



The Second Parallel Report

Submitted by the National Centre for Human Rights in Jordan

in response to the Combined Second and Third Periodic Report of the Government of the Hashemite Kingdom of Jordan on the measures taken to implement and give effect to the provisions of the Arab Charter on Human Rights

The Twenty-First Session of the Arab Human Rights Committee – The Arab Human Rights Charter Committee

League of Arab States

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Introduction

The National Centre for Human Rights (NCHR) in the Hashemite Kingdom of Jordan hereby respectfully submits to your esteemed Committee its Second Parallel Report, to be considered in conjunction with the submission by the Government of the Kingdom of its combined Second and Third Periodic Report on the extent of the implementation and realization of the provisions of the Arab Charter on Human Rights.

NCHR is a public-benefit national institution. It enjoys financial and administrative independence and possesses an independent legal personality. Pursuant to Law No. (51) of 2006, as amended, the Centre carries out its mandate independently, including the promotion and protection of human rights, monitoring the human rights situation, receiving and handling complaints, and undertaking all other functions and activities within its mandate. The Centre is accredited with "A" status by the Global Alliance of National Human Rights Institutions (GANHRI) through its Sub-Committee on Accreditation (SCA).

The Centre is entrusted, by virtue of its law, with a broad mandate to protect and promote human rights in the Kingdom, and to monitor compliance with the Jordanian Constitution and the international human rights standards. To enable the Centre to discharge this mandate, the Law grants it extensive legal powers to monitor and address human rights violations, assess the human rights situation including through the issuance of annual reports on the human rights situation, which provide an objective assessment of the state of human rights, and presents specific and actionable recommendations within a framework of shared responsibility among the State's public authorities.

Following the entry into operation of the Defence Law No. (13) of 1992 in March 2020 to address the repercussions of the COVID-19 (Corona) pandemic, the Centre intensified its human rights monitoring activities across the Kingdom. The Center also significantly expanded its monitoring and research efforts to assess the impact of the Corona pandemic measures on the enjoyment of human rights by citizens and residents in Jordan. It closely monitored government measures the Defence Orders issued thereunder, analyzing their compatibility with the Jordanian Constitution and the regional and international human rights standards. Through these efforts, the Center contributed to improving a number of related governmental measures.

The Center's strategic priorities, as set out in its Strategic Plan for (2021-2023), are structured around two core pillars for monitoring, assessing, follow-up and evaluation of the human rights situation, namely:

- The activation of the Center’s core roles in the protection of human rights, including the development of the complaints reception and follow-up system of, the enhancement of human rights monitoring mechanisms at the national level, and enabling the Centre to contribute to the development of a legislative framework that upholds human rights and is aligned with international standards.
- The promotion of public awareness and the development of a human rights culture, including the development of effective partnerships with civil society institutions, donor organizations, and relevant stakeholders; the enhancement of communication and engagement with the public; and contributing to the development of educational curricula founded on human rights principles.

The past six years have witnessed a set of positive developments in the human rights situation, encompassing three principal levels: policies, legislation and practices. These developments may be summarized as follows:

- The updating of the Comprehensive National Plan for Human Rights (2016-2025).
- The establishment of the Royal Committee to Modernize the Political System in 2021, which included seven members of the Center’s Board of Trustees. This provided an opportunity to reflect the Center’s vision and mission and to advance the implementation of its recommendations within the framework of the Committee's outcomes.
- The launch of the Economic Modernization Vision (2022-2032).
- The launch of the Public Sector Modernization Roadmap in 2022.
- The establishment of the Royal Committee for the Development of the Judicial Apparatus and the Enhancement of the Rule of Law in 2017.
- The establishment of a specialized committee on the “Harmonization of National Legislation with International Human Rights Conventions” in 2018, with the Commissioner-General for Human Rights serving as a member of the committee.
- The adoption of the constitutional amendments of 2022, in addition to the enactment of a package of legislation regulating political life, including the Election Law for the House of Representatives No. (4) of 2022, the Political Parties Law No. (7) of 2022, and the Local Administration Law No. (22) of 2021.
- The adoption of the Document regulating the Tribal "Jalwa" (customary banishment) in 2021.

Despite these developments, certain structural challenges identified in the Centre’s annual reports continue to persist, which may be summarized as follows:

- The continued existence of inconsistencies between certain national legislative provisions and international human rights standards.
- The increase in the number of complaints received by the Centre, coupled with limitations in its human and financial resources.

– The practical challenges arising from delays in the responses of certain official bodies to the recommendations contained in the Centre’s specialized reports and international submissions.

The Centre welcomes the step taken by the Government to implement the tenth recommendation of the Arab Human Rights Committee (the Charter Committee) issued in 2016, by involving the Centre in consultations during the preparation stages of the third governmental report on the implementation of the provisions of the Arab Charter on Human Rights.

The Centre emphasizes the importance of engagement with regional and international human rights mechanisms, given their significant role in strengthening the State’s standing as a State committed to human rights and in advancing the protection and promotion of human rights in accordance with regional and international standards.

Equality, Non-Discrimination and Measures of Positive Discrimination, Articles (12-15)

The Centre notes that Article Six of the Constitution establishes the principle of equality between Jordanian men and women on the basis of citizenship, and prohibits discrimination on any grounds, including sex. In this regard, the Centre highlights the significance, from a human rights perspective, of the constitutional amendments adopted in 2022, whereby the title of Chapter Two was amended from “The Rights and Duties of Jordanians” to “The Rights and Duties of Jordanian Men and Jordanian Women”.

While the Centre acknowledges the amendments introduced to a number of legislative provisions with the aim of promoting equality between men and women, it notes that certain discriminatory provisions remain in force despite the Centre’s repeated recommendations for their amendment. These include Articles (171/b, 182, 279, and 223) of the Personal Status Law No. (15) of 2019, as well as Article (24/a) of the Civil Service Regulation and its amendments of 2020, concerning the conditions for granting the family allowance to female employees.

Among the most significant legislative developments in the area of women’s political empowerment are the provisions introduced under Election Law No. (4) of 2022, which maintained the women’s quota at the level of local electoral districts at 18 seats out of a total of 115 seats, and established the requirement for the inclusion of at least one woman among the first three candidates on the general electoral district lists. In addition, the Political Parties Law No. (7) of 2022 introduced a requirement for women’s representation among party founders at a rate of not less than 20% of the total number of founders.

At another level, no amendments have been introduced to the Jordanian Nationality Law No. (6) of 1954 and its amendments with regard to the provisions governing the acquisition of nationality by descent (*jus sanguinis*). The Law continues to grant this right automatically to children born to a Jordanian father, without conditions or restrictions, thereby recognizing it as an absolute right of the father. Conversely, the right of Jordanian women to confer their nationality by descent (*jus sanguinis*) upon their children remains subject to restrictive conditions and is treated as an exceptional right, limited to cases where the child is born to a father of unknown parentage, a father without nationality, or where the child's parentage has not been legally established, provided that the child is born within the territory of the Kingdom.

It should be noted that, during its eighth legislative sitting of the Second Ordinary Session held on 23 January 2023, the Nineteenth Chamber of Deputies approved certain provisions of the draft law amending the Nationality Law of 2023. Article Two thereof granted Jordanian women the right to regain Jordanian nationality after having renounced it in order to acquire their husband's nationality by dependency, without requiring the termination of the marital relationship.

With regard to the provision of facilities and benefits to children of Jordanian women married to non-Jordanians in the areas of education, health, employment, and ownership, as well as their inclusion in health insurance schemes, the Council of Ministers decided on 23 August 2017 to allow the enrolment of children of Jordanian women in higher education institutions in accordance with criteria established by the Higher Education Council. The Council also expanded the scope of these facilities and benefits by removing the requirement that the Jordanian mother must have maintained permanent residence in the Kingdom for a period of five years in order for her children to benefit from such facilities. While the Centre recognizes the importance of these measures in improving the living conditions of children of Jordanian women married to non-Jordanians, it reiterates its position on the necessity of amending the Nationality Law.

With regard to the guarantee of the right to litigation in accordance with the requirements of a fair trial, this right is guaranteed to every person residing in the Hashemite Kingdom of Jordan (men and women), pursuant to the Jordanian Constitution and national legislation.

The Right to Life, Article (16)

No amendment has been introduced to Article (358) of the Code of Criminal Procedure No. (9) of 1961 and its amendments, which stipulates that the execution of a death sentence imposed on a pregnant woman shall be deferred until three months have elapsed from the date of her delivery. Similarly, Article (17/2) of the Penal Code No. (16) of 1960 and its amendments prohibits

the imposition of a death sentence on a woman if her pregnancy is established before the judgment has acquired the force of *res judicata* (becomes final and irrevocable).

Protection from Torture (17-20)

The National Centre for Human Rights exercises its mandate through conducting periodic unannounced visits pursuant to Article (10) of its Law No. (51) of 2006 and its amendments. In this regard, the Centre conducted (90) monitoring visits in 2021 to lockups at security centers, temporary detention facilities, and reform and rehabilitation centers, in addition to (60) monitoring visits conducted in 2020 and (100) monitoring visits conducted in 2019.

The Centre has continued to monitor the legal and practical challenges associated with the criminalization of torture, the penalties prescribed therefor, and the availability of effective mechanisms for redress, compensation, and the rehabilitation of victims, as follows:

1. Deficiencies in the criminalization of torture: Torture is criminalized under Article (208) of the Penal Code No. (16) of 1960 and its amendments. However, the provision remains deficient, as it limits the offence to acts committed for the purpose of extracting an admission or confession.

2. The applicability of statutes of limitation and pardon to the offence of torture: The classification of torture as a misdemeanor under the Penal Code results in legal consequences that are incompatible with Article (8) of the Convention against Torture. Specifically, attempted torture is not criminalized, and both criminal proceedings and penalties for torture may be extinguished by the operation of statutes of limitation or be subject to pardon.

3. Criminal prosecution of torture complaints: The conferral of jurisdiction to investigate and prosecute allegations of torture upon the Police Public Prosecution and the competent special courts gives rise to concerns regarding the effectiveness of criminal proceedings. In practice, conduct amounting to torture is often treated as a disciplinary matter, rather than prosecuted as the criminal offence prescribed under Article (208) of the Penal Code. Alternatively, the underlying conduct is assigned a different legal characterization, such as assault or the infliction of bodily harm in its various forms, thereby failing to reflect the true nature and gravity of the offence of torture. This approach is inconsistent with the general principle that allegations of torture should be investigated and prosecuted by the ordinary Public Prosecution and adjudicated by the ordinary courts, which should have exclusive jurisdiction over such offences.

4. Mechanisms for redress, compensation, and rehabilitation: The legal framework governing redress for victims of torture remains limited, as compensation is confined to the general provisions of the Civil Code.

There is therefore a need to enact specific legislation establishing comprehensive mechanisms to ensure victims' right to redress, including fair and adequate compensation, restitution, physical and psychological rehabilitation.

Official statistics indicate that (55) cases of ill-treatment involving inmates of reform and rehabilitation centers were recorded in 2021, compared with (42) cases in 2020 and (17) cases in 2019.

Also according to the official statistics provided to the Centre by the Public Security Directorate, no complaints alleging torture or cruel, inhuman or degrading treatment against personnel of the Public Security Directorate were registered with the Police Public Prosecution during the period 2019–2021, compared with (332) complaints registered in 2018.

With regard to training and awareness-raising programmes for law enforcement officials, the Public Security Directorate has continued to implement a range of training courses covering human rights concepts and other specialized subjects, with the participation of the National Centre for Human Rights in many of these programmes. According to official information, approximately (27) training courses and workshops were conducted in 2018, benefiting (441) law enforcement personnel. In 2019, (48) training courses and workshops were delivered, with the participation of (522) personnel. In 2020, (19) training courses and workshops were conducted, attended by (88) personnel.

In 2021, as part of the follow-up to complaints received by the National Centre for Human Rights, a Permanent High-Level Committee was established between the Centre and the Public Security Directorate. The Committee meets periodically to enhance coordination and oversee the follow-up of complaints. The Committee's work has contributed to the implementation of several recommendations issued by the Centre, particularly those concerning human rights awareness and training for Public Security Directorate personnel, as well as improving the handling and follow-up of complaints submitted to the Centre.

Combating Slavery and Trafficking in Persons, Article (16)

The Amending Law to the Anti-Human Trafficking Law No. (10) of 2021 entered into force in mid-2021. The Centre welcomes the inclusion of organized begging among the forms of human trafficking, as this reflects one of the recommendations previously advanced by the National

Centre for Human Rights. However, the Centre notes that Article (2) of the amending law does not comprehensively address the evolving methods by which this offence is committed. In particular, it does not encompass practices whereby offenders disguise organized begging through the sale of goods of nominal value, conduct that extends beyond the scope of the offence of begging as defined in Article (389) of the Penal Code No. (16) of 1960.

The Centre further welcomes the establishment of the Fund for Victims of Human Trafficking to provide legal assistance and support to victims of trafficking in human beings. Nevertheless, the Centre recommends that the Law expressly provide for the allocation of dedicated funding to the Fund through the annual budget of the Ministry of Justice, instead of relying exclusively on donations, gifts, and grants.

According to official statistics, the Anti-Human Trafficking Unit of the Public Security Directorate recorded (214) human trafficking cases in 2021, compared with (205) cases in 2019.

According to official statistics, (43) cases involving suspected trafficking in human beings were referred to the Attorney General for criminal investigation in 2021, compared with (13) cases in 2019.

Independence of the Judiciary and the Right of Access to Justice (Articles 22–30)

Paragraph (22):

The State Security Court Law No. (17) of 1959 and its amendments remains in force. Pursuant to Article (2) thereof, the Prime Minister is vested with the authority to constitute the Court. In practice, the composition of the State Security Court includes both military and civilian judges. As a general rule, judgments rendered by the State Security Court are subject to appeal before the Court of Cassation in accordance with Article (9) of the Law.

Paragraph (23):

With regard to courts of a military character, such courts continue to operate under the legislation governing their establishment and exercise jurisdiction over offences involving their respective personnel.

The Centre further notes that Article (85) of the Public Security Law No. (38) of 1965 mandates the inclusion of at least one ordinary judge in the composition of the court. It also provides that, in specified cases, judgments rendered by these courts may be appealed before the Court of Cassation.

Paragraph (24):

In 2019, amendments were introduced to the Law on the Independence of the Judiciary. These included the repeal of the Judicial Council's authority to terminate the service of a judge who had not yet reached the qualifying period for retirement or referral to retirement. This amendment was adopted in conformity with Constitutional Court Decision No. (2) of 2018, which declared that authority unconstitutional.

A further amendment was introduced to strengthen the unity of the Public Prosecution by transferring the Tax and Customs Public Prosecution offices from the jurisdiction of the special courts to the ordinary Public Prosecution.

The Law limits the removal or dismissal of judges to disciplinary proceedings, requiring a decision of the Judicial Council and its confirmation by Royal Decree, pursuant to Article (25) of the Law.

In furtherance of judicial independence, the Law transferred the administrative oversight of the Judicial Institute to the President of the Judicial Council, replacing the previous legal framework under which the Minister of Justice exercised supervisory authority over the Institute.

Paragraph (25):

No amendments have been made to the Administrative Judiciary Law No. (27) of 2014 with regard to conferring jurisdiction upon the Administrative Court to adjudicate challenges arising from administrative contracts. As a positive judicial development, the Centre has taken note of a number of judgments and legal precedents issued by the Jordanian administrative judiciary, which have upheld the principle of the “distinction between administrative decisions and administrative contracts.”

As part of the cooperation framework between the National Centre for Human Rights and the Jordanian Judicial Institute, the Centre has organized several training workshops for judges focusing on the integration of human rights standards into judicial reasoning and judgments, as well as the adoption of comparative international best practices. Such initiatives seek to enhance the role of the administrative judiciary and broaden its mandate as a national mechanism for ensuring legality and safeguarding human rights.

Paragraph (26):

The Jordanian criminal legislator has pursued a stringent legislative policy in the context of combating terrorism, consistent with approaches adopted in comparable legal systems. However, this approach has been characterized by an expansive departure from general principles of criminal law, particularly those relating to the principle of legality and the requirement of precision and clarity in criminal provisions. The legislator has adopted an

approach based on the lack of sufficient clarity and specificity in the provisions criminalizing terrorist acts, which has resulted in broader scope for interpretation and judicial construction in determining whether certain conduct constitutes a terrorist act. Furthermore, these legislative provisions depart from general criminal law principles, particularly those relating to criminal participation and attempt.

The definition of terrorism set out in Article (2) of the Law remains broad in scope, relying on ambiguous terms that are open to interpretation and capable of encompassing a wide range of acts within its ambit. No amendments have been made to this provision.

Paragraph (27):

- a) The Centre's reports have consistently called for the repeal of the Crime Prevention Law, in implementation of the constitutional principle of the separation of powers and in compliance with Article (1/128) of the Jordanian Constitution, which provides that legislation enacted pursuant to the Constitution for the regulation of rights and freedoms shall neither impair the essence of those rights nor encroach upon their fundamental guarantees. The reports have likewise stressed adherence to the objective principle governing criminal prosecution, as codified in Article (58) of the Jordanian Penal Code No. (16) of 1960 and universally recognized in comparative criminal justice systems, namely that a person shall not be subjected to criminal prosecution for the same criminal act more than once.

On 15 January 2023, the Jordanian Constitutional Court delivered its Judgment No. (3) of 2022 concerning a constitutional challenge to three key provisions of the Crime Prevention Law (Articles 3(3), 5(2), and 8). The Court held that the Law is preventive in nature, intended to prevent crime and safeguard public security and social peace. It further concluded that decisions issued under the Law are subject to judicial review before the Administrative Judiciary and may therefore be challenged before the competent administrative courts. Consequently, the Court rejected the constitutional challenge and upheld the constitutionality of the contested provisions.

(b) Pursuant to Article (10/a) of its Law, the National Centre for Human Rights conducts regular announced and unannounced monitoring visits to all temporary custody centers and reform and rehabilitation centers throughout the Kingdom. The Centre's periodic visits to temporary custody centers between 2016 and 2022, together with the complaints it has received, revealed the persistence of a number of violations, including the repeated denial of detainees' right to legal

assistance during the preliminary investigation conducted by the Judicial Police; restrictions on detainees' ability to communicate with the outside world; and the continued reliance on detainees' criminal records as a basis for ordering or extending detention for prolonged periods under the Crime Prevention Law, particularly during the initial period of custody. With regard to proceedings before the Public Prosecution, the Centre observed that suspects were generally informed of the charges against them and of their rights in a language they understood during the investigative stage, and were afforded access to legal counsel. Likewise, persons detained in reform and rehabilitation centers generally enjoyed the right to consult and meet with lawyers and to communicate with the outside world.

The Centre recommends within this framework the necessity of the amendment of the Code of Criminal Procedure No. (9) of 1961 and its amendments, by the addition of an express text guaranteeing the right of individuals in the assistance of a lawyer from the moment of the laying of arrest, and under pain of the nullity of the procedures; and the non-sufficiency in what is contained in Article (1/6/b) of the Law of the Association of Ordinary Advocates No. (11) of 1972 and its amendments, which affirmed the right of the advocate in the acceptance of the power of attorney and the defence of rights, or the assertion of claims to them, before the Judicial Police and the Administrative Governors.

The Centre recommends that the Code of Criminal Procedure No. (9) of 1961, as amended, be revised to expressly guarantee the right of every person to the assistance of legal counsel from the moment of arrest, with any breach of this guarantee resulting in the nullity of the ensuing criminal proceedings. The Centre further notes that Article (6/ b/1) of the Jordan Bar Association Law No. (11) of 1972, as amended, does not provide an adequate safeguard, as it merely recognizes the lawyer's professional right to accept a power of attorney and to represent and defend clients before the Judicial Police and Administrative Governors, without establishing a corresponding and enforceable right for suspects to legal assistance from the earliest stage of criminal proceedings.

(c) The Centre is legally mandated to conduct regular unannounced visits to all reform and rehabilitation centers, temporary custody centers, and juvenile care institutions, and exercises this mandate on a continuous basis. In 2021, the Centre issued a specialized report on the conditions in reform and rehabilitation centers,⁽¹⁾ which set out a series of recommendations constituting a human rights roadmap for the comprehensive development of the reform and rehabilitation system, in accordance with the principle of shared responsibility among the competent public institutions.

With regard to the temporary custody center of the General Intelligence Directorate, the National Centre for Human Rights has conducted regular unannounced monitoring visits since the beginning of 2018. These visits continued throughout the period 2018–2022. During each visit, the Centre met privately with detainees, heard their concerns and demands, assessed the conditions of detention, and inspected all facilities within the center, including the cells, medical and dental clinics, pharmacy, administrative offices, kitchen, and sunning yards. The Centre subsequently submitted the relevant observations and recommendations to the competent authorities.

Paragraph (28):

The Execution (Amendment) Law No. (9) of 2022 entered into force in mid-2022. The amendments prohibit the imprisonment of a debtor where the total amount of the debt subject to enforcement or awarded by judgment is less than JOD 5,000, provided that the debt does not relate to rent or labour entitlements. The amendments also reduced the maximum period of imprisonment for civil debt from 90 days to 60 days in respect of a single debt and established an overall maximum of 120 days, irrespective of the number of debts.

In the context of the application of the Defence Law No. (13) of 1992, Defence Order No. (28) was issued on 28 March 2021 to alleviate overcrowding in reform and rehabilitation centers, prevent the spread of COVID-19 within such facilities, and take into account the financial and economic consequences of the pandemic. The Order suspended the enforcement of imprisonment orders against debtors issued pursuant to Article (22) of the Execution Law, as amended, provided that the total amount of the debt did not exceed JOD 100,000. It also suspended the enforcement of criminal judgments imposing imprisonment for the offence of issuing a cheque without sufficient funds under Article (421) of the Penal Code, where the aggregate value of the cheques did not exceed JOD 100,000. Defence Order No. (28) remains in force.

Paragraph (29):

No amendments have been made to the legal framework governing compensation for judicial or administrative detention. The matter therefore remains governed by the general provisions of the Jordanian Civil Code No. (43) of 1976, as amended, in particular Article (256) thereof.

Paragraph (30):

The Legal Aid Regulation No. (119) of 2018 was issued pursuant to Article (208) of the Code of Criminal Procedure No. (9) of 1961, as amended, and entered into force on 1 November 2018. The Regulation represents a positive development in strengthening access to legal aid and facilitating individuals' enjoyment of this right.

The Centre recommends amending the legal aid framework to expand the coverage of the legal aid system and broaden its scope to include legal consultations, in accordance with international best practices. It further recommends exempting legal aid applicants from any applicable fees or costs and reconsidering the scope of legal empowerment through legal representation, in view of the existence of categories of persons who lack the financial means to access the justice system or retain legal counsel, thereby undermining the effective enjoyment of the right to a fair trial. In light of the increased cost of living and rising inflation in Jordan, the Centre further recommends the urgent review of the monthly income threshold used to determine financial eligibility for legal aid.

Civil and Political Freedoms

Paragraph (31):

The Election Law for the House of Representatives No. (4) of 2022 was enacted in 2022 as part of the legislative reforms stemming from the recommendations of the Royal Committee to Modernize the Political System.

The new Law constituted a significant advancement towards strengthening the rights to vote and to stand for election, as well as enhancing the fairness of electoral representation. It introduced a mixed electoral system comprising closed-list proportional representation and open-list proportional representation at two levels of representation. The Law allocates a total of 138

seats, of which 41 are assigned to the general electoral district, contested through political party lists under the closed-list proportional representation system, subject to a 2.5% electoral threshold of the total valid votes cast at the national level. The remaining 97 seats are allocated to local electoral districts, in which representatives are elected under the open-list proportional representation system.

The Law also provided for the empowerment of women and youth by lowering the minimum age of candidacy from 30 to 25 years. It further required party lists to include at least one woman among the first three candidates and at least one woman among the following three candidates, as well as a young man or woman under the age of 35 years among the first five candidates. In addition, the Law allocated 18 seats under the women's quota system.

The new Law adopted a clear roadmap aimed at increasing the number of seats allocated to political parties and party coalitions, with a view to reaching a minimum of 65% of the total parliamentary seats in the elections of the twenty-first House of Representatives. This approach reflects a genuine expression of political will towards the formation of parliamentary governments based on political parties.

Paragraph (32/a, b):

Notwithstanding the significant progress introduced to the Public Gatherings Law in 2011 through the repeal of the provision requiring prior approval from the Administrative Governor before holding public gatherings, the Centre recommends the introduction of several amendments to the Law, most notably: redefining the right to assembly in a manner that encompasses the essential elements of peaceful gatherings, including the element of organization, timing, purpose, public nature and openness, and numerical composition; reviewing the scope of the powers granted to the Administrative Governor in relation to the exercise of the right to peaceful assembly, particularly with regard to the use of force for the dispersal of gatherings and the termination of marches at his sole discretion; incorporating procedural and regulatory safeguards within the Public Gatherings Law governing the exercise of the Administrative Governor's powers; establishing specific provisions setting out the standards governing the use of force by security personnel against participants in assemblies; and repealing the instructions issued pursuant to the Public Gatherings Law, insofar as they regulate matters affecting the substance and essence of the right itself.

In this regard, the National Centre for Human Rights undertakes field monitoring of all manifestations of peaceful assembly through a specialized monitoring team and reflects, in its annual reports on the state of human rights, its key observations and recommendations with a view to ensuring the effective enjoyment and exercise of this right.

Paragraph (33):

A deportation decision issued against any foreign national constitutes an administrative decision subject to challenge by way of annulment and compensation before the Administrative Judiciary. The Law of Residence and Foreigners' Affairs No. (24) of 1973 remains in force and grants the competent administrative authorities discretionary powers to deport foreign nationals from the territory of the Kingdom.

In this regard, the National Centre for Human Rights, within the scope of its legal mandate, follows up on complaints received concerning grievances against deportation decisions issued against foreign nationals residing in the territory of the Kingdom. In a number of cases, the Centre has documented responses from the Ministry of Interior resulting in the revocation of the deportation decisions issued. These interventions have been reflected in the annual reports on the state of human rights issued by the Centre.

Paragraph (34):

Articles (18) and (19) of the Jordanian Nationality Law No. (6) of 1954, as amended, set out the limited cases in which the forfeiture or loss of Jordanian nationality is permissible. Decisions issued in this regard are deemed administrative decisions subject to challenge by way of annulment and compensation before the Administrative Judiciary, namely the Administrative Court and the Higher Administrative Court, in accordance with the general rules established under the Administrative Judiciary Law No. (27) of 2014.

Paragraph (35):

With regard to the right of access to information, the Government prepared a draft amendment to the Law Guaranteeing the Right of Access to Information, which has remained on the agenda of the House of Representatives for more than two years without the completion of its discussion. The most prominent proposed amendments include: the restructuring of the Information Council in a manner that ensures greater personal and institutional independence; the establishment of a requirement for proactive disclosure of information; the narrowing of the exceptions to the right of access to information set out in Article (13) of the Law; the exclusion of information relating to human rights violations from any exceptions; and the provision that, in the event of any conflict with other legislation, the Law Guaranteeing the Right of Access to Information shall prevail, thereby limiting the effect of restrictive legislation, including the Law on the Protection of State Secrets and Documents No. (50) of 1971, as amended. The proposed amendments also include reducing the period for responding to information requests from 30 days to 15 days.

For the purpose of strengthening the right of access to information, a protocol on the classification of information and a protocol on procedures for access to information were prepared within the framework of Jordan's implementation of the fourth Open Government Partnership Action Plan. The two protocols were circulated by the Prime Ministry to the relevant institutions for implementation and incorporated international best practices. Representatives of the Centre participated in the preparation of both protocols. A national team was also established to provide training to entities concerned with the right of access to information and the mechanisms for its implementation, and the Centre contributes to conducting a number of these training workshops within the framework of its partnership with the national team.

The Center recommends, in this regard, expediting the discussion and adoption of the draft amending law to the Law Guaranteeing the Right of Access to Information. The Centre had previously expressed its position on the draft amended law in 2019 and submitted its

observations to the National Assembly at the beginning of 2020, calling for the inclusion of amendments that would enhance the flow of information and incorporate the principles upon which legislation regulating the right of access to information should be based, in accordance with international best practices and human rights standards.

It is worth noting that the National Centre for Human Rights is represented on the Information Council pursuant to the Law Guaranteeing the Right of Access to Information currently in force. The Council has been vested with broad competences in relation to the implementation of the Law Guaranteeing the Right of Access to Information No. (47) of 2007, including the examination of complaints submitted by applicants seeking access to information and taking the necessary measures to resolve such complaints.

Paragraph (36):

No amendments have been introduced to the Cybercrime Law No. (27) of 2015, which contains a provision criminalizing and penalizing any person who sends, resends, or publishes data or information through an information network, website, or information system, where such data or information includes defamation (dhamm), slander (qadh), or contempt (tahqir) against any person. The prescribed penalties consist of imprisonment for a period of not less than three months and a fine ranging from not less than JOD 100 to not exceeding JOD 2,000.

Pursuant to the interpretative decision issued by the Special Bureau for the Interpretation of Laws No. (8) of 2015, this Article became applicable to journalists in cases where their press materials are published on the electronic websites of printed publications. Consequently, from a legal perspective, such acts became subject to penalties involving deprivation of liberty and to the possibility of judicial detention, contrary to the safeguards established under the Press and Publications Law No. (8) of 1998, as amended, which limits penalties for press and publication-related offences to fines and prohibits judicial detention in such cases.

The Government had previously introduced amendments to the Cybercrime Law; however, the House of Representatives, during its twenty-second legislative session convened on 19 February

2019, rejected the draft amending law to the Cybercrime Law of 2018, which had been resubmitted by the Government two days after the withdrawal of an earlier draft law.

The Center recommends, in this regard, the repeal of Article (11) of the Cybercrime Law and reliance on the general provisions contained in the Penal Code concerning the criminalization of defamation, slander, and contempt. The Centre further recommends, in general, a comprehensive review of the legislative framework governing freedom of expression and freedom of the press and media, in a manner that ensures its conformity with international human rights standards in this field.

Within the framework of promoting freedom of the press and media, the Centre is a member of the Audio-Visual Media Complaints Committee established pursuant to Article (4/ j) of the Audio-Visual Media Law No. (26) of 2015. The Committee is mandated to examine complaints submitted by the public or any other party concerning media content, broadcast materials, or recorded materials intended for public display or dissemination, as well as complaints submitted by one licensee against another.

The Protection of the Family, and especially Women and Children

Paragraph (37):

The Law on Protection from Domestic Violence No. (15) of 2017 was enacted in mid-May 2017, repealing the previous Law on Protection from Domestic Violence No. (6) of 2008. Among the most significant provisions introduced by the new Law are: the expansion of the concept of the family to include relatives up to the fourth degree and relatives by marriage up to the third and fourth degrees; the obligation imposed on providers of medical, educational, and social services in both the public and private sectors to report cases of domestic violence committed against persons lacking legal capacity or having diminished capacity, under penalty of liability; and the provision of legal protection for reporters and witnesses through the non-disclosure of the reporter's identity, except where required by legal procedures.

The Law further required the establishment of specialized judicial bodies competent to consider domestic violence cases and obliged the competent court to adjudicate such cases on an urgent basis. It also required the competent court to approve settlement procedures conducted by the

Family Protection Department and provided for alternative measures in lieu of penalties imposed by the competent court following the completion of the settlement process. In addition, it required the Public Prosecutor to use modern technical means in procedures for hearing witnesses in order to protect victims under the age of eighteen years. Furthermore, the Regulation on Measures Attached to Decisions on the Settlement of Disputes in Domestic Violence Cases No. (100) of 2019 was issued.

The National Centre for Human Rights considers it necessary to adopt preventive measures to prevent domestic violence, enhance awareness programmes concerning the Law and its implementing regulations, and provide free specialized guidance and psychological support programmes in all governorates.

Paragraph (39):

No specific legislation has yet been enacted in Jordan to provide the necessary protection and care for older persons, notwithstanding the recommendations made by the Centre in its annual reports on the state of human rights in Jordan, including the recommendation to adopt a dedicated law on the rights of older persons.

The Centre welcomes the issuance of the Regulation of the Care of Older Persons No. (97) for the year 2021 in late October 2021, which was concerned with the provision of the health, psychological and social care for the aged in their dwellings and among their families in accordance with instructions issued for this purpose, and the improvement of the efficiency of the social services presented to the aged, and the sheltering of the aged whose families are unable to care for them or those who have no families to care for them, and the working upon the integration of the aged in society and the support of the programmes and projects directed to the aged. The Regulation has established an account for the care of older persons within the framework of the Ministry of Social Development.

The Right to Work and the Freedom of Forming Associations and Trade Unions

Paragraph (41):

During 2019, the Centre monitored the continued persistence of challenges arising from the absence of a regulation governing workers in the agricultural sector, including low wage levels, the lack of appropriate working conditions, the absence of social security coverage, and the lack of access to health insurance.

In 2021, the Regulation on Agricultural Workers No. (19) of 2021 was issued, establishing a regulatory framework for the protection of the rights of workers in the agricultural sector. The Regulation addressed several key areas, including the determination of daily working hours; entitlement to weekly rest days, annual leave, and sick leave; the prohibition of employing children under the age of 16 years; the principle of equal wages; the provision of suitable accommodation where required by the nature of the work; the fulfilment of occupational safety and health requirements; the mandatory enrolment of agricultural workers in the insurance schemes provided for under the Social Security Law; and the prohibition of withholding workers' passports, subject to administrative sanctions.

Paragraph (42):

No amendments have been introduced to the Civil Service Regulation concerning entitlement to the family allowance, notwithstanding the issuance of the Civil Service Regulation No. (9) of 2020 and the repeal of the previous Regulation No. (82) of 2013. Article (24) of the current Regulation continues to grant a married male employee a monthly family allowance of JOD 20, including a widowed or divorced male employee, provided that he has children who have not attained the age of 18 years. The same allowance is granted to a female employee where her husband is disabled, where she is the sole provider for her children, or where she is divorced and does not receive maintenance for her children, provided that their ages do not exceed 18 years.

It is further noted that no amendments have been introduced with regard to the retirement age, which remains prescribed at 60 years for male employees and 55 years for female employees, pursuant to Article (173)(a) of the Civil Service Regulation No. (9) of 2020.

Paragraph (45):

The Jordanian Constitution enshrines, pursuant to Articles (16)(2) and (23), the right to establish trade unions and the right to join them. By 2021, the trade union landscape comprised (13) professional associations, (17) labour unions, and (56) employers' unions.

In this regard, and based on the Centre's monitoring of the enjoyment and the exercise of this right, the Centre reiterates the necessity of the legislative and practical implementation of the judgment of the Constitutional Court No. (6) of 2013, dated 1 September 2013, which held that the establishment of special trade unions for employees of any ministry, department, authority, or governmental institution is permissible, including those subject to the Civil Service Regulation.

With respect to the right to establish and join labour unions, the Centre recommends the amendment of Chapter Eleven of the Labour Law No. (8) of 1996, as amended, to ensure its full enjoyment in accordance with the Jordanian Constitution and relevant international and regional standards.

Paragraph (47):

In 2021, a committee was established within the Ministry of Social Development to review the Societies Law No. (51) of 2008. The committee included a representative of the National Centre for Human Rights and conducted a series of consultations and dialogues with relevant stakeholders.

In this regard, the Centre reaffirms the recommendations set out in its annual reports on the state of human rights, which include the need to introduce the following amendments to the Societies Law:

- (1) Entrusting the supervision of the work of societies to an independent body comprising representatives of public authorities and civil society institutions, and ensuring that its administration is headed by an independent person elected for this purpose;
- (2) Establishing clear and specific definitions of the various types of societies (including family societies, private societies, closed societies, and charitable societies), and distinguishing them from non-profit companies;
- (3) Removing the restrictions imposed on the right to registration and guaranteeing the freedom to establish societies and register them through notification, deposit, or any other appropriate organizational mechanism;
- (4) Repealing restrictions on the freedom of societies to manage their affairs;
- (5) Amending Article (8/a) of the Law, which permits the Council of Ministers, upon the recommendation of the competent Minister, to approve the inclusion of a legal person other than a society among the founding members of a society;
- (6) Amending Article (20/b) of the Law, which grants the Minister the authority to dissolve a society, by limiting such competence to one of two methods: dissolution by agreement of the members or dissolution pursuant to a judicial decision.

(7) Establishing clear criteria and conditions governing the provision of financial support to societies, as the current Law lacks a comprehensive national framework for supporting societies, whether directly or indirectly, including through the provision of financial incentives such as customs and tax exemptions, and facilitating their engagement in investment activities that enable them to achieve self-financing.

The Right to Health, Articles (50, 52)

Health services are provided pursuant to the applicable regulatory framework, namely the Civil Health Insurance Regulation No. (83) of 2004. Notwithstanding the broad range of categories covered under the Regulation, including the provision of numerous services pursuant to Article (19) thereof, the Regulation does not establish a comprehensive framework ensuring the provision of primary health care services.

As a significant development, Article (10) of the Law on the Rights of the Child No. (17) of 2022 guarantees the child's right to receive primary health care services free of charge, as well as access to health services in their entirety in emergency cases.

In this regard, and with a view to strengthening the right to health, the Centre recommends the adoption of the following measures:

1. Unifying and consolidating health insurance schemes to ensure their comprehensiveness, prevent duplication and waste, and allocate resources towards providing health coverage for uninsured patients.
2. The Centre reiterates its recommendation to increase expenditure on primary health care, given its role in reducing pressure on hospitals and saving time and effort for citizens and health-care personnel.
3. The necessity for the Government to initiate the adoption of specific legislation guaranteeing the provision of high-quality mental health services.
4. The necessity of activating the Medical Accountability Law of 2018, in cooperation with relevant partners in the medical sector and health professional associations, and developing solutions that safeguard the rights of patients, physicians, hospitals, and all parties concerned through clear and equitable mechanisms.

The Right to a Dignified Life for Persons with Psychological and Physical Disabilities

Paragraph (53):

In 2019, Jordan issued the National Strategy on Alternatives to Governmental and Private Shelters Specialized for Persons with Disabilities, which seeks to promote the integration and rehabilitation of persons with disabilities and aims to transform the shelter-based system into an inclusive system. In addition, the National Social Protection Strategy (2019–2025) was issued, focusing on strengthening the participation of persons with disabilities in the labour market through the pillars of decent work and social security.

In 2021, the Regulation on the Employment of Persons with Disabilities No. (35) of 2021 was issued pursuant to the Law on the Rights of Persons with Disabilities and Article (13) of the Jordanian Labour Law. The Regulation, under Article (3)(a) thereof, requires employers to provide reasonable accommodations, accessible formats, and means of access for persons with disabilities, and stipulates that such arrangements shall be incorporated into the employment contract concluded between the employer and the worker with a disability.

The Right to Education

Article (54):

By the end of 2021, the total number of schools in the Kingdom reached (7,127), comprising (4,015) governmental schools, (2,943) private schools, and (169) schools operated by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). The number of Jordanian students reached (1,933,979), while the number of Syrian students enrolled in various schools across the Kingdom reached (154,564), including (69,030) students receiving education during the evening period. Furthermore, during the 2021/2022 academic year, the number of governmental kindergarten classes reached (2,760), with an enrolment of (69,047) boys and girls.

The COVID-19 pandemic exacerbated the challenges facing the education sector and the educational process, particularly during the period following the resumption of in-person education at the beginning of the first semester of the 2021/2022 academic year, after a disruption of nearly one and a half years. The Centre monitored the transfer of a significant number of students from private to governmental schools due to the economic and financial impacts of the COVID-19 pandemic on students' families, which placed additional pressure on governmental schools and contributed to increased rates of overcrowding.