants. |
| **Article 5:**  The Center shall employ the following means and methods in its quest to achieve its objectives:  (A) Monitor human rights in the Kingdom to address any transgressions or violations thereof and follow up on the adoption of the necessary measures for that purpose, including settlement of said transgressions or violations or referral to the Executive or Legislative Power or the competent legal authority in order to put an end thereto and eliminate the effects thereof. | **Article 5:**  The Centre shall employ the following means and methods in its quest to achieve its objectives:  (A) Verifying that human rights are being observed in the Kingdom when addressing any transgressions or violations thereof and following up on the adoption of the necessary measures for that purpose, including settlement of said transgressions or violations or referral to the Executive or Legislative Power or the competent legal authority in order to put an end thereto and eliminate the effects thereof.[[1]](#footnote-1) |
| **Article 6:**  (A) The Center shall enjoy complete independence in undertaking its human rights-related intellectual, political and humanitarian activities and functions. Furthermore, the Board, any of its members, or the Commissioner General shall not be held accountable for the measures taken within the Center’s competences specified herein. | **Article 6:**   1. The Centre shall enjoy complete independence in undertaking its human rights-related intellectual, political and humanitarian activities and functions. Furthermore, the Board or any of its members shall not be held accountable for the measures taken within the Centre’s competences specified herein. |
| **Article 7:**  The Center shall monitor violations on human rights and public freedoms, and strive to halt any transgressions on them, and it may follow up the compensation of those who were adversely affected, in accordance with the provisions of the legislations in force.  " | **Article 7:**  The Center shall monitor violations on human rights and public freedoms and shall strive to halt any such violations. |
| Article 13:   1. The Centre shall be supervised and managed by a Board of Trustees of no more than 21 members, whose Chairman and members are appointed by Royal Decree at the recommendation of the Prime Minister for a renewable term of four years. 2. The Board shall elect from among its members a Deputy Chairman who deputizes for the Chairman during his absence. 3. The Board shall serve for a term of four years. 4. Membership of the Board shall end in any of the following cases: 5. Death. 6. Resignation. 7. A categorical court decision convicting the member of a felony or misdemeanor in violation of honor. 8. Loss of civil capacity. 9. Physical incapacitation preventing the member from performing his work tasks by virtue of the decision of the competent medical committee. 10. Absence from the sessions of the Board for three consecutive times without an excuse acceptable to the Board. 11. Expiry of the term of the Board. 12. It is necessary for a person appointed as Chairman or member of the Board to: 13. Follow up on the concerns and aspirations of society as well as the issues of the citizens. 14. To be well versed in the principles of human rights and fundamental freedoms guaranteed by the Constitution and international charters and conventions related to human rights. 15. Due regard shall be given upon appointing the members of the Board to broad representation of the segments of society and the quarters concerned with human rights, including the representation of woman and the relevant civil society organizations. | Article 13:   1. The Centre shall be supervised and managed by a Board of Trustees of no more than 21 members, whose Chairman and members are appointed by Royal Decree at the recommendation of the Prime Minister. The same applies to the termination of the membership of anyone of them, by appointing replacement to him for the remainder of his membership. 2. The Board shall elect from among its members a Deputy Chairman who deputizes for the Chairman during his absence. 3. The Board shall serve for a term of four years. |
| Only Paragraph (D) of Article (15) was amended by adding the phrase (non-recurrent capital expenditures) after the phrase (on the payment vouchers) stated therein, so the Paragraph (would read as follows:  **Article 15/ D:** The Board shall select from among its members a Treasurer, who shall supervise financial records and accounts, organize payment and receipt vouchers, and sign payment vouchers, related to the non-recurrent capital expenditures, together with the Chairman or the Commissioner General. | **Article 15:**  (A) The Board meets once a month at the invitation of the Chairman or, in his absence, of his Deputy. The meeting shall have quorum in the presence of at least two thirds of the Board members, provided the Chairman or his deputy is present. The Board adopts its decisions by the votes of at least two thirds of those present.  (B) The Board of Trustees may delegate any of its competences to the Chairman or any of the Board’s committees or members.  (C) At the recommendation of the Chairman, the Board shall appoint a Secretary, who shall organize the Board’s meetings, record its decisions and file its documents and other legal papers.  (D) The Board shall select from among its members a Treasurer, who shall supervise financial records and accounts, organize payment and receipt vouchers, and sign payment vouchers together with the Chairman or the Commissioner General.[[2]](#footnote-2) |

Non-discrimination and equality between men and women (arts. 2-3, 23-24 and 26)

1. Article (6) of the Jordanian Constitution provides for equality before the law and that there shall be no distinction between them in rights and obligations, irrespective of their race, language or religion". In addition, Jordan has ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and published it in the Official Gazette in 2007. In addition, many relevant legislations were amended to align them with the Convention, nonetheless, this does not mean that these modifications have affected all legislations that contain discriminatory provisions against women, inter alia (Penal Code, Citizenship Law, Personal Status Code, Social Security Law, Labor Law, the Civil Service By-law.. etc.), in addition, there is no specific law for combating discrimination against women, and women's unequal access to opportunities to hold senior positions is still low. Jordan is making serious efforts to fulfill its obligations arising from international conventions in its domestic legal system. As a result, all authorities, including the Judiciary, apply the provisions of this Convention; where in many times the provisions of the Convention had been taken into considerations.
2. As for the personal status, the Jordanian Law of Personal Status No 61 for the year 1976 was repealed, and the Temporary Personal Status Law No. 36 was enacted which added sections and chapters, inter alia: Capacity and incapacity, guardianship (wilaya) of individuals and property, curatorship (wisayah), will, inheritance and takharuj, in addition to the detailed provisions related thereto. Besides that, the Law contained a number of thematic issues, which are considered a qualitative improvement in relation to the rights of women and children, such as the rights of custody, visitation and the ability to take the child being cared of out of the country, among other issues which were the cause of the suffering of many women and children in particular.

However the NCHR believes that this law falls short in some points, such as:

1. Article (10/B), grants the judge, with the consent of the Chief Islamic Judge, the right to allow the marriage of girls aged 15 years old, pursuant to special instructions issued by the Chief Islamic Judge Department. In this connection, the Center affirms the need to bring domestic civil status- related legislations in conformity with the international standards and the Kingdom’s obligations in this regard as well as to limit the exceptions.
2. Article (61/B) retains the idea that it is not allowed for the husband to withdraw his consent for the work of his wife, unless there is a legitimate justification that does not negatively affect the wife. JNCHR deems necessary to repeal this Article in order to preserve the rights of women and increase women's participation in the labor market.

* With regard to the nationality law, Article (9) of Nationality Law No. 6 for the year 1954 stipulates that “the children of a Jordanian are Jordanians wherever they are born”. In accordance with the recognized principles of interpretation of laws, this should be construed to imply that the children of a female Jordanian are Jordanian too. On the basis of the implication of the operative text “the children of a Jordanian are Jordanians”; the word "Jordanians" refers to both genders without discrimination between them. The Center previously recommended in its annual reports to lift the reservation on article (9/2). In this connection, it worth mentioning that the NCHR repeated recommendations contributed in the issuance of the Jordanian Council of Ministers decision No. 6415 dated 11.9.2014 that includes the approval to grant children of Jordanian women and non-Jordanian fathers a number of privilege which [[3]](#footnote-3)includes services such as primary and secondary education, health care, work, own property and invest in Jordan and obtain identification cards, and the allocation of quota for them in the public universities . The Cabinet issued the instructions in implementation of the above mentioned decision with a set of conditions, and stressed on the competent departments and institutions to ensure that those instructions are implemented.

Violence against women, including domestic violence (arts. 2-3, 7 and 26)

The measures taken to protect women from violence consist of providing legal protection and awareness-raising efforts and initiatives. The government, the Center and CSOs exert extensive efforts in this regards by implementing awareness-raising programs to protect women from violence that target different categories of the society, yet there still remains a compelling need to increase education programs to both genders, especially in remote and underserved areas, in schools, universities and shelters for victims of violence. in this regards, it is to be recalled, that the Center has implemented, over the last five years, wide awareness raising programs in all governorates in collaboration with Care International targeting the youth categories (males and females), with a view to enhance awareness of the risks of violence against women and girls, where hundreds of people, of various age groups and professions, benefited from these programs.

NCHR, however, is of the view that some traditional notions and cultural heritage make it considerably more difficult to overcome violence against women, as customs, in certain cases, condone violence against women and consider it socially acceptable, this is in addition to the existence of some discriminatory laws that are used to justify violence against women, besides the failure of the line institutions to give a clear indication of the magnitude of violence against women in Jordan, as there are uneven figures at these institutions for cases of violence against women they monitored, or the number of women victims of violence they received.

* With regards to the legal protection, it is to be noted that the Protection from Domestic Violence Law no 15 for the year 2017 was promulgated and published in the Official Gazette on 16/5/2017. The Law aims to preserve the family and promote the application of alternative penalties in place of the deprivation of liberty. Also article (92) of the Penal Code states that rape is the sexual intercourse with a woman (other than his wife) without her consent etc.
* Recently Article (308) of the Jordanian Penal Code for the Year 1960, and its amendments, was repealed, allow rapists to escape punishment if they marry their victims, in response to the NCHR, the civil society and the treaty-based bodies recommendations.
* A Regulation for Shelters of Vulnerable Women No. 171 for the year 2016 was enacted and published in the Official Gazette. Also shelters were established in in more than one governorate.
* With respect to the crimes perpetrated under the pretext of the so-called honor- killing, it is to be noted that they were excluded from the mitigation granted under articles (97) and (98) of the Jordanian Penal Code if they were inflicted on who did not complete fifteen years old, male or female. This was upheld by the Court of Cassation, that considered the application of Article (98) of the Penal Code to offences committed in the name of so-called honor crimes is unlawful, if was done without the verification of the availability of the requirements of Article (340) that follows the principle that special law derogated from general law.

8- Counter-terrorism measures (arts. 4 and 9)

The definition of terrorism is characterized by being cumbersome, and far away from clarity and conciseness. The legislator used a number of synonymous words that are generic and broad, which broadens criminalization by attributing the terrorism crime to offences that do not fall within this scope, contrary to the legislative drafting principles.

The legislator after having provided the definition of this crime, it stated the acts that constitute crimes of terrorism as engaging in acts that would expose the Kingdom to the risk of acts of aggression or disrupt its relations with a foreign state, or exposes Jordanians to reprisals against their person or their property.

Since that the legal basis (the legal text) is considered the legal rule that determines the statutory model of the crime, this model should, in accordance to the general principles of the legislative drafting, be clear so as to ensure the precise determination of its elements to enable individuals to regulate their conduct accordingly. Also this violates the principle of legality, which states that “There is no crime and no punishment without a law", and the principle of acquiring knowledge of laws. Thus the Law is flawed, namely; Article (3), because of broadness of the criminal element of the offences stipulated in the Law and the possibility of adapting the legal text to suite personal trends and whims. Also it is criticized for the dual of criminality, because the Jordanian Penal Code in the First Section prescribed this offense within the crimes which affect the foreign national security, namely in article (118/2).

As a result, the legislator’s expansion of the connotations of this crime and making them unrestrained without stating its descriptions or implications whatever; may entails the possibility of considering any act to be as an act of terrorism. This unfettered expansion is deemed regrettable, especially that the terrorism crime is considered as one of grave crimes, which the legislator would not require the achievement of the criminal result to convict persons charged under this Law, which would entail expanding the scope if criminalization, and compromising the requirements of fair trials, which involves not punishing any person for a crime he did not commit.

In terms of the procedural rules, the Law contains a departure from the general principles of the procedural norms; since the Public Prosecutor has the right, in case of a well - founded information that a person being related to a terrorist activity, to impose censorship on the communication of that person and prevent him from traveling. However, he should not take such measures that infringe on the individuals' rights to privacy life and their right to freedom of movement, provided that there are genuine evidences and clues that indicate the commission of terrorist acts, or that was reasonably imminent. Accordingly the vague text providing that "the existence of well-founded information", should not only be used.

Right to life, prohibition of torture and other cruel, inhuman or degrading treatment or punishment, and the right to an effective remedy (arts. 2 and 6-7)

1. **The legal problematic areas in the field of criminalization**: Despite that a draft bill amending the Jordanian Penal Code no (16) of 1960 and its amendments, had been completed and published in 5/5/2016, article (208 that criminalizes torture, but in a piecemeal way, since it limits the definition of torture to extracting confession or acquiring information, was not included under that amendment, despite the frequent NCHR recommendations enshrined in its previous reports, which underscores the need to amend the said article to ensure that it is compatible with the international conventions.
2. **The legal problematic areas in the field of the criminal prosecution of torture complaints:**

The enhancement of the principle of effective prosecution of the torture crime requires the prosecution of defendants and conducting independent and effective investigations on torture complaints. All investigations undertaken by the law-enforcement entities, however, are criticized for the lack of independence, which is required by the international standards. Attribution of the subject matter jurisdiction (competence ratione materiae) to investigate and prosecute torture cases to special courts (namely, the Police Court), may results in the failure to effectively prosecute perpetrators of crimes of torture. This entails the continuing pattern of the seldom prosecution of those who commit torture are under article 208 of the Penal Code. The way how the law-enforcement authorities, including the Police Justice, handle the committed acts, mainly as being mere behavioral breaches that does not trigger the application of Article (208) of the Penal Code, and giving another characterization of the facts of the torture crime, such as abuse in all of its forms. Despite that the NCHR recorded sentences rendered by the Police Courts on cases of beating and ill-treatment, nonetheless, the Center considers that these rulings are open to challenge and criticism because they were issued by one entity, which is considered as being both [judge and party](http://context.reverso.net/translation/english-arabic/judge+and+interested+party).

**The most important developments in the field of combating torture during the year 2016, are as follows:**

1. The Office of the Public Prosecution continued in investigating allegations of torture. It received (23) complaints of torture and ill-treatment in 2016, as compared to (7) cases in 2015, and (29) cases in 2014.
2. The First National Encounter for Combating Torture, under the theme " Partners in combating torture" was held on 16/7/2016. During the meeting, a number of topics, and problematic areas pertain to torture were discussed, with a view to create an environment that rejects torture, ensuring the protection of the rights of detained persons, and urge the Jordanian Government to accede to the Optional Protocol to the Convention against Torture (OP-CAT).
3. The Public Prosecution trend towards instituting proceedings on behalf of public authorities of the facts included in the Court of Cassation decisions indicate that the interrogation measures shall be deemed null and void as a result of torture.

With regards to the widespread of torture and ill-treatment cases, it is to be noted that the number of the registered cases against agents of the Public Security Directorate totalled (269) cases in 2016, (29) cases of them referred to unit commander for trial before the, and (18) cases for which it was determined to prevent the defendants to be tried before the Police Prosecutor, (14) cases were referred to the Police Court, whereas (59) cases are under consideration. In comparison, the total number of torture and ill-treatment cases registered against agents of the Public Security Directorate in the year 2015 was (239); (45) cases of them were referred to unit commander for trial, and (147) cases in which it was decided preventing defendants from being tried before the Police Prosecutor, (20) cases were referred to the Police Court, and (27) cases are still under consideration. Whereas the ill-treatment cases committed against inmates of Rehabilitation and Reform Centers (RRCs) in 2016 amounted to (40) cases, (8) persons were convicted, whereas the trail of (14) persons was prevented to be carried out before the Police Prosecutor. In 2015, these kind of cases reached (38) cases, of which (12) persons were found guilty, whereas the trial of (26) persons were prevented. On the other hand, as compared to 204 figures, we found that the number of cases reached (61) case, of which (31) persons were convicted, and the trial of (30) persons were prevented.

The Center received frequently complaints from citizens of allegations of torture and ill-treatment by law-enforcement officials and the security directorates. Table no (2) indicates NCHR handing of the torture complaints it received during the period (2012-2016). The Center, noted, that a decrease in the number of complaints have been seen this year in comparison with the year 2015.

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|  | | |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | **Table no (2) : indicates NCHR handing of the torture complaints it received between the period (2013-2016)** | | | | | | |  | The result | Year 2016 | Year 2015 | Year 2014 | Year 2013 | | **Number of complaints against the different police and security departments** | Number of complaints kept upon the request of the complainant | 3 | 22 | 11 | 13 | | Number of complaints closed for the lack of proof of violation | 20 | 25 | 14 | 15 | |  | 1 | 2 | - | 1 | | Number of complaints referred to the Police Court | 40 | 43 | 62 | 48 | | Number of complaints under consideration | 63 | 92 | 87 | 77 | |  | **Total** | **3** | **-** | **5** | **4** | | **Number of complaints of beating and torture in Reform and Rehabilitation Centers** | Number of complaints kept upon the request of the complainant | 40 | 5 |  | 5 | | Number of complaints closed for the lack of proof of violation | - | - | - | - | | Number of complaints under consideration | 5 | 3 | 6 | 10 | |  | **Total** | **12** | **8** | **11** | **19** | |
|  |

**Reparation for victims of torture**

Legislations do not explicitly provide for the compensation for the victims of torture, or the criminal justice in general. The legal basis of such cases is articles (256-267) of the Jordanian Civil Code, which need to another legislative text to meet the requirements of the reparation provided for in article (14) concerning assessment of compensation of an act of torture in terms of the past and future loss, the psychological and physical rehabilitation for victims, the guarantees of non-repetition, and satisfaction and apology.

There are five cases concerning allegations torture and ill-treatment are still pending before the Police Court against the Departments of Criminal Investigation and the Anti-Narcotic and Counterfeiting Departments since 2016.

10- NCHR conducts unannounced visits to the RRCs and detention facilities, as well to places of detention affiliated to the Department of General Intelligence. **The following table shows the number of visits carried out to these facilities in the period between (2013-2016).**

|  |  |
| --- | --- |
| **Number of visits** | **Entity** |
| 200 | RRCs |
| 188 | Temporary Detention Facilities |
| 10 | Detention Facility at the GID |

As to measures taken by the Center, it is to be noted that they are legislative, executive and procedural measures. It consists of proposing amendments on the relevant legislations, and adopting of policies that would enhance the criminal justice framework. The procedural measures include activities on human rights awareness and education that would promote human rights.

**Accession to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**,

It worth mentioning that NCHR, since its establishment, recommended that Jordan needs to accede to the OPCAT. It has undertaken various advocacy and awareness-raising efforts to that end, through Karam "Dignity" Project, which is currently implemented by the Center for the third phase, through which the role of the CSOs and human rights activists in this field have been enhanced. The National Monitoring Team (NMT) for Combating Torture was established with a long-term view to be the core of the national preventive mechanism in case Jordan ratified the OPCAT. The NMT operates under the umbrella of the NCHR, by virtue of its competence. The number of visits implemented by the Team during the period (2008-2015) are (78) visits. The Team also issued two reports (the First and the Second) on the condition of the Reform and the Rehabilitation Centers in the Kingdom.

The Center also formed the National Alliance for combating Torture which composed of 500 member from among the official institutions, civil society organizations, and human rights activists. The Alliance aims to urge the Jordanian government to ratify the OPCAT through conducting awareness raising workshops in all the kingdom's governorates.

Migrant domestic workers (arts. 2, 8 and 26)

12- In recent years, many measures have been taken at both the legislative and policy levels to ensure the rights of migrant workers, including the domestic workers, inter alia:

* The establishment of the Anti-trafficking Unit within the Public Security Directorate. The Unit's roles are to provide protection for migrant workers including domestic workers, investigate into violations against them, and bring the perpetrators to justice. The year 2016 witnessed the submission of (30 cases on suspension of human trafficking) to the Public Prosecutor, among which (21) cases related to forced labor (domestic workers), and all of these cases are pending before the court.
* The promulgation of the Anti- Human Trafficking Law. No.9 for the Year 2009. Amendments to the Ordinance are presently being discussed in order to provide for stricter punishment for human traffickers.
* The establishment of a 24-hour hotline in the Ministry of Labor to receive the migrant workers complaints, including the domestic works. This service is available in 7 languages.
* The handing of renewing employment contracts of domestic workers by the Domestic Workers Recruitment Department at the Labor Ministry and the Labor Inspection Offices, where the attainment of the domestic workers of their full entitlements for the past year is being verified, and ascertain that she has not been beaten, or that he has not been subjected to restrictions on her freedom of movement by imprisonment, or that she has not been physically, psychologically and sexually abused, and that she was permitted to retain her passport, through asking her a lot of questions prior to approve her employment contract for the next year.
* The promulgation of Regulation No 90/2009 Of Domestic Workers, Cooks, Gardeners and persons employed in similar occupations, which states that the obligations of the employer, including paying salaries and wages on time, as well as the rights of workers, including the right to one day off each week, the limitation of working hours to 8 hours, annual paid leave of (14) calendar days, and for a sick leave .. etc., the provision of health care for the worker, permitting worker to practice their religious ceremonies, and the provision of air tickets Etc.

* The opening of Dar Al Karameh “Dignity Shelter” in 2015, which is affiliated to the Ministry of Social Development. The Shelter accommodates survivors of human trafficking of domestic an non-domestic works who left their employment or were subjected to ill-treatment. In addition to these shelters, there is the Jordanian women Union and Dar al Wifaq Al Osari Home Shelter (Family Reconciliation House). This Shelter receives these cases, accommodate them, and provide the necessary services until the victim is rehabilitated and integrated in the labor market or the voluntary return to her country of origin.

**Treatment of aliens, including refugees and asylum seekers (arts. 2, 7, 9-10, 13 and 26)**

13- Jordan has not ratified the 1951 UN Convention Relating to the Status of Refugees nor its 1967 Optional Protocol, and usually substituted by the 1998 Memorandum of Understanding (MOU) between UNHCR and Jordan. In this respect, it worth mentioning that NCHR recommended that consideration be given to ratifying the 1951 Convention on the Status of Refugees (Geneva Convention) and its 1967 Additional Protocol, and the development of a national mechanism for asylum in the Kingdom, consistent with the international human rights norms. On the other hand, there are no indications from the Government of Jordan implying the imminent ratification the 1954 Convention relating to the Status of Stateless Persons, and the 1961 Convention on the Reduction of Statelessness. The government provides explanations for not doing so, notably; the complexity of the refugee issues that the County has been and still experiencing since its establishment, and the inappropriateness of the 1951 Convention on the Status of Refugees for addressing the conditions related to asylum in Jordan, from the perspective of the Jordanian Authority.

14. The Center observed permitting all sick cases, and children fleeing into the Jordanian territories and the provision of assistance and humanitarian services to them.

15. The Center observes that no complaint about withdrawal of national numbers was received during the year 2013, pursuant to the 1988 Disengagement Regulation, after operating by the Prim Ministry decree which stipulates that the revoking of the national numbers should be with the consent of the Prime Ministry only. Also the national numbers are being restored, by a decision from the Prime Ministry, upon the recommendation of the Ministerial Standing Committee that considers complaints on withdrawal of national numbers. In addition, in 2014 the government granted children of Jordanian women married to non-Jordanian a package of privileges (Mazaya)

NCHR called for the strict application of article (5) of the Constitution, in such a manner that no citizenship is either granted or revoked except in accordance with the provisions of law, and that no citizenship or identity documents is withdrawn only in pursuance of a final court judgment.

**Liberty and security of persons and humane treatment of persons deprived of their liberty (arts. 7 and 9-10)**

16. In terms of temporary detention facilities, it is indicated that the National Center ho Human Rights implements announced and unannounced visits to all security detention centers. The Center, during the period 2013-2017, has carried out more than (308) visits and issued several specialized reports, the most recent being the report issued on 10/4/2017, after the implementation of (60) visits to most places of temporary detention in the Kingdom by its specialized team. These visits included, visiting the holding cells in police stations, police directorates, as well as the lock-up facilities at other security departments, as the Anti-Narcotics and Counterfeiting Administration, the Criminal Investigation Administration, the Preventive Security Department, the Family Protection Department , and the Aliens Detention Centre.

The report indicated a number of measures that have affected the temporary detention centers in the Kingdom. the Report also contained important recommendations for the development of the custodial environment, ,most notably; providing due process guarantees to detainees, including, guaranteeing detainees’ [right of](http://context.reverso.net/%D8%A7%D9%84%D8%AA%D8%B1%D8%AC%D9%85%D8%A9/%D8%A7%D9%84%D8%A5%D9%86%D8%AC%D9%84%D9%8A%D8%B2%D9%8A%D8%A9-%D8%A7%D9%84%D8%B9%D8%B1%D8%A8%D9%8A%D8%A9/right+of+access) contact with the outside world and to receive visitors from his family and friends, his [right of access](http://context.reverso.net/%D8%A7%D9%84%D8%AA%D8%B1%D8%AC%D9%85%D8%A9/%D8%A7%D9%84%D8%A5%D9%86%D8%AC%D9%84%D9%8A%D8%B2%D9%8A%D8%A9-%D8%A7%D9%84%D8%B9%D8%B1%D8%A8%D9%8A%D8%A9/right+of+access)  [to a lawyer](http://context.reverso.net/%D8%A7%D9%84%D8%AA%D8%B1%D8%AC%D9%85%D8%A9/%D8%A7%D9%84%D8%A5%D9%86%D8%AC%D9%84%D9%8A%D8%B2%D9%8A%D8%A9-%D8%A7%D9%84%D8%B9%D8%B1%D8%A8%D9%8A%D8%A9/to+a+lawyer), adherence to the legal text relating that stipulates the statuary period of police custody of 24- hours so as not to hold offenders in custody for long periods that exceeds one week on the basis of the Crimes Prevention Law, keeping accurate and regular records in detention facilities, especially in police stations, that include the time and place of arrest, and the identity of the personnel, and the actual place of detention, and the health status of the person upon arrival to the detention center, and the time of the contact with the family and the lawyer, and the time to visit the detained person, and information on medical examinations upon arrival to the center and upon transfer.

The Center call for redrafting of national legislations and explicitly provide for these guarantees, noting that the complaints received and followed up by the National Center for Human Rights assert the lack of full compliance with the obligation to provide such guarantees during the initial stages of detention.

17- With regard to the Crimes Prevention Act No. 7 of 1954, which grants competence to the administrative authority to arrest individuals and deprive them of their liberty on the basis of administrative decisions issued by local governors, NCHR stresses the need to repeal the Law because it contravenes Article 128 of the constitution, which is considered a controller for the national legislations affecting the rights and freedoms, as well as the stipulations that promote the judicial independence.

NCHR views that the Crimes Prevention Law should be abolished and/or to repeal the powers vested in local governors relating to detention, and limit these powers in the judiciary or amending the provisions of the Law so as to impose judicial security on the administrative detention decisions, and in the arrest powers vested in local governors, until it is repealed.

The year 2016, witnessed an increase in the number of the administrative detainees, reaching (30138) persons, compared to (19860) persons in 2015, (20216) in 2014, (12766) persons in 2013, and (12410) persons in 2012, and (11345) persons in 2011.

**Right to a fair trial and independence of the judiciary (art. 14)**

18- First: Amendments to the State Security Court law, promulgated in early 2014, restricted the jurisdiction of the Court to crimes related to treason, espionage, terrorism, drugs, or money counterfeiting.

However, there still a number of challenges that curtail the enjoyment of the right of fair trial. Notable among these are:

1. The continued operation of the State Security Law, despite the constant demands by the Center for amending the provisions that contradict the international human rights standards, in particular; the Prime Minister is empowered to establish this court, which means the interference of the executive branch in the in the work of the judiciary, more appropriately the establishment this Court and appointment its judges shall be provided for directly by the law.
2. Derogation from the general norms included in the Penal Code with respect to A. rules of “complicity" and the respective responsibilities of the perpetrator, partner, instigator and accomplice in the commission of these crimes. B. the powers conferred upon law-enforcement officers/ police in holding in custody detainees for 7 days, a period excess the maximum statutory duration of 24 hours stipulated in the Criminal procedures Law. C. appeals period against judgments of the State Security Courts in criminal cases.

Second: the continued operation of the Prevention of Terrorism Act No. 5 of Jordan for the year 2006 and its amendments. NCHR view that the Law includes number of problematic areas, notably;

* The expansion of the concept of a terrorist act under Article (2) of the Law, in a manner contrary to the definition of a terrorist act stipulated in the Penal Code under Article 147
* Overlooking the concept of criminal intent ( mens rea) in the provisions of Article (2) of the Law, authorizing a judge to apply the legal provisions on crimes, and charge the accused as being terrorist based on ordinary acts may not actually constitute terrorist acts.
* Describing terrorist acts by vaguely-worded and broad terms such as the "public order", "jeopardizing the safety of the community," “sow discord" " disturbing public order ", "terrorizing people." These phrases have wide significance, hence this allows for discretion when invoked during the application of the legal provisions. This entails considering any action or activity, falling within its scope, as an act of terrorism.
* Article (3/ b) of the Law considers any act capable of destabilizing the relations of the Jordan with a foreign state an act of terrorism.

**Freedom of opinion and expression (art. 19)**

20- It is to be indicated that Prevention of Terrorism remains in the form indicated in the answer of question 8 here-above. However, the government made modifications on this Law, and published within the draft law amending the Anti-Terrorism Law 2016 on the website of the Legislation and Opinion Bureau. The draft bill includes the following:

* According to the Prevention of Terrorism Act, nearly five journalists were arrested in 2015 on charges of disturbing relations with a neighboring state or promoting the ideas of a terrorist group. However, the frequency of arresting and trying journalists under the Prevention of Terrorism Act declined in 2016; as no journalist was detained under the Prevention of Terrorism Act in that year. Among the most significant challenges faced by detainees under the Prevention of Terrorism Act , are the prolonged detention of the accused, which is, in certain cases, not based on specific regulations, and the detention process may continue until verdict is given, are t, while the Center did not observe, during its visits to prisoners of conscious and journalists - especially those arrested on charges of incitement of subverting the system of government or disturbing relations with a foreign state – that they being tortured in the CRCs, but rather, most of them commended the good treatment in these facilities.
* Journalists exercise their right to freedom of expression and rely mainly on the Jordanian Press and Publications Law. However, there is a wide range of laws governing and restricting press work, especially the Penal Code and the Cyber Crimes Law. These restrictions have increased the self-censorship of journalists. The year 2015 witnessed the enactment of the Cyber Crimes Law No. (27) for the year 2015, which included a legal provision criminalizing and penalize anyone who sends, retransmits or disseminate data or information through the Internet, or website or any information system that involves the defamation, insulting or slander, who shall be punished by imprisonment for a term not less than one week and not exceeding three months and a fine not less than one hundred dinars and not more than two thousand dinars, placing a new strain on the work of journalists.

In 2015, five journalists were arrested by the State Security Court Prosecutor on the basis of the Prevention of Terrorism Act on charges of using media outlets to promote "terrorist" thinking, and carrying out acts of terrorism, which would expose the Jordanians to the risk of acts of aggression and retaliation, which is in breach of the provisions of Article 3 of the Prevention of Terrorism Act and to disrupt relations with a foreign country in contravention of Article 3 / B of the Prevention of Terrorism Law and to undermine the political regime or inciting sentiments against it contrary to article 149/1 of Penal Code. The rest were arrested either on the basis of the Penal Code, particularly on charges of insulting an official body and an official employee, and at other times on charges of publishing what constitute defamatory and or insulting on websites contrary to the provisions of Article 11 of the Electronic Crimes Ac, while the pace of arrest of journalists in 2016 was reduced, in particular, those based on the Prevention of Terrorism Law and the Penal Code No. 16 of 1960 and its amendments, which is considered to be a positive step.

The reduced frequency of the apprehension and the prosecution of journalists and media workers in 2016 are considered a positive step, the Center, however, monitored cases in which they were arrested on the basis of the Cyber Crimes Law (article 11 of the law). The number of press and publications cases amounted to (67) in 2015, while the number of such cases totalled (60) in 2016.

As for activists on the social media sites, the years (2015-2017) have witnessed an increase in the arrest of these people for having expressed their views, especially through their pages on Facebook.

* Concerning the restrictions imposed on press and media activities and their compatibility with article 19/3 of the ICCPR, reference should be made to the adoption of the Audiovisual Media Act of 2015, which included many positive aspects, namely; the abolition of the deprivation of liberty penalties and providing for the establishment of a committee to consider media complaints.

However, the Law did not resolve the issue of the concentration of ownership and did not reinforced the Media Commission independence, which is still affiliated to the Minister of Information.

in addition, the Law of the Jordan Radio and Television Corporation No. 17 for the year 2015 was amended by adding Article (5) bis. Consequently, the year 2015 saw positive developments in the approval of the Independent Public Information Station Regulation No. (53) for the year 2015. The purpose of the establishment of this station is to create an independent media platform that takes into account openness and maintain communication with citizens and take into consideration their needs on the one hand and to keep pace with the continuous development in media on the other.

* The Press and Publications Law is still in force, despite the provision for the establishment of the presumptive liability of the editor, the writer of the article and the owner of the publication, as well as the responsibility of the website for readers' commentaries as being part of the journalistic material. It is also well known that the Law still subjects news websites to registration requirements. The same applies to other publications which are subject to registration and not just by a mere notification.

**As for the impact of the Jordan Media Strategy (2011-2015) on freedom of expression for journalists and bloggers, as well as for the current stage of establishing a media complaints board, it should be noted that:**

The specific timeframes for the implementation of the Information Strategy for the years 2011-2015 has completed, which was designed initially to promote an enabling environment for independent and enlightened Jordanian media based on the following principles: (a) a favorable legislative environment that balances between freedom and responsibility; (B) A high professionalism for media professionals based on sustainable substantive training. (C) self-regulation of the profession and adherence to its ethics. The following paragraphs highlights what has been achieved in the legislation and self-regulation of the profession:

**First: Legislation**

The Media Strategy for the years (2011-2015) pointed to the need to "review the national legislations governing the media work or related to the performance of this sector, so that these legislations become motivational tools to raise the performance of media in form and substance, in line with the principles of democracy and international standards of human rights."

* There are legislations that have not yet been amended, most notably; the Contempt of Courts Act , the Protection of State Secrets and Documents Act and the Right to Information Act, which is still under consideration in the House of Representatives, and the government had made a proposal for amending the Law for many years. This is in addition, to the existing problem of the need of a legislative review of these laws as one package and amend them in order to ensure the consistency and non-intersection or contradiction of their provisions, as usually happens, when revision is conducted individually or at longer intervals.
* It is worth mentioning that the laws that have been amended are the Press and Publications Law, the Penal Code, the State Security Court Law, and the Information Systems Crimes Law. All of these laws, even where they contained some positive aspects, but the amendments, which affected most their provisions, extended the scope of restrictions imposed on freedom of expression and freedom of the press and media in the Kingdom.

**Second: Self-regulation of the press profession and the establishment of the media complaints board**

The media strategy pointed to the need to establish a media complaints council in accordance with international models of ethical and professional principles, which are deemed a reference to journalistic and media behaviors and best practices. Notwithstanding the recent consultations between the government, institutions, relevant civil society organizations and the Journalists' Syndicate to agree on the form and reference of the Council and the legal form, of which the council will be adopted, whether in the form of a law or a regulation. To date, neither this council has not been yet established nor its main features been yet identified.

**Right of peaceful assembly and freedom of association (arts. 21-22)**

21- There has been no significant change in the Law amending the Jordanian Public Gatherings Act No. 5 of 2011, read with the original Law No. 7 of 2004, as a single Law. In particular, there has been no change in the definition of the right to public assembly, which is riddled with some legal ambiguities, though it is considered a constitution rights under Article (16) of the Jordanian Constitution.

22- Despite the developments in the current Law, it still contains some ambiguities that could be used to impose restrictions on the exercise of this right. The Law is subject to the local governor’s control and authority in taking the security measures as he deems appropriate in accordance with his will. Therefore, he could impede or prevent holding a peaceful group activity on administrative pretexts.

The [Public Gatherings](http://context.reverso.net/translation/english-arabic/Public+Gatherings), Assemblies, and Demonstrations Regulations for the year 2011, issued pursuant to the provisions of Article (11) of the Public Gatherings Law and its amendments, requires organizers to notify the local governor of their intention of holding a [meeting, a gathering](http://context.reverso.net/translation/english-arabic/meeting%2C+march), or a demonstration, prior to making announcements or extend invitations.

The Center observed some of the events that were prevented by the local governor on the grounds that the theme of those meetings contravenes the objectives of the organizations as inscribed in their license document, registered with the authorities. The Center stressed in more than one statement that it is not permissible to prevent or obstruct any activity under this right unless it goes beyond its peaceful nature..

22- The year 2017 witnessed no legislative amendments affecting the right to freedom of peaceful assembly and the right to found or join trade unions

**23- Rights of the child (art. 24)**

The Jordanian Labor Law does not permit the employment of the juvenile who did not complete the age of sixteen in any manner (Article 73), and it is not permissible to employ the juvenile who didn't complete the age of seventeen in hazardous, exhausting or prejudicial to health jobs (Article 74). However, these legislations are often violated by civil bodies, employers, and families. The child labor is a disturbing phenomenon in Jordan. The Center, with partial funding from the APF, is currently implementing an awareness raising project on this phenomenon and covers half of the Kingdom's governorates.

In 2008, the Labor Law became applicable on domestic workers, cooks, gardeners and persons employed in similar occupations, pursuant to a special regulation issued for this purpose. This Regulation includes, managing their work contracts, their working and rest hours, inspection and any other matters related to their employment (Article 3/2) of the Labor Law. In addition, (Article 77) imposed penalties on errant employers.

**Participation in public affairs (art. 25)**

24- The year of 2010 witnessed the issuance of the [Interim Elections Act No. 9 of 2010](http://context.reverso.net/translation/english-arabic/Interim+Elections+Act+No.+9+of+2010), which contained some positive changes in comparison to the Interim Elections Act No. 34 of 2001 and its amendments, especially with regard to increasing the number of seats reserved for women to (12) seats. Whereby, the number of female deputies in the House of Representatives rose to 13 Jordanian women, one of whom won in a competitive manner out of the total (120) members of the House of Representatives, at approximately 11 %. In 2012, the number of seats reserved for women rose to 15 seats, pursuant of the provisions of the House of Representatives Election Act No. 25 of 2012. In 2013 the number increased to 18 seats, where three of deputies have competitively won out of the total of (150) members of the House of Representatives (equivalent to 12%), while the in the Senate, women won 9 seats out of 75 seats in 2013, representing 12% seats, compared with 6 out of 60 seats, representing 10% of seats in 2011. In 2016, the House of Representatives Elections Act No. 6 of 2016 maintained the number of seats reserved for women to be (15) out of (130) seats.

In this regards, it should be noted that the Center had joined a campaign, undertaken by many civil society originations, when the House of Representatives Elections Act No. 6 of 2016 in force was being debated before the legislative authority, which called for the allocation of one female seat for each constituency, by increasing the number of seats reserved for women to reach (23) seats out (130) deputies.

In addition, the year 2011 witnessed the promulgation of the Municipalities Law No. 13 of 2011, according to which the quotas for women in municipal councils were increased from 20% to 25%. Thus, in 2013, women won (345) seats out of (961) seats allocated for municipal councils (representing 35.9%). The share of women’s’ seats, were divided into (282) seats via quota, (51) seats through free competition, and (12) seats by appointment because there were no candidates. The Municipalities Law No. 41 of 2015 was issued and the percentage of quota allocated to women in municipal councils was maintained at 25%.

The Political Parties Law of 2012 was promulgated, whereby Article (6) of Law stipulates that “the number of founding members of any party shall not be less than five hundred persons from seven governorates, provided that the number of women shall not be less than 10% and the proportion of founders from each governorate shall be 5%." In 2015, the former Political Parties Law was repealed and the Political Parties Law No. 39 of 2015 was issued. The new Law canceled the women's quota and held men and women to be equal in membership of political parties.

* NCHR requested that it is necessary to increase women's quota in municipalities to reach, at this stage, (30%), and then strive towards [attaining an equal](http://context.reverso.net/translation/english-arabic/to+attain+an+equal) gender [representation](http://context.reverso.net/translation/english-arabic/representation) in the executive councils and political parties’ boards.

**Dissemination of information relating to the Covenant (art. 2)**

25- The [International Covenant on Civil and Political Rights](http://context.reverso.net/translation/english-arabic/International+Covenant+on+Civil+and+Political+Rights) was [published in the Official Gazette](http://context.reverso.net/translation/english-arabic/published+in+the+Official+Gazette) on 15/6/2006.

**Recommendations:**

1. Activate the implementation of the ICCPR in the Jordanian courts. This requires raising awareness among judges, lawyers and citizens to ensure the primacy of the Covenant over national laws and their applicability and enforceability within the domestic legal framework.
2. Amending Article (101) of the Jordanian Constitution so as to ensure that [civilians](http://context.reverso.net/translation/english-arabic/civilians) are [tried](http://context.reverso.net/translation/english-arabic/tried) solely [by civilian courts](http://context.reverso.net/translation/english-arabic/by+civilian+courts).
3. Making the necessary legal amendments to ensure that torture is considered a criminal offense, and the independence of the investigating authorities and prosecution bodies by granting regular courts the subject matter jurisdiction (competence ratione materiae) to consider cases of torture, in order to ensure that torture crime perpetrators are prosecuted and convicted and the compensation of victims comprehensively as set forth in Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment Inhuman or degrading treatment or punishment.
4. The establishment rehabilitation centers for victims of torture.
5. Abolishing the solitary confinement penalty stipulated in Article (38) of the Reform and Rehabilitation Centers Law No. 9 of 2004.
6. Reviewing the legislation containing provisions that contravene the provisions of the Constitution and the general principles of the right to a fair trial in order to ensure its conformity with the international conventions ratified by Jordan and published in the Official Gazette. The most prominent of these legislations are the State Security Court Law, the Prevention of Terrorism Law, the Prevention of Crimes Law, the Domanial Money Collection Law, and the Economic Crimes Law.
7. Ratifying the 1st and 2nd Optional Protocols to the ICCPR.
8. Ratifying the OPCAT 2006.
9. Lifting of the reservations to article 9, paragraph 2 of CEDAW, in line with Article (6) of the Constitution.
10. Abolishing the Crimes Prevention Law / or cancelling the power to arrest and detain vested in local governors, and lie this power solely in the judiciary. To this end, the Center recommends making amendments to some of the provisions of the said law, which have already been mentioned in its previous reports.
11. Adopting legislations that explicitly provide for the right of individuals to reparation for arbitrary and unjustified detention.
12. Establishing a judicial record in the Ministry of Justice based on final judicial decisions, rather than relying on the criminal records at the security departments.

1. [↑](#footnote-ref-1)
2. [↑](#footnote-ref-2)
3. The government granted children of Jordanian women married to non-Jordanian a package of privileges (Mazaya) with respect to education, health, work, own property, investment and obtaining a driver’s license, provided that has been lived permanently in Jordan for at least five years. These privileges also included the issuance of special identification cards by the Civil Status and Passports Department (CSPD) within the first 6 months on which the privileges were initiated. However, the application of these privileges still face constraints, as public and private quarters do not fully implement them or are reluctant to do so. [↑](#footnote-ref-3)