

**Shadow Report Responding to the List of Issues related to Jordan's
Fifth Periodical Report under the International Covenant on Civil and
Political Rights adopted by the Human Rights Committee during its
Session number 121**

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Introduction:

Since the Hashemite Kingdom of Jordan ratified the International Covenant on Civil and Political Rights (ICCPR) and published in the Official Gazette in 2006, the UN Human Rights Committee has conducted four periodical reviews of the Kingdom. In the upcoming session (number 121), which will be held from 16 October – 10 November 2017, the Committee will conduct its fifth review of Jordan.

This report has been drafted by the Jordanian Civil Coalition Against Torture (JoCAT), which is composed of the following 10 local non-governmental organizations:



1. Jordanian Society for Human Rights
2. Tamkeen Fields for Aid
3. Arab Women's Legal Network
4. Institute for Family Health– Noor Al Hussein Foundation
5. Community Media Network
6. Al Balad Radio
7. Centre for Defending the Freedoms of Journalists (CDFJ)
8. Bedaya Jadedah for Human Rights Training
9. Arab law Firm
10. Jordanian Jurist Association

The Coalition wish to provide comments to the following issues (the numbering follows the List of Issues):

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

Issue number 1:

The practical implementation of the Covenant's provisions within the legal system

The ICCPR is rarely referred to in domestic judgements. In the view of the Coalition, the main reason for the lack of practical application of the ICCPR is lack of awareness of international standards among lawyers and judges and lack of willingness to apply the provisions in ICCPR.

Moreover, the Jordanian Constitution lacks a provision clarifying the status of the ICCPR and other international treaties. Thus, there is no constitutional legal basis that can be relied on in case there is a contradiction between the provisions of an international treaty and national legislation. This uncertainty undermines the possibility of applying the provisions of international treaties. By way of example, the Court of Appeals struck down three lower courts' judgments issued in 2014 that had given supremacy to the provisions of Article 11 of the Covenant over the provisions of the Judgment's Execution Law and banned the imprisonment of debtors. The Court of Appeals considered in its ruling that the imprisonment of debtors does not contradict with the provisions of Article (11).

However, in case of conflict between national law and ICCPR, legal jurisprudence establishes that, international treaties take priority over national legislation, but are inferior to the Provisions of the Constitution. This resulted in a great challenge which faces legal professionals, as the Shari'a courts refuse to admit any argument related to the application of international provisions especially when it is related to equality and non-discrimination due to the assumption that the Shari'a Law is supreme to the Constitution because it derives its provisions from the Islamic Shari'a.

Jordan's applicable Civil Status Law number (36) of 2010, was not submitted to the Parliament until this date despite of the many parliamentary sessions which were held and the discussion, amendment and issuance of many other national laws. It is clear that there is no intent what so ever on part of any of the official related parties to enact a unified family law, which shall regulate the civil status issues of all the citizens and residence of Jordan, regardless of their religious affiliation in addition to the establishment of family courts within the framework of the regular civil courts. On the contrary, such attempts were faced with absolute rejection. To achieve such goals there is a need for a political will in order to amend the related constitutional provisions, specifically articles (99-109) of the Constitution, which divides the judiciary into three separate types, regular, religious and special judiciaries.

Issues number 2 and 10:

The National Centre for Human Rights and women protection mechanisms

Since the establishment of the National Centre for Human Rights (NCHR) by law, such tools give the Centre a wide jurisdiction and a comprehensive representation of the society. For the last ten

years, the Centre's allocated funds have ranged between (250 to 400) thousand JDs, where (80%) of such budget was allocated for its operational costs and staff salaries. Since 2016, the funds, which are provided by the state, has increased, where it reached half a million JDs and in 2017 it reached (700) thousand JDs¹.

However, the Jordanian citizen do not see that the objectives of the NCHR are fully achieved. By way of example, a citizen may submit a complaint to the NCHR, but often he/she may does not receive a timely and comprehensive response. Civil society organizations may submit the complaint on behalf of the complainant (such as the Jordanian Human Rights Association) to the NCHR but again often no positive outcome and even at times no response at all is provided by the Centre. All this resulted in narrowing the scope of NCHR's work and its objectives and limiting it to become an agency, which only receives complaints and drafts reports (i.e., an observatory institution that does not monitor and protect human rights, but simply gathers information and data in order to submit it to the Government's Human Rights Coordinator. Thus, in our view, the NCHR has become an arm of the government.

With regards to the Jordanian National Commission for Women Affairs, it has engaged in the development of policies and strategic plans, revision of legislations and the submission of recommendations and proposals to the government and other decision makers. However, to our knowledge the government has not adopted any of the Commission's recommendations (for example a recommendation to amend the constitutional provision related to equality and the recommendation related to increasing the number of parliamentary seats allocated for women and increasing the number of women in the public service). The government's lack of cooperation with the Commission undermines its decision making and implementation powers.

The National Centre for Human Rights has established a national monitoring team for the prevention of torture (Karama), which is composed of a number of civil society organizations and a number of the Centre's staff. The team, which operates under the umbrella of NCHR, conducts announced regular visits to the Kingdom's Correctional and Rehabilitation Centres for monitoring and reporting purposes, the number of such visits is 39 between July 2014 and February 2016². The team has published two Periodic reports. JoCAT is concerned about the team's lack of independence and the clear limitations on its work, which means that the team is not able to undertake proper preventive monitoring measures.

In relation to the ratification of the Optional Protocol to the UN Convention against Torture, the official announcements indicate that the Government has no intent to ratify the Protocol. The JoCAT disagrees with the reasons provided for not ratifying the Optional Protocol and maintains that there are no independent national mechanisms to deal with conditions in places of detention.

¹ <http://www.nchr.org.jo/Arabic/tabid/95/mid/448/newsid448/687/Default.aspx>

² Second Periodic Report on the Conditions of Reform and Rehabilitation Centres in the Hashemite Kingdom of Jordan, The National Anti-Torture Monitoring Team (KARAMA), 2017

Issue number 3:

Non-discrimination, equality and the national strategy related to promoting women participation in political and economic life for (2013 – 2017)

Some provisions in the Constitution are not in accordance with the standards stipulated in the ICCPR. Article 6, for example, provides for the principle of “Equality”, but it lacks clarity. The article states “Jordanians shall be equal before the law. There shall be no discrimination between them as regards to their rights and duties on grounds of race, language or religion”. While it clearly adopts equality between citizens in relation to race, language and religion it does not explicitly uphold equality based on sex, which is the main discriminating factor among both sexes. Even though the term “Jordanian” in Arabic language, does not mean both males and females, Jordan insists that the term “Jordanians” means both males and females. Such interpretation is not reflected in the other main laws such as the Citizenship Law, especially Article number (9) which states “the children of a Jordanian shall be Jordanians, regardless of their place of birth” and thus it deprives Jordanian women from passing their citizenship to their children and husbands, where male Jordanians are granted such right. Thus, the addition of the term “sex” to the article’s text shall eliminate the ambiguity and will settle the arguments.

The discrimination and lack of equality is clear in the Citizenship Law, we find that this law discriminates between the children of Jordanian males who can acquire the citizenship of their father regardless of their place of birth and the children of the Jordanian females who cannot pass their citizenship to their own children. After many campaigns directed towards the realization of such right, the Council of Ministers decided on the 19th of November 2014 to approve a set of “privileges” to be granted to the children of Jordanian women who are married to non-Jordanian husbands and have been residing in the Kingdom for the last five years. The said privileges give the children of Jordanian women certain rights in areas of education, health, work, ownership and investment. In fact, and after reviewing such measure, it was proven that it constitutes another new form of discrimination against women and do not amount to privileges as the government claims. Thus such “privileges” did not elevate their suffering and did not reach the level of giving them their civil rights which they were promised to get. They are also faced with the arbitrary discretionary powers of the various officials or even when they are involved in banking transactions or money transfers. Those who received the identification card, complained that such card is not recognized by state officials or departments as an official identification card since there were not informed officially of this by the government.

Many of the identification card holders complained about the many challenges they still face and have to go through until now, such as the lack of an institutional mechanism for obtaining the card in addition to the continuous request to provide a residency and work permit and many more challenges to be mentioned which results in undue hardship for both mothers and children.

The latest official numbers related to Jordanian women who are married to foreign nationals, which was published in 2015, shows that the total number of such women is (84) thousand and the total number of their children reaches (338) thousand. A total of (50) thousand women are married to Palestinian nationals and have (202) thousand children, which means that around (34) thousand other women are married to persons holding different other nationalities and they have

(136) thousand children who do not enjoy the citizenship of their mothers. (28) thousand children are of Egyptian fathers and the same number of Syrian fathers, (16) thousands of Saudi fathers, (9) thousands of Iraqi fathers and the same number of American fathers. According to the Ministry of Interior statistics, Jordanian women had married to men from (50) different nationalities.

In addition, key national legislations such as the Labour Law and the Penal Code lack any provisions which criminalize or punish discrimination between citizens based on sex or religion or social origin or any other factor. Minor amendments were introduced recently in Summer 2017 to Article (62) of Penal Code, which gives women the right to approve medical surgeries for their children, in addition article (98) of the Penal Code was also amended in order to provide criminal protection for certain groups of women, children and persons of disabilities, by depriving the perpetrators of certain crimes from benefiting from the mitigating factor stated in this article when claiming that they committed the crime in order to protect their own or their family's honour. This amendment also toughened the penalties on some crimes committed against minors and physically or mentally disabled women. Despite these amendments, the government did not propose any amendments that would guarantee non-discrimination and penalize persons who discriminate against others despite of the many calls to do so by civil society and legal organizations.

Although the government had carried out some political and economic reforms related to women, as a result of the repeated calls by citizens and civil society organizations, such reforms kept women marginalized and did not achieve any positive results for their benefit. On the contrary, a major setback took place in other fields such as the participation of women in decision making. The challenges facing women in access to justice are still in place and needs serious and extensive work in the form of policies development, implementation of programs and adoption of certain procedures to enable women from practicing their access to justice right.

There are a number of laws submitted to the parliament for discussion and enactment, such as the Labour Law and for more than three years this law had not been amended and the proposed amendment does not include any provisions which allows any discrimination between male and female workers despite the fact that the law identify the labourer to include both males and females, but it lacks any mechanisms to protect the female workers from implied discrimination which might deprive them from being promoted in her job.

His Majesty the King showed his interest by proposing the flexible labour system on the 8th of March 2017 which aimed at widening women participation in the work market. The implementation of such regulation is solely related to the employer's decision which can be done by introducing amendments to the establishment internal regulations in a manner that would allow female workers to work under the said flexible work system. The government did not develop or carry out any awareness programs targeting employers in order to educate them about such flexible work mechanisms and did not oblige the employer of such system thus such approach is still not applied by the various Jordanian institutions

In relation to women participation in political life, it is evident that the political environment constitutes a main obstacle in this regard, this is evident in the restrictions imposed on partisan activities especially when it is related to opposition parties. The allocation of Quota seats for women as a temporary and preferential measure aims at encouraging women to participate in the political life through elections and becoming members of the parliament, such measure implies to

the public that the original seats of the parliament are sole right of males. Only (11%) of the parliament seats (130 seats) are occupied by females. The said Quota system deprived both Christian and Circassian women from competing on such seats and limit their options to compete with male candidates in the parliamentary elections. The percentage of women in the parliament is an insufficient one and do not come close to the percentage needed in order to achieve the sustainable development objectives.

Jordan has witnessed a clear and substantial decline in the participation of women in decision making positions, in some governments (councils of ministers), women did not hold any ministerial posts and in another there were only one female minister and in the most progressive government the percentage of female ministers reached only (16%) of the number of male ministers in the same government. The ministerial posts occupied by female ministers affirms the stereotypes related to the women role in the public sector and thus it does not depart from the traditional positions such as heading the Ministry of Tourism or Social Development and in very limited occasions the Ministry of Transportation and the Ministry of Planning where headed by females.

Issue number 4:

The Personal Status Law and the measures taken in order ensure equality between women and men

Despite the presence of the Personal Status Law number (36) of 2010, which is considered a more advanced law when compared with the previous ones, this law still suffers from many shortcomings and deficiencies which affects the legal and social status of women. The law still permits the marriage of minor females who are less than 18 years old, despite the fact that it states in its provisions that the age for marriage is (18) calendar years for both males and females, but it also provides for an exception which can be easily applied due to the lack of effective measures to restrain and narrow its application. Such exception and its application deprive children from education and from receiving the needed qualification to enter the work market.

The percentage of underage married females (under 18 years old) reached (14%) of the total marriages that took place in 2014³. According to a report that was published by the Shari'a Chief Justice Office in 2015⁴ a total of (10866) under age females got married out of (81373) marriage contracts that were concluded in the said year, that is (13.4%) of the total number of marriages. This is a substantial percentage when looking at the negative effects such marriages result in. The number of underage female marriages increased and reached around (11000) in 2016⁵, this number includes a total of (300) underage male marriages. These numbers show that there is a clear tolerance in granting the permits required by the law in order to conclude such marriage contracts.

The Shari'a Chief Justice Department had issued new directions in mid-2017, which aims at protecting the rights of underage persons in relation to early marriages, but such directions are still not sufficient by itself to limit and prevent underage marriages. Despite of the presence of the previous directions the number of underage marriages was on the rise and the new directions will

³ <http://www.sjd.gov.jo/EchoBusV3.0/SystemAssets/PDFs/AR/Studies/StatisticsReport2014.pdf>

⁴ <http://www.sjd.gov.jo/EchoBusV3.0/SystemAssets/PDFs/AR/Studies/Report2015.pdf>

⁵ <http://www.sjd.gov.jo/EchoBusV3.0/SystemAssets/PDFs/AR/Studies/36234-Qadee%20Qwdahh.pdf>

not restrict such practice due to its general and loose nature, in addition to the difficulties associated with monitoring its application by the courts.

Discrimination against women still exists in relation to financial matters which result from divorce, as a woman is obliged to return her dowry in case she is the one who requested to end the marriage relationship by what is called “deviation” and in what is known as irreconcilable differences cases, the woman is obliged to pay her husband the compensation ordered by the court before the court issues its judgment, while the male does not pay any amounts until the case is decided by the court and after the female refers to the court requesting it to order the male to pay such amount.

The law had increased the age of guardianship given to mothers over their children to (15) years for Muslim mothers, while the non-Muslim mothers right to guardianship ends at the age of (7) years, despite the fact that the mother guardianship over her children is a right to the children themselves before it is the mother’s right.

There are no female judges or employees in the Shari’a courts or departments, despite the existence of qualified and trained females who can carry out such functions.

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

Issue number 5, 6 and 7:

Violence against women which includes domestic (family) violence

The current law still does not provide women with effective and full protection. The government failed also by not giving the needed attention to women’s issues and not considering such issues as a development priority or as a national issue, it as well lacked the political will needed in order to enhance women status by the development and implementation of the needed rehabilitation and protection programs and by amending the related legislations. There are a number of reasons for this, including the absence of laws prohibiting all forms of violence, the lack of suitable and sufficient number of safe houses for battered women. Adding to that, the directions and procedures of the Family Protection Directorate – which are supposed to protect women- do not deter the perpetrators from assaulting women and its applied procedures tend for reconciliation instead of enforcing the law. This action of reconciliation pressures the woman to wave away her rights and encourages the perpetrators to repeat their actions.

In addition to these shortcomings, one can add other factors such as:

- the inferiority approach law enforcement officials use when dealing with such women
- The frequent use of administrative detention against women which is done under the pretext of protecting them and the lack of safe houses especially when such women have children
- lack of training, qualifications and knowledge for key officials in the various related public institutions about women and human rights, international standards related to how to deal with cases that involve women as victims.
- the lack of services provided to women; the authority’s failure to provide free legal and judicial assistance in civil and Shari’a matters.

- The failure of the national mechanisms entrusted with supporting women and enhancing their status and conditions

All the above and more led to the increase in violence and discrimination against women which means that women at risk of violence do not feel any substantial progress or improvement in relation to the conditions they live in. Four of the latest seven murdered women in 2016, had files at the police and the Family Protection Directorate, which indicate that they were subjected to domestic violence and their lives were in danger. Accordingly, we find that there is an urgent need to develop and publish guidelines related to how to deal with gender based violence cases.

Jordanian and non-Jordanian women are often subjected to cruel, inhuman and degrading treatment by police and security officers, at police stations and by staff members at the administrative governors' departments, where women are faced with prejudgments and looked at as defendants and not victims especially if the complaint against them is submitted by the woman's husband. Based on the husband's complaint, an arrest warrant is issued against the woman and when she is arrested she is usually subjected to mistreatment and verbal abuse in addition to administrative detention without a trial, under unacceptable conditions and without granting her the right to compensation for such arbitrary detention which also lacks the presence of any rehabilitation programs.

Women who are victims of violence and sexual harassment or even rape or any other form of sexual crimes, are the ones who are at risk of being administratively detained under the pretext of protecting them from the possibility of being killed or assaulted by the society or their families. Such detentions are done despite the lack of safe houses for battered women especially those who fall victim of sexual crimes. The powers given to the administrative governor, who is an executive authority official, show that there is no real separation of powers, where such official plays the role of a judge and issues decisions which restrain the liberty of other persons such as ordering the arrest, interrogation and detention of women under the pretext of protecting them. Such powers constitute a clear overlap between the executive and the judiciary and an infringement on the judiciary's powers.

Enabling women to have a free access to the justice system and the courts would decrease the extent of their suffering and weakness and would lead to just and fair decisions and judgments to the benefit of poor women. Such challenges are manifested in the weakness of the related governmental awareness programs which it carries through its various institutions in addition to the weak national institutions, unqualified law enforcement officials and the lack of schools' and universities' curricula dealing with such issues. In addition to the above stated factors and shortcomings, one can also cite the legal provisions which discriminate against women especially those included in the Penal Code, such as the provisions of Article (340) of the said law. We do appreciate the Government of Jordan response to the repeated requests of the civil society institutions to repeal article (308) of the Penal Code, which gives the perpetrators of certain sexual crimes against women the opportunity to evade justice.

Despite the amendments done to Article (340) of the Penal Code, which applies to what is called "honour killing crimes" when a female victim is killed or injured by one of her relatives under the pretext of defending their honour, discrimination between males and females still exists in the provisions of this article , where it allows the male to benefit from the mitigating factor regardless

where he finds the victim, while the female can only benefit from it if she finds the male committing adultery on the marriage bed, despite the fact that the right to life is a basic human right. Repealing both articles would have been better than amending them in a way which legalized discrimination and inequality.

According to a study done by The Sisterhood Is Global Institute (SIGI)⁶, it was noted that the number of women complainants in grand felony cases is higher than the number of male complainants, this is due to the fact that most of these cases are brought to court by the public prosecution and not the women victim herself. The report shows that during 2015, (1470) complainants submitted complaints to the Grand Felonies Court, (747) of which were females, which constitutes (50.8%) of the total number of complainants. Such cases ranged from homicide cases (84 cases), rape cases (103 cases), abduction (32 cases) and (528) cases of indecent sexual acts.

The study shows that the above stated numbers reflect a great weakness in women's access to justice, where the percentage of women complainants in civil cases did not exceed (16%) and in criminal cases (14%). It also shows that one of the major reasons behind such numbers is that women don't fully know or understand their rights and they are usually afraid or embarrassed to ask for their rights through legal or judicial means especially when the defendants are their relatives, another reason is the lack of financial resources that would enable them to resort to the courts. the lack of information and hardship women face when seeking the needed legal information and their inability to obtain such information through electronic means such as judicial precedents and the judgments that may assist in litigations, as the cost of obtaining such judgments and precedents is high and has to be bought in advance.

Other factors are: The lack of a fair trial guarantees such as easy and affordable access to justice for women and the presence of a defence attorney in order to provide women with the legal support they need. In addition, the authorities worked on restricting the ability of civil society to provide legal assistance under the Association and Public Meetings Law. This interferes with the work of the organizations that provide free legal and judicial assistance to women and other groups. Such intolerance resulted in most cases in preventing such associations from providing their services to the public, through preventing them from getting financial support provided by international organizations and donors which care about women access to justice in addition to the financial barriers which prevent women from accessing the justice system due to the high cost of litigation, which most women cannot afford due to their poor financial condition. The number of complainants in civil cases reached (96602) complainants, (15520) of those were women, which constitutes only (16%) of the total number, while the total number of complainants in criminal cases reached (155279) complainants, (21857) of which were women, which constitutes (14%) of the total number ⁷

In addition to the above, there is discrimination against women in the field of work both in public and private sectors, this is evident through the gap between men and women salaries and the lack of equality between them in relation to salaries paid for the same type of work, in addition to the existing discrimination in relation to promotions, training opportunities and the occupation of high administrative posts and the sexual harassment women may face in the work place. All this

⁶ <http://sigi-jordan.org/ar/?p=2345>

⁷ http://www.jc.io/sites/default/files/jc-ar2015-draft4-review-pages-updated_6155.pdf

requires the presence of legal provisions in the Labour Law or the Penal Code which criminalize discrimination and inequality and toughens the penalties related workplace sexual harassment crimes

Limiting the penalties for sexual harassment at the workplace, when the perpetrator is the employer, to closing down the establishment, does not do any good because it results in the workers losing their jobs and thus women will keep silent fearing that they may lose their job if they report such crime. This calls for the amendment of the legal provisions by toughening the penalty on the perpetrator himself.

Counter-terrorism measures (arts. 4 and 9)

Issue number 8: Measures related to combating terrorism

Jordan issued its Anti-Terrorism Law of 2006 after the bombings which targeted three of Amman hotels and resulted in the death of (60) Jordanians and foreign nationals. The law defines terrorism as “any deliberate action committed by any mean leading to the killing or physically hurting any person, or causing damage to any public or private property, if it is aimed at breaching the public order and jeopardizing the safety and security of the society”.

In April and May 2014, the Seventeenth Parliament and the Upper House approved the new amendments to the Anti-Terrorism Law. The amendments targeted four articles of the law and widened the definition of terrorism to include certain actions such as “disrupting Jordan’s relations with a foreign country”. Such crime is stated in the Penal Code and usually used to prosecute the peaceful criticism of foreign countries and their rulers. The said amendments toughened the penalties stipulated in the law.

In December 2016, the Council of Ministers approved amending the Anti-Terrorism Law, in order to, according to the Council, “strengthen the security system in the fight against terrorism and monitoring the persons who are suspected of committing or trying to commit terrorist acts and to besiege them and reduce the risk of their movements”. The said amendments gave the administrative governor the authority to issue arrest warrants against persons who are suspected of committing or trying to commit acts of terrorism in addition to the authority to order their detention. The amendments also provided a legal base which allows the security and military apparatuses to use the needed force to stop the suspects of committing terrorist acts, apprehend them and refer them to the administrative governor or the public prosecutor.

Article (2) of the Anti-Terrorism Law according to its latest amendments which took place in 2016, defines the act of terrorism as “Any deliberate act or threat or refraining from such if its motives or objectives or means are done in order to achieve an individual or group criminal deed which may expose the society’s safety and security to danger and cause civil unrest if this aimed at violating the public order or instil fear between the people or expose their lives to danger or causing damage to any public or private property, the environment, or the utilities of international

organizations or diplomatic missions or occupying any of it or exposing national or economic resources to dangers or forcing the legitimate authority or an international or regional organization to perform any deed or refrain from performing it or obstructing the application of the Constitution or laws or regulations”

This definition exposes a large number of citizens to the possibility of being tried according to the provisions of the law, this is due to the large number of acts which constitute an act of terrorism according to the said law, such as “any act that may harm the environment or violates the public order”. The law also widens and increase the number of places where acts of terrorism can be committed to include “the digital sphere”.

The law also used general terms in describing the various acts of terrorism such as “public order”, “the society safety”, “causing unrest”, “causing fear” and “terrorizing people”, all these phrases are very general in nature and can be applied loosely and thus resulting in considering any such act as an act of terrorism. This contradicts with articles (4 and 14) of the International Covenant on Civil and Political Rights, which ensures that the authorities shall not apply any measures that may result in violating the guaranteed rights of persons or the application of which may violate the guarantees for a fair and just trial.

It is evident that there is an expansion in defining what constitutes an act of terrorism according to the Anti-Terrorism Law which contradicts what is stipulated in Article (147) of the Penal Code. This means that widening the concept of terrorism contradicts with the existing legislative framework. This is considered as a blunt violation to the related international standard, which ensures the application of the fair trial guarantees and that crimes can only be prosecuted based on the existence of a criminal intent according to what is stated in Article (14) of the Covenant and articles (7 and 11) of the Universal Declaration of Human Rights, in addition to Article (2) of the United Nation’s Convention Against Transnational Organized Crime.

In its 2015 report, Human Rights Watch stated that Jordan had used the Anti-Terrorism Law provisions in order to arrest and prosecute activists, opposition figures and journalists because they practiced their free of expression right.

Annex I includes a list of the names of persons and the charges that were directed against them according to the provisions of the Anti-Terrorism Law⁸ and the wide definition of the act of terrorism stated in article (2) of the law, which shows that there is a serious problem in applying the terrorism definition, as it includes freedom of opinion and expression which are expressed by individuals using the means of social media. The state security court public prosecutor charged a number of individuals with the commission of acts of terrorism according to the wide definition

⁸ The 12th Report concerning Human Rights Status in Jordan for the year 2015
<http://www.nchr.org.jo/arabic/%D8%A5%D8%B5%D8%AF%D8%A7%D8%B1%D8%A7%D8%AA/%D8%AA%D9%82%D8%A7%D8%B1%D9%8A%D8%B1%D8%AD%D8%A7%D9%84%D8%A9%D8%AD%D9%82%D9%88%D9%82%D8%A7%D9%84%D8%A5%D9%86%D8%B3%D8%A7%D9%86%D9%81%D9%8A%D8%A7%D9%84%D9%85%D9%85%D9%84%D9%83%D8%A9.aspx>

of terrorism in the law, despite the fact that such acts can only constitute an expression of opinion and a journalistic work. Many of such cases are still pending and the detention duration was long and reached the maximum period allowed by the Criminal Procedure Law.

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)

Issues number 9 and 16:

Use of force by law enforcement officials, all detained and arrested persons are provided with the main guarantees stipulated in the law, Karama Project

The national legislative framework intends to prevent torture and achieve justice for victims of torture in accordance with Article (8) of the Constitution and Article (208) of the Penal Code. However, such framework lacks the deterrence factor and it does not apply all the principles stipulated in the UN Convention against Torture. Article (208) of the Penal Code was subjected to an amendment concerning the minimum penalty stipulated for torture, where the amendment raised the minimum limit of 6 months to one year of imprisonment. The penalty still lacks proportionality with the gravity of torture crime and does not reduce the number of torture cases. Despite the latest amendments, the law does not provide equality between the victim and the perpetrator of such crime and it still considers such crime as a misdemeanour unless it results in the death of the victim or caused him/her a permanent disfiguration or harm despite the fact that torture is a serious crime and should constitute a felony, which enables the perpetrators to avoid punishment or at least a considerable one through the application of general or special amnesty which usually include misdemeanour crimes. The definition of the act of torture stipulated in the Penal Code, differs greatly from the definition stipulated in the Convention Against Torture. The national definition does not correspond to the international one, which clearly defines violence and its physical and psychological effects on the victim, in addition the national law does not define what is meant by the term “public official” and it also lacks a provision which clearly states that such crime is not subject to the expiration of the statute of limitation which is stated in the international definition of such crime.

In addition, there are a number of legal and administrative practices which intensify the dangers and risks associated with the crime of torture and enables the perpetrators to avoid punishment, some of such factors are related to the official capacity of such perpetrators and some are related to the authorities which investigate, prosecute and try such crimes. Torture crimes are referred to the Police Court, which is a specialized court with jurisdiction to hear torture crimes, such referral results in many deficiencies affecting grievances mechanisms and in investigating the suspects of committing such crimes, which results in avoiding the legal responsibility associated with it. In addition, the Police Court is a special court, which raises the concerns about its independence, impartiality and integrity. The procedures applied by this court affect the full enjoyment of human rights such as the total prohibition of torture and any degrading or cruel or inhuman treatment. Furthermore, there is no independent and specialized body entrusted with receiving and dealing with claims of torture, that shall be able to protect the complainants and the witnesses. Regardless of the penalties imposed by the police judiciary on the perpetrators who appear before it, such perpetrators shall be tried before the regular courts’ system, which is known for its impartiality and independence. The existence of the police courts as special courts within the Jordanian judicial system based on the provisions of Article (99) of the Constitution,

still constitute an impediment which prevent victims of torture from justice, compensation and allows the perpetrators to escape justice.

It is well noted that there is no clear and explicit provision which guarantees the detainee right to have an immediate access to a lawyer, as articles (63/2 and 64/3) of the Criminal Procedures Law allows the integration of detainees without the presence of their lawyers in emergency cases, in addition Article (66/1) of the same law gives the public prosecutor the right to prohibit any communications with the detained suspect for a renewable period of time which shall not exceed ten days.

There are also clear weaknesses in ensuring the application of the basic legal guarantees in order to prevent or limit the use of torture and ill treatment of individuals, as detainees, especially those detained in the General Intelligence Directorate and the General Security facilities, are usually deprived from their right to a timely access to a lawyer or a doctor and from their right to inform one of their relatives about their arrest and detention.

The Coalition affirms that there is no adherence to the legal obligation to refer the detainee to the competent judicial authority within (24) hours of his/her arrest, in addition to respecting the right of detainees to meet with their lawyers in a manner that provides them with the needed privacy and confidentiality. The free appointment of lawyers is only applicable in felony crimes which are punishable by death or life imprisonment with hard labour.

The courts did not accept, during the trial of torture cases, the lawyers' pleas, which were based on the provisions of the International Convention on Civil and Political Rights and the Convention Against Torture. In case number (2215/2017) the Court of Appeals stated the following :“The court finds that the Police Court and the Police Public Prosecution were established according to a law which satisfies all the applicable constitutional requirements and thus the Police Public Prosecutor and the Police Court shall have the legal jurisdiction to investigate and try the crimes committed by the general security personnel and neither of these two institutions deprive the regular courts from its jurisdiction or authority because the later does not have jurisdiction over police cases. Accordingly, the decision issued by the Police Public Prosecutor which bans the prosecution of the suspect for the crimes he is suspected of committing, is a judicial decision, issued by a competent judicial body and due to the fact that no criminal action was committed by the third suspect against the appellant (the complainant), the later shall have no right to seek compensation for any damages as a result of actions which were not proven to be perpetrated by the suspect. Accordingly, all suspects shall not be held responsible for such action. The court finds that the trial court decision was issued in accordance with the applicable law and procedures and thus it decides to dismiss the appeal. In relation to the trial court decision not to apply the supremacy of the Convention Against Torture and the international human rights convention provisions over the national law in addition to not taking into consideration the UN's Special Rapporteur on Torture recommendation which calls for the abolishment of the police courts' jurisdiction over torture crimes and the transfer of such jurisdiction to the regular courts' system ... the court finds that the Police Public Prosecutor has the legal power and jurisdiction within the Police Court which is established according to a law that fulfils all the constitutional requirements and thus must be enforced. According to the above stated reasons the court finds that decision number (194/2008), which was issued by the Police Public Prosecutor, banning the trial of the defendant is a final valid decision after being ratified by the General Security Attorney General...

in addition, the conventions cited by the appellant does not deprive the Jordanian regular courts its criminal and civil jurisdiction, provided that it includes recommendations which do not constitute obligatory legal provisions. All the arguments and reasons cited by the appellant do not apply to the appealed decision and thus it shall be rejected by this court.

Many torture and ill treatment cases were documented, some of which were published in the media and others were documented by the concerned civil society institutions and/or announced by the National Centre for Human Rights. Many of such cases took place during the interrogation and arrest of persons. However, no single judgment was issued convicting the perpetrators of such crimes, this is due to the fact that such offences are legally conditioned as beatings or beatings leading to death or violation of orders and instructions crimes. More than (30) torture cases were registered in the Public Prosecution's Torture Cases Register during the last few years, without announcing the actions taken by the concerned authorities or their outcome.

The following four cases are pending before the Police Court:

- Victim Sultan Al Khatatbih: Sultan passed away five years ago, and still pending before the Police Court without a verdict being issued.
- Victim Abdullah Al Zubi: passed away in 2015 and there is no information related to it until this date.
- Victim Omar Al Nasir: passed away in 2016 and his case still pending before the Police Court.
- Victim Raed Imar: passed away in 2017 while in detention at the Jeza Badia Security Station. The Director of General Security ordered the detention of all officers involved in the interrogation of the victim (total of 8 officers), where several charges were directed against them and we hope that their trial will result in appropriate convictions.

The Jordanian courts regularly issue judicial judgments dismissing confessions and statements which were taken under duress, but despite of this legal practice, the victims cannot directly submit claims for being subjected to torture according to the Convention Against Torture provisions. This shows the lack of seriousness in pursuing and prosecuting torture crimes and brining its perpetrators to justice.

Despite the existence of the provision stipulated in Article (256) of the Civil Code, which is related to the right of an injured person to compensation, this provision is not specifically related to victims of torture, it is rather a general provision related to any harm that might be caused to an individual. There is no specific legal provision, which provides victims of torture and ill treatment with the right to a just compensation or their right to receive rehabilitation. As the victims of torture are individuals or groups of persons who were subjected to harm and suffered from physical and psychological injuries in addition to emotional distress or financial loss or the violation of their basic civil rights, the term victim shall include, the persons who are supported by such victim and his/her direct family members or the members of his/her household to the extent they suffered from physical, emotional and financial harm. The Jordanian legislator does not recognize such victims or their family members.

In a single and only judicial precedent related to the victims of torture and ill treatment, which was not repeated, despite the fact that there are more than (30) registered cases of torture before the Judiciary, Amman Civil Conciliation Court ruled in case number (14292/2013) for the benefit

of an Egyptian worker, where it awarded him the amount of (2000) JDs in addition to (100) JDs as lawyer fees. In this case the court ordered the authorities to compensate the victim for the abuse he was subjected to. The victim brought a case against the Minister of Interior, the Director of Public Security, the Director of Jwaydah Rehabilitation and Correction Centre in addition to the Capital's Governor, where he accused them of taking arbitrary measures against him, which started by arresting and administratively detaining him for a prolonged period of time, in addition to deporting and banning him from entering the Kingdom. The said worker was detained for three months without being referred to any judicial body, which is more than the detention period allowed by the Criminal Procedures Law, which prohibits the detention of any suspect or defendant for more than (24) hours before referring him/her to the competent judicial authority. He also remained in detention for another (13) months awaiting the finalization of his deportation procedures based on a decision taken by the Capital's Governor. Due to such measures, the said victim suffered from economic, physical and emotional harm, due to the fact that he is a foreigner and came to Jordan in order to support a family composed of his wife and little daughter, which were with him in Jordan. The court decision concluded that the authority practiced its power in an arbitrary manner which obliges it to compensate the victim, it also considered the detention of the worker as being illegal and violated both the applicable national laws and the international human rights conventions ratified by Jordan.

Despite the positive impact of this ruling, the compensation amount awarded by the court does not commensurate with the gravity of the physical and emotional harm suffered by the victim and his family. The Capital's Governate detention power is not an absolute one, it is rather regulated by the Prevention of Crimes Law, the provisions of the International Covenant on Civil and Political Rights in addition to the principles of proportionality and urgency which did not exist in this case. The governor's detention orders for deportation purposes, shall be conducted in a proportionate manner and within the limits stipulated in both national and international legal provisions. The court ruling was taken based on Article (9) of the International Convention on Civil and Political Rights, where it confirmed that the measures taken against the victim constituted a "cruel and inhuman treatment" according to article (16) of the Convention Against Torture ratified by Jordan.

It is worth to cite here a case⁹ related to the ill treatment of a housewife, where the security services raided her home searching for her husband. The raid resulted in serious damages to the house in addition to financial and emotional harm to the wife. West Amman First Instance Court ruled that the General Security Directorate is obliged to pay the victim the amount of (20) thousand JDs in compensation for the damages caused to the house during the raid. The court's ruling was not based on the ill, cruel and inhuman treatment, but rather on the harmful act which caused the financial harm only, as there isn't any legal provision in the Penal Code, which enables the victim to claim compensation for the physical and emotional harm he/she may suffer as a result of torture or ill treatment.

During the first three phases of the anti-torture Karama project (the National Project for the Prevention of Torture, funded by the Danish Ministry of Foreign Affairs, within the Arab-Danish Partnership), the Ministry of Justice and the Public Prosecution in cooperation with Dignity -Danish Institute Against Torture, organised the following activities:

⁹ <https://www.assawsana.com/portal/pages.php?newsid=311459>

1. The development of guidelines' manuals for both judges and public prosecutors:
 - a) A manual on investigating the crime of torture
 - b) A manual on reducing pre-trial detention
2. Training on the use and application of the manuals
3. Mizan case management system in the courts:
 - a) Cases classification
 - b) An amendment to the system in order to reduce pretrial detention
4. A national and regional dialogue on the importance of combating torture
5. A central national register for torture cases
6. Two regional conferences on combating torture
7. New cooperation with civil society institutions

The National Centre for Human Rights also achieved the following through Karama Project:

1. (The National Monitoring Team – Karama) visited detention centres
2. Publishing the Periodic Monitoring Team – Karama Report
3. Discriminating anti torture culture and raising public awareness
4. Submitting a shadow report to the UN Committee Against Torture
5. Gaining support and exerting pressure

As to the third partner in Karama Project (Mizan Group for Law), the following should be mentioned:

1. Conducting training programs, workshops and round table sessions
 - a) Submitting the first shadow report before the UN Committee Against Torture, 2010
2. Establishing the Nour Network for Lawyers
3. Publications:
 - a) Training Manual on “Redress for Victims of Torture and other Forms of Cruel or Inhuman or Degrading Punishment or Treatment”.
 - b) Anti-Torture draft law
 - c) A leaflet “Guiding Principles related to Arrested and Detained Persons”.
 - d) A study on “The Rights and Guarantees of Suspects during the Pretrial Phase”.

Karama Project’s phase four started in July 2017 and it will continue working towards the same general goal, which is the elimination of the use of torture and other forms of ill treatment in Jordan.

Despite the great efforts taken, there are still many challenges and abuses related to the prolonged periods of detention and violations of human rights in addition to the guarantees of a fair trial.

There are still a lot to be done in relation to changing the society’s and the law enforcement agencies views and mind-set towards torture and other forms of ill treatment in addition to educating the society about its civil rights and activating the lawyers’ role in such type of cases.

Issue number 12:

Dealing with violations against migrant workers especially households' female workers and the establishment of safe houses for them

The statements provided by various officials stated that there are (1.2) million migrant workers in Jordan. The Ministry of Labour statistics points out that the number of registered migrant workers is around (342) thousand worker (males and females who hold work permits)¹⁰, in addition to three times this number as unregistered workers including the Syrian refugees. According to the Ministry of Labour statistics for the year of 1916, the number of female migrant household workers is around (53) thousand registered workers, in addition to the unregistered female migrant workers¹¹.

When conducting campaigns designed to find unregistered workers in order to settle/correct their legal and residency status, the authorities detain such workers for prolonged periods of time before it bring them before the court and/or deport them. This is being done despite the fact that Jordanian legislations (article 100 of the Criminal Procedures Law), states that the period for detaining the suspect shall not exceed (24) hours, where after the end of such period the suspect shall be brought before the public prosecutor in his/her capacity as the competent judicial authority entrusted with conducting the investigation. Despite this the police still holds the migrant workers for periods which exceed the (24) hours period stipulated in the law. Through the interviews conducted with around (281) female workers who were detained, they stated that they were kept in police stations for periods ranging from one day to 11 months¹².

| Period in the police station holding cell | Number | Percentage |
|---|------------|-------------|
| One day to 20 days | 101 | 36% |
| 21 days to 4 months | 40 | 14% |
| 5 months to 11 months | 5 | 2% |
| Not known | 135 | 39% |
| Total | 281 | 100% |

Periods of detention inside police stations

The total number of individuals who were detained based on the administrative decisions issued by the administrative governors in the Kingdom is around (19860) detainees in 2015, compared to (20216) detainees in 2014, (12766) detainees in 2013, (12410) detainees in 2012 and (11345)

¹⁰ Al Ghad Newspaper <https://goo.gl/PBwdE5>

¹¹ Many of the related reports issued by Tamkeen Centre for Support including the annual report <http://tamkeen-jo.org/>

¹² Tamkeen Annual Report – Syaj Al Ghurbah <http://tamkeen-jo.org/download/%D8%B3%D9%8A%D8%A7%D8%AC%20%D8%A7%D9%84%D8%BA%D8%B1%D8%A8%D8%A9%20-%20%D8%B9%D8%B1%D8%A8%D9%8A.pdf>

detainee in 2011. The percentage of foreign detainees is around (4%) of the total number of those detained in Correctional and Rehabilitation Centres and police stations.

The migrant worker may be kept in detention for several months and sometimes for more than a year, where it is hard to provide such workers with travel tickets. The interviews conducted with (281) migrant workers who were administratively detained, showed that they were detained for periods ranging from 21 days to two years

| Administrative detention periods | Number | Percentage |
|----------------------------------|------------|-------------|
| 21days to 4 months | 145 | 55% |
| 5 months to 11 months | 51 | 18% |
| One year to two years | 13 | 5% |
| Not known | 9 | 3% |
| Total | 281 | 100% |

Number of administratively detained migrant workers

The (281) migrant workers who were interviewed, provided that they don't know the reasons behind their detention or that they have the right to contact a lawyer. They also said that there were no interpretation services during their interrogation by the authorities.

Regarding their treatment by the authorities, none of them reported that they were subjected to any kind of inhuman treatment or torture while in administrative detention, but some female migrant workers reported that they were forced to clean the police stations' facilities when they were in detention.

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

**Issues number 13 and 14:
Syrian and Palestinian refugees and asylum seekers from all nationalities**

Jordan continues to grant refuge to many refugees from Syria and Iraq. Although Jordan still shows hospitality towards refugees despite of the large pressure the phenomenon puts on the country's infrastructure and national resources, the government did not take any measures to provide the needed protection and care to the refugees' communities, as deportation decisions are still being taken by security officials despite the confirmed risks such deportees will face in Syria. Many children and juveniles were also sent back to Syria despite the risks there.

Despite the fact that Jordan is not a member state to the 1951 Treaty on Refugees, it still considers Syrian nationals as refugees and it provides them with protection. Such protection is considered a fragile one due to the many economic and social challenges faced by the Kingdom. The number of Syrian refugees registered by the High Commission for Refugees in Jordan reached the total of

(660582) refugees ¹³, while the government states that the number is around (1.3) million refugees.

As to the (45 to 50) thousand displaced persons¹⁴ stranded in Al Rukban area, the Jordanian authorities in cooperation with the humanitarian organizations working in the area had provided such persons with assistant. After the attacking the Jordanian border barrier on the 21st of June 2016 which resulted in the death of (6) boarder guard soldiers and the injury of around (14) other individuals, the government declared the Syrian / Jordanian borders as a closed military zone and all displaced persons were banned from entering the Kingdom.

The government of Jordan issued new instruction in order to facilitate the Syrian refugees' integration into the local work market by simplifying the process of getting a work permit and were implemented in order to ease the human hardships such refugees face. If the Syrian worker violates the conditions related to his/her work, he/she will not be deported back to Syria due to the security conditions there, rather he/she will be referred to Al Azraq refugee camp.

The Shari'a Chief Justice Department facilitates Syrian refugees' marriages and documentation of their children, which increased the number of underage female marriages.

As to Palestinian asylum seekers fleeing Syria, according to affidavit provided by a member of the JoCAT, such refugees suffer from many obstacles related to their stay in Jordan resulting from the government decision not to accept any Palestinian refugees into the Kingdom and put them in a different camp. Such decision forced many of those Palestinians to claim that they are Syrian citizens to be able to enter the country. The number of such families is around (500) and still rising, due to forcing many families, who were living around the camp to move inside it. The most serious problem facing these refugees is there inability to obtain legal residency permits, where most of them live without any legal status and thus they cannot get the same services which are provided for Syrian refugees or to the Palestinian ones who live in Jordan since 1948. The only services provided to them by the UNRWA are limited to health and education services which are being reduced in a rapid manner. Such measures created many social and economic problems and increased domestic violence incidents among such refugees.

Issue number 15:

Arbitrary revocation of Jordanian Citizenship held by Jordanian Citizens of Palestinian origin

The issue of withdrawing national numbers from Jordanian citizens of Palestinian origin based on the "severing the ties with the West Bank" decision, caused a debate within the society which has been ongoing for many years, especially since 2010. Due to the ambiguity of the standards applied in revoking citizenships, a large number of citizens suffered from a wide range of violations. The government had taken several appreciated measures in this regard, which prohibited the revocation of any citizen's citizenship unless there is a decision taken in this regard by the Prime Ministry, which makes such decision an administrative one that could be challenged before the administrative court, and thus if there is any misapplication of the revocation instructions, the decision can be declared as null and void. Despite such positive development, the administrative

¹³ <http://data.unhcr.org/syrianrefugees/country.php?id=107>

¹⁴ Jordan Refugee Response, July 2017 - UNHCR

judiciary had ruled that the decision which severed the ties with the West Bank and upon which the citizenship revocation instructions were issued, is a sovereign decision and does not fall under its jurisdiction and thus cannot be challenged before the courts. The latest ruling by the administrative court in this regard was its decision concerning case number (49/2014). See Annex II for examples

The justifications and reasons given by the government for the revocation of citizenships are based on unconvincing political factors, which led to many demonstrations, set-ins and campaigns that were suppressed through the use of excessive force by the government.

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

Issue number 17:

The Crimes Prevention Law and reducing the number of administrative detention cases

The Crimes Prevention Law of 1954 is considered one of the oldest applicable laws in the Kingdom and despite of the many calls and pleas to repeal it, it is still enforced till this day. The said law includes many provisions, which violate the constitution, such as the provision which gives the administrative officials who has no judicial capacity the power and authority to order the arrest and detention of persons without any due process or trial. In addition, some articles of the said law violate and negate some of the very basic human rights such as the right to travel and to a place of residence in addition to the right to appear before a judge or court which has the authority to detain a person or not. In addition to this, the law gives the administrative governor an absolute power which constitutes a clear violation of the person's basic rights and freedoms. According to this law the administrative governor has the power to issue house arrest and detention orders, he/she also defines the amount of bail and its type. The governor also has the power to ban activities related to human rights, for instance the Capital's Governor banned two activities, which were to be held by the Jordanian Society for Human Rights concerning the integration of human rights principles in the work of the media and its activities, which were to be held in November 2016 and January 2017.

Despite the decrease in the number of administratively detained women in the various Rehabilitation and Correction Centres according to The Sisterhood Is Global Institute (SIGI)¹⁵, as the number of female inmates decreased in 2016 in comparison with the numbers of 2015, as the number of convicted women was (493), while (988) women were detained according to judicial orders, and (2052) women were subjected to administrative detention. In total, there were (16.1%) decrease in the number of detained and imprisoned women in Jordan. Administrative governors still apply the provisions of the Crimes Prevention Law, which grants them the power to detain persons under the pretext of protecting them and maintaining national security.

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<http://alrai.com/article/10397605/%D9%85%D8%AD%D9%84%D9%8A%D8%A7%D8%AA/%D8%AA%D8%B1%D8%A7%D8%AC%D8%B9-%D8%A3%D8%B9%D8%AF%D8%A7%D8%AF-%D8%A7%D9%84%D9%85%D9%88%D9%82%D9%88%D9%81%D8%A7%D8%AA-%D8%AF%D8%A7%D8%B1%D9%8A%D8%A7-%D8%A8%D9%86%D8%B3%D8%A8%D8%A9-16>

The reason for releasing detained women is due to the large numbers of inmates admitted to safe houses, the lack of rehabilitation and care programs and the high financial costs associated with keeping them under detention.

| Correctional and Rehabilitation Centres' Inmates | | | |
|---|-----------------------------------|---------------|---------------|
| Details | | Number | |
| | | 2015 | 2016 |
| Admissions | Convicted inmates | 15765 | 21117 |
| | Judicially Detained Persons | 28437 | 36197 |
| | administratively Detained Persons | 19860 | 30128 |
| | Total | 64062 | 87442 |
| Releases | Convicted inmates | 21041 | 30739 |
| | Judicially Detained Persons | 29436 | 26047 |
| | administratively Detained Persons | 23752 | 31178 |
| | Total | 74229 | 87964 |
| admission to hospitals | | 770 | 841 |
| courts' requests | | 108209 | 141203 |
| Visits / regular, private and lawyers | | 806120 | 939024 |
| Phone calls | | 530510 | 509936 |

The Correctional and Rehabilitation Centres' Department' Statistics for the years (2015-2016) related to the number of Administratively Detained Persons

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

Issue number 18:

The State Security Court and amending the Anti-Terrorism Law

The State Security Court still in place, despite the international committees and bodies recommendations to abolish it. This court has jurisdiction over drugs and states security crimes and offences, where the majority of its judges are military officers. It only provides two levels of adjudication, where the regular courts system provides the defendant with three levels of adjudication.

The State Security Court is a special military court which has an extended jurisdiction that affects certain legal issues related to the rights and freedoms of civilians. The said court was established based on a special law (the State Security Law) after two years of declaring the state of emergency in the Kingdom in 1957. Despite the cancelation of the state of emergency in 1991, the State Security Court still in place until this day. Many protests and sit-ins were held calling for its abolishment, stating that it is a military court that try both civilians and military personnel according to the same standards which violates the principle a fair trial. The judges of this court are appointed by the Executive Authority, which violates the independence of judges and that of the judiciary in addition to the separation of powers principle.

The State Security Court is composed of three civilian and/or military judges. The Director of the Military Judiciary or one of his/her assistants are appointed as an Attorney General before the State Security Court, one or more military judges can be appointed to act as the Attorney General's assistants. One or more military judges are appointed to act as public prosecutors before the court. All the above stated powers and authorities are evident and proof the lacks independence and its establishment and composition violates the independence of the judiciary principle.

The law grants the State Security Court a wide range of powers to try crimes against the state's internal and external security, its economic security, crimes against public safety and those committed in violation of the State's Secrets and Documents Protection Law, illegal assembly offences, crimes against public security, defamation of the King, Queen or the Crown Prince or any of the Crown's Guardians.

The Constitution provides for the establishment of special courts, but this is not applicable to the State Security Court, because it does not report to the Judicial Council as the rest of the special courts, which violates the separation of powers constitutional principle and constitutes an infringement by the Executive Power on the Judiciary and a violation of its independence.

Despite the fact that the international covenants ratified by Jordan, especially those related to human rights, include the guarantees of a fair trial and that a person shall be tried before his/her natural judge, the State Security Court is not the natural judge before which civilians shall be tried. Another factor in this regard is the mechanism applied to appoint the court's judges, which violates article (97) of the Constitution related to the independence of the judges.

When speaking about economic crimes which fall within the State Security Court's jurisdiction, there is a great ambiguity in the standards used to decide if the crime is related to the economic security. Deciding this is solely left to the Prime Minister's discretionary power, where he/she is the person who decides to refer such cases to the court. This means that any criminal act can be categorized as a crime against economic security.

It is worth noting here that the Jordanian Constitution of 1946 is more progressive in this regard than the Constitution of 1952, where the former stated that civilians and military personnel shall be tried for crimes committed in violation of the Penal Code before the civilian regular judge and that an individual shall be tried before his/her natural judge. The 1952 Constitution does not include such provision.

The legal period for detaining suspects who shall appear before the State Security Court differs from that of other courts, where the Criminal Procedures Law states that the suspect shall not be kept in the police custody for more than (24) hours, which means that such person shall be brought before the public prosecutor before the end of such period. The legislator increased such period to (7) days, when the person is charged with the commission of crimes which falls under the jurisdiction of the State Security Court.

The authorities amended the Anti-Terrorism Law by extending the scope of the crimes which fall under the State Security Court's jurisdiction, citing the need to protect national security. As a result many offences (from simple to serious ones) were added to the court's jurisdiction in order

to try persons who commit such offences and subject them to arrest and detention without taking into consideration the guarantees of a fair trial and also by toughening the penalties for committing such offences in comparison with penalties stipulated for the commission of torture crimes by state officials against the citizens, which are considered as misdemeanour crimes and do not entail strict and tough penalties.

The court also violates the principle of open and public trials, where individuals, lawyers and civil society institution's representative are banned from attending its hearing sessions or from meeting with the defendants, in addition to the difficulties the media and civil society institutions face in obtaining information related to trials and even to the final judgments issued against the defendants by the court.

Issue number 25:

The member state's publication of information regarding the International Covenant on Civil and Political Rights and the participation of civil society representatives in the preparation process of the members' state's report

The civil society institutions publish and disseminate information regarding the International Covenant on Civil and Political Rights and the international human rights system, in order to raise awareness in relation to such issues. The civil society institutions repeatedly call for cooperation with the government in order to spread the human rights culture in schools and universities, but the government usually neglects such requests despite the fact that it is obliged to do so by developing and applying the needed related programs.

As to the government's report, there were no coordination or cooperation with the civil society institutions when preparing the official member state's report and the related institutions were not able to review the report except when it was published on websites and after it was submitted to the concerned committee.

At the end and as it is stated above, the Jordanian Civil Coalition Against Torture discussed thorough this report the issues that are only related to its mandate and we would like to stress on the importance of the following recommendations:

Final Recommendations:

1. The Constitution of Jordan shall include a constitutional provision which reflects the status of international conventions in relation to national legislations.
2. Amending Article (6) of the Constitution by adding the term "sex" to its text in order for equality between both sexes to become a clear and constitutional principle.
3. The Jordanian national legislation commensurate with some of the international standards related to arrest, imprisonment, the restriction of liberty and the existence of penalties for the commission of crimes in addition to the presumption of innocence. The practical application of such standards requires the existence of guarantees which ensure the application of what is stipulated in the international standards such as awareness, qualification and efficiency strengthening programs, in addition to building the capacity of law enforcement officials and modernizing the existing applicable legislations, so the judiciary's judgments are based on the international provisions which affirms such guarantees.

4. The establishment of family courts within the regular courts' system and the issuance of a family law applicable to all persons regardless of their religion or affiliation.
5. Promoting and activating the national mechanisms by providing opinion in relation to legislative amendments and allowing it to conduct undeclared visits to detention and arrest locations in cooperation with the related civil society institutions.
6. The Hashemite Kingdom of Jordan must ratify the Optional Protocol to the Convention Against Torture.
7. The adoption of an inclusive law, that criminalizes all forms of discrimination and affirms the principles of equality and equal opportunity for all.
8. The need to amend the Personal Status Law, where it should prohibit minors' marriages and guarantees equality between men and women in both rights and obligations.
9. Applying the constitutional principle which states "Jordanians are equal before the law", in relation to Jordanian women by enabling them to pass their citizenship to their children and eliminate discrimination by amending the Citizenship Law.
10. Amending the Labour Law, where it should include penalties against those who discriminate between women and men and include a provision which oblige employers to establish nurseries for all workers' children.
11. Amending Article (29/b) of the Labour Law, so as to increase the penalties imposed on the employer when he/she commits any sexual assault against his/her employees instead of closing down the establishment.
12. Amending the Public Security Law by revoking the jurisdiction of the Police Court in hearing cases involving civilians.
13. Amending the Constitution by unifying the judicial authority, where the natural judge is the one who is competent and has the authority to hear all disputes without dividing the judicial jurisdictions between the regular, special and religious courts.
14. Amending the Judgments' Execution Law by eliminating the imprisonment of debtors.
15. Ensuring the freedom of association and the right to the establishment of unions in addition to removing the restrictions imposed on the registration of labour unions which are reflected in the Professions and Industries Classification System of 1996 which numerates the professions for which a trade union can be established. The said system prohibits the establishment of a labour union until after getting the opinion of the tripartite committee, which bans the establishment of a new union for a classified profession related to a sector which is already represented by a registered union.
16. The Labour Law and the Civil Service Regulation shall include a provision, which oblige official and non-official institutions and establishments to apply the flexible -work system for female workers and civil servants in accordance with the needs.
17. Amending the Anti-Terrorism Law, so it specifies and lists which acts are considered acts of terrorism.
18. Provide law enforcement officials with the needed trainings on the importance of fair trial guarantees for detainees and arrestees in terms of duration, nature and places of detention.
19. Guarantee the existence of adequate and secured locations which provide the detainees with the needed privacy when meeting with their lawyers, families and members of civil society organizations.
20. The establishment of secured centres for the detention of migrant workers, until settling their legal status in addition to signing memos of understanding between the competent authorities and the related embassies from one side and civil society organizations on the other side to provide such individuals with the needed legal and financial assistance.

21. The establishment of programs and mechanisms in order to protect the migrant workers from human trafficking and forced labour crimes.
22. Finding and improving the national laws, which are based on the citizenship and equality between all citizens.
23. The Ministry of Interior Media Centre must be transparent in publishing the results of violations referred to the Judiciary and enable the interested parties from obtaining such information.
24. Integrate the concepts of human rights in general and those embodied in the International Covenant on Civil and Political Rights in particular into schools and universities curricula.
25. Allow and enable the civil society organizations to conduct activities such as awareness sessions for women in the community to increase the level their level of knowledge related to their legal rights.
26. The provision of legal assistance services by the government in cooperation with the civil society organizations through the development of the needed national plans and policies and lifting the restrictions imposed on the civil society organizations in this regard to facilitate Jordanian and non-Jordanian women access to justice.
27. Enable qualified females to perform all judicial, administrative and technical work related to Shari'a matters, including the appointment of women in judicial posts in the Shari'a courts system.
28. Abolishing the Crimes Prevention Law which gives authorities and powers to administrative governors including the power to arrest and detain individuals without them committing a proven criminal act, where such persons are usually detained for prolonged periods and in unprepared detention facilities and places.
29. Abolishing the State Security Court, as it is an unconstitutional court, in addition to the fact that its judges are military personnel who try civilians.
30. The state has to develop the polices and the needed rehabilitation programs in addition to increase the number of safe houses for battered women and those who are the victims of human trafficking.
31. Activating and applying the principle of victim's compensation, where it shall commensurate with the perpetrated criminal act, the physical, financial, emotional and psychological harms which affect the victims in addition to the rehabilitation of victims and reintegrating them into the society.
32. Define torture in a manner compatible with its definition stipulated in the Convention Against Torture.
33. Establishing a special independent body to receive claims of torture, which shall include as members: representatives from the concerned civil society organizations. Such body shall be able to provide victims and witnesses with the needed protection.
34. The enactment of a legal provision which allows ordinary trial courts to directly investigate torture and ill-treatment allegations in cases where it is evident that the confession or statements were forcefully extracted from the defendant.
35. Ratifying the 1951 treaty related to the status of refugees.
36. Refraining from exposing refugees to danger by returning them to the places of conflict and thus endangering their lives.
37. The provision of legal and human solutions for Palestinian refugees coming from Syria, that includes the right to reside and to enjoy a decent life.
38. Reinstating the Jordanian citizenship to those who were deprived from it.

Annex I

| # | Name | Date of Detention | Charge | Profession/ Capacity | Reason/ Notes |
|---|------------------|-------------------|--|--|--|
| 1 | Hashim Al Khaldi | 28/1/2015 | <ol style="list-style-type: none"> Using media tools in order to promote the ideas of a terrorist group Carrying out actions that may expose Jordanians to danger | Journalist | Because he published news on a website related to the negotiations in order to release martyr pilot Muath Kasasbih |
| 2 | Saif Obaidat | 2015/1/28 | <ol style="list-style-type: none"> Using media tools in order to promote the ideas of a terrorist group Carrying actions that may expose Jordanians to danger. | Journalist | Because he published news on a website related to the negotiations in order to release martyr pilot Muath Kasasbih |
| 3 | Jamal Ayoub | 23/4/2015 | <ol style="list-style-type: none"> Disrupting Jordan's relations with a foreign country in violation of article (3/b) of the Anti-Terrorism Law | Journalist | Published an article "what triggered Saudi Arabia to wage a war on Yamen" |
| 4 | Ghazi Almurayat | 6/7/2015 | <ol style="list-style-type: none"> Committing actions that would put the Kingdom at risk of hostilities and disrupting its relations with a foreign country. Putting Jordanian at risk of retaliatory and hostile actions. | Journalist | Published a media journalistic material related to the Iranian terrorist plans against Jordan. |
| 5 | Jihad Almuhsain | 11/7/2015 | <ol style="list-style-type: none"> Undermining the political system or inciting others to resist such system in violation of article (149/1) of the Penal Code Defamation in violation of article 195 of the Penal Code | Journalist | Posted a post on his personal Facebook account, where he criticized the ruling regime in Jordan |
| 6 | Zaki Bin Rishaid | 21/11/2014 | Committing acts that would disrupt Jordan's relations with a foreign country in violations of articles (3/b) and (7/c) of the Anti-Terrorism Law number (55) of 2006 | Former Secretary General of the Islamic Labour Front Party | Criticized on his personal Facebook account the UAE after it listed the Muslim Brotherhood as a terrorist group. |
| 7 | Amjad Qurshah | 14/06/2016 | <ol style="list-style-type: none"> Committing acts which are not allowed by the Government, which would undermine and disrupt the Kingdom's relations with a friendly country. | University Professor Religious Activist | He criticized through a video posted on his personal Facebook Jordan's participation in the coalition against ISIS |

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|----|--|------------------|---|----------|--|
| 8 | Wael Al Refa'I | 26/3/2015 | 1. Promoting a terrorist group on the web. | Activist | - |
| 9 | Fifty persons | During 2015 | 1. Using information systems or the internet or any publishing or media method or establishing an electronic web page in order to facilitate the commission of terrorist acts or supporting a terrorist group or disseminating its ideology. | - | These arrests were reported in the 2015 report issued by the National Centre for Human Rights |
| 10 | A Jordanian Woman (one of Al Karak attack perpetrators) | December of 2016 | 1. Disseminating the ideas and ideology of a terrorist group in violation of articles (3/h and 7/c) of the Anti-Terrorism Law of 2006 and its amendments | - | Jordan's News Agency |
| 11 | A Juvenile of 18 years old (Irbid's Governate terrorist cell case) | December 2016 | 1. Accomplice to carrying out terrorist acts by the use of weapons which resulted in the death of human. 2. Plotting with the intent to carry out terrorist acts. 3. Manufacturing explosive materials in order to commit acts of terrorism. 4. The possession of explosive materials. 5. The possession of weapons and ammunition with the intent of carrying out acts of terrorism. 6. Disseminating the ideas and ideology of a terrorist group. 7. Entering and leaving the kingdom in illegitimate ways. | - | The State Security Court sentenced five of the Irbid's cell members to death and three were sentenced to 15 years of imprisonment with hard labour and 7 others were sentenced to 10 years of imprisonment with hard labour, one was sentenced to 7 years of imprisonment and the rest were sentenced to imprisonment for 3 years. |
| 12 | 21 defendants (Irbid's terrorist cell) | July of 2016 | 1. Accomplice to carrying out terrorist acts by the use of weapons which resulted in the death of human. 2. Manufacturing explosive materials in order to commit acts of terrorism 3. The possession of explosive materials 4. The passion of weapons and ammunition in order to use in carrying out acts of terrorism 5. Disseminating the ideas and ideology of a terrorist group | - | - |
| 13 | 9 defendants (Karak City Attack) | 6/4/2017 | 1. The commission of terrorist acts, murder and the use of firearms and ammunition 2. Manufacturing and passion of explosives in order to commit acts of terrorism. 3. Joining armed and terrorist groups. | - | - |

Annex II

Case 1:

The decision of the High Court of Justice in case number (198/2000), states the following: “ if the complainant was a minor when the decision of “severing the ties” was issued and was not residing in the West Bank at that time according to the bridges’ (borders) records, then he/she shall be considered a Jordanian citizen and not a Palestinian national and thus the decision to cancel his/her permanent Jordanian passport and replace it with a temporary one that is usually issued for the inhabitants of the West Bank in addition to removing such minors from their parents civil status records and cancelling their national numbers from the electronic register under the pretext that they are Palestinian citizens, such decision is against the law and thus revoking the Jordanian citizenship in this case shall be cancelled”. Despite this, if the serving of the ties instructions are applicable to the person whose citizenship was revoked, then such decision shall be legally valid according to the High Court of Justice ruling number (129/1998), which states the following: “if the complainant requesting the issuance of a Jordanian passport and the passport file submitted by such person states Bethlehem as the place of residence and was stamped by the bridges’ (borders) green card such person shall be considered a Palestinian national according to the legal decision severing the ties with the West Bank, which makes the citizenship revocation decision a valid and legal one”. Most of citizenships and national numbers revocation cases which were brought before the High Court of Justice, were rejected by the court on the grounds of formality citing the absence of a written administrative decision revoking the citizenship, which can be challenged before the court. This is what the person requesting the reinstatement of his/her citizenship and national number faces, because he/she is not given a written and documented administrative decision revoking his/her citizenship, rather such decision is usually a verbal one and thus cannot be challenged before the courts.

Case 2:

A Jordanian mother complained to the “Public Campaign: my mother is a Jordanian and her citizenship is a my right ” by saying “ my children held the Jordanian citizenship and they got it from their father and grandfather and just by a strike of pen their citizenships were taken away from them and from my husband under the claim that he entered Palestine, the strange thing about it is that the citizenship was revoked after he retired and came back to Jordan and my children were over 18 years of age, even international law does not allow the revocation of the citizenship of the children of a person who obtained another citizenship as long as they are adults. Now my children do not have any citizenship whether it is a Jordanian or a Palestinian one.