



Second Annual Report on the State of Human Rights in the Hashemite Kingdom of Jordan 2005

The National Centre for Human Rights

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Introduction

The second report of the National Centre for Human Rights (NCHR) covers the period from 1/1/2005 to 31/12/2005. It has been prepared on the basis of international human rights standards and concepts, and on the basis of the Constitution and national laws, as a foundation for following up developments in the state of civil, political, economic, social and cultural human rights. To that end, developments in the legislation, policies and decisions adopted, and their positive or negative impact on human rights, were monitored, in addition to field visits to various workplaces in order to verify the information available to the Centre against the reality on the ground.

Before entering into the details of the state of human rights during the past year, reference must be made to two matters relating to the obstacles and positions that the Centre has faced and continues to face, namely:

First: The National Centre for Human Rights continues to face certain difficulties and impediments, which stem essentially from the manner in which the Centre's Law has been dealt with in Parliament (the National Assembly), particularly in the Senate. This is because the law under which the Centre was established in 2003 has remained a provisional law, owing to the protracted disagreement between the House of Representatives and the Senate over certain proposed amendments. These amendments are necessary to guarantee the independence of the Centre's work and to activate its role in monitoring the state of human rights in the Kingdom and protecting them from the violations and abuses to which they are subjected; moreover, they are requirements that must be met in the law, as they are linked to the international standards established by the Paris Principles concerning national human rights institutions.

The fact that the law remains pending before Parliament has a continuous negative effect on the legal stability of the Centre and on its relationship with similar human rights institutions. It also impedes the Centre from obtaining full membership in the relevant regional and international groupings, stands as a stumbling block to its recognition by the International Accreditation Committee in Geneva (ICC), affiliated with the United Nations, in accordance with the standards adopted by that Committee, and deprives it of moral and financial privileges necessary for its work. It consequently affects the credibility of the Hashemite Kingdom of Jordan and its position on human rights issues in general.

Second: In view of the importance of the Government's position on the annual report on the state of human rights in the Kingdom issued by the Centre, the Government's initial reaction to the first report for 2004 was generally positive. However, the ministerial committee formed to study the report and the recommendations contained therein was selective in its handling of many of the recommendations: the Government's official response made no reference to a number of important recommendations and expressed no opinion on them, whether negative or positive, and the responses relating to certain legislation concerning the right of assembly and freedom of expression were negative. The Centre hopes that this (second) report and the recommendations contained therein will be studied and considered with the attention they deserve, and in a manner consistent with the Centre's mission as defined by its Law and with the nature of the positive development required in the field of human rights and democracy in the Kingdom.

First: Civil and Political Rights

The year 2005 witnessed the formation of three successive governments, which had a negative effect on the development of the democratic process and human rights in the Kingdom, owing to the ambiguity and the evident inconsistency in the positions of the various governments regarding political reform programmes and public freedoms issues.

In this regard, the Centre notes that the previous Government, before submitting its resignation and one day before the convening of the third ordinary session of Parliament, enacted four provisional draft laws to none of which the state of necessity stipulated in the Constitution applied in any way whatsoever, and none of which required the taking of necessary measures that could not tolerate delay or called for urgent expenditure that could not be postponed, and referred them to Parliament. This definitively constitutes a flagrant constitutional violation. These laws are the (Customs, Agriculture, Income Tax and State Property) laws.

In general, no fundamental change or positive development occurred during 2005 in the legislation or procedures relating to civil and political rights, with the exception of certain reforms introduced in the conditions of the Correction and Rehabilitation Centres, to which the report will refer elsewhere. The legislation governing these rights remains in force without any change or amendment. The year 2005 witnessed attempts to impose further restrictions on political freedoms and on trade union and party activity, through the draft Professional Associations Law submitted by the Government to the House of Representatives on 6/3/2005. A series of administrative restrictions was also imposed on party activity and on the exercise by the professional associations of their activities, reaching the point of confrontation.

- In monitoring the positive and negative developments in the field of human rights and democracy in the Kingdom, the Centre affirms its conviction that the real turning point towards the reform of legislation and policies and the rationalisation of decision-making in this context lies in the rule of law; the holding of free and fair parliamentary elections free from any interference; the development of civil society institutions, including parties, trade unions and associations, outside government control; the adoption of a comprehensive security policy responsive to the requirements of human rights and democracy; the existence of a political opposition operating within the framework of legitimacy and respect for the Constitution and committed to the rules of the democratic game; and the existence of a national decision at all levels to combat corruption in all its forms.

(a) Civil Rights

1. The Right to Life and Physical Integrity

Notwithstanding the executive administration's keenness to preserve and protect the right to life in general, and the judiciary's commitment to applying the provisions of the law and showing no leniency towards any criminal act involving deprivation of the right to life or infringing the personal integrity of the individual, there remain causes and factors that cannot be overlooked

which adversely affect personal integrity and may lead to deprivation of the right to life, the most prominent of which are:

1. Cruel punishment: The death penalty constitutes the harshest of the penalties prescribed in the criminal legislation. The legislation provides for the competence of the courts to impose the death penalty for more than thirty criminal offences, varying in gravity between crimes against persons, crimes against State security, and crimes posing a general danger to society.

Observations on the death penalty in Jordan:

- No legislative amendment abolishing or restricting the death penalty in the Kingdom was introduced during 2005.
- In 2005, death sentences were handed down against ten (10) persons by the Major Felonies Court, and the State Security Court issued two (2) death sentences, which were commuted by the court to hard labour. The number of persons executed during 2005 was ten (10), and there are (19) persons still awaiting the execution of such sentences, including two persons, one of whom was sentenced on 18/9/1976 and the other on 26/6/1976 by the Military Court on charges of espionage.
- In view of the large number of crimes punishable by death under Jordanian criminal legislation, and proceeding from the Centre's conviction that this penalty is an "eliminary" penalty to which recourse may be had only exceptionally and in cases of utmost necessity, the Centre recommends that the legislature study this matter and make the necessary amendments so that the death penalty may be imposed only for the most serious or most dangerous felonies, "such as premeditated murder", and subject to the following safeguards:
 - a. It shall not be applied merely because the accused has committed a crime punishable by it; rather, the courts must ascertain the extreme danger that the person of the accused poses to society, assessed on the basis that there is no hope of his reform and a high probability that he will commit a crime similar to his own if he is not eliminated from society.
 - b. Particular certainty as to the strength of the evidence of guilt against the accused, and that the possibility of his innocence emerging is virtually excluded; if this is not established, the court must invoke mitigating circumstances in order to avoid pronouncing the death penalty.
 - c. The penalty shall not be pronounced by the regular and special criminal courts except by unanimous decision of their members.
 - d. The death sentence shall be subject to all avenues of appeal and cassation, irrespective of the type of court issuing the judgment.

2. Exposure to torture and cruel, inhuman and degrading treatment: During 2005, the Centre received (54) complaints affecting the individual's right to physical integrity. The Centre investigated all the complaints it received and addressed the competent authorities regarding every complaint found to have a reasonable and legal basis warranting follow-up. The Centre received replies concerning many of the complaints that were investigated by the competent security authorities, and criminal or disciplinary penalties were imposed on some of the perpetrators of these abuses. The proportion of replies received by the Centre from the Public Security Directorate

(PSD) that included the taking of specific measures in respect of complaints of beating amounted to approximately 74% of all complaints regarding which the PSD had been addressed.

- On 27/12/2005, the Centre sent a memorandum to His Excellency the Prime Minister calling for the adoption of a set of legislative and procedural measures to combat torture, as it had become evident that the criminal legislation in force in the Kingdom does not serve the required purpose and does not meet international standards.

In light of the complaints received by the Centre during 2005, the decisions of the Court of Cassation and certain judgments issued by the Police Court, the Centre recommends that the following amendments, among the most important, be made to the relevant criminal legislation:

First: Amending Article (208) of the Penal Code, which provides the same penalty for public officials and private individuals who commit acts of torture; moreover, the penalty prescribed by the law is in any case disproportionate to the gravity of the crime of torture, unlike most Arab legislation, which has set out a specific provision relating to public officials and imposed on them penalties ranging from (3) to (10) years' hard labour, so that it reads as follows:

1. Any official who orders the torture of an accused person, or commits such an act himself, in order to compel him to confess to a crime or to give information concerning it, shall be punished by hard labour for a term of three to ten years.

2. If the victim dies, the penalty prescribed for intentional homicide shall be imposed.

Second: Investigation and trial proceedings relating to acts of torture shall fall exclusively within the jurisdiction of the judicial authority.

Third: Providing for the right of victims of torture to direct compensation from the State where the crime is committed by a public official, and for crimes of torture not to be subject to statutory limitation nor covered by general amnesty.

3. Narcotic drugs: The scourge of narcotic drugs poses a serious challenge to the individual's right to physical integrity and may lead to deprivation of the right to life through overdose. Drug abuse also leads to psychological effects such as depression, schizophrenia and suicide. A comparison of the official statistics for the years (2004, 2005) shows that there has been a marked increase in the number of drug traffickers and users, as shown in the following tables:

The number of cases seized by the Anti-Narcotics Department was as follows:

Year	Number of cases	Trafficking	Possession and use	Cultivation	Unknown
2004	1691	339	1317	6	29
2005	2041	344	1639	11	47

The number of users and traffickers was as follows:

Year	Number of persons	Trafficker	Possession and use	Cultivation
2004	2514	349	2158	7
2005	4792	746	4027	19

Notwithstanding the efforts made by the Anti-Narcotics Department to combat this phenomenon through prevention, control and treatment measures, the increase in drug cases, both of use and of trafficking, during 2005, and the devastating effects resulting therefrom on the individual's right to life and to physical, mental and psychological integrity, require the adoption of a clear national strategy in whose implementation official and civil efforts are combined and in which the media play an effective role in combating this scourge.

4. Traffic accidents: The statistics of the Traffic Department of the Public Security Directorate indicate that the number of traffic accidents during 2005 reached (83129) accidents, resulting in (790) deaths and (17579) injuries, and that the accidents were caused primarily by drivers' errors and their failure to comply with, and violation of, the Traffic Law and the regulations and instructions issued thereunder.

Although numerous traffic safety awareness programmes have been developed and implemented with the aim of reducing traffic accidents for the period 2004–2007, traffic accidents are constantly increasing and constitute a major threat to the right to life and physical integrity. It is clear from the nature of the violations that drivers' failure to comply with traffic regulations is one of the most important causes of accidents. Since the programmes currently being implemented have not led to a reduction in the number of accidents, it is evident that the issue of traffic accidents and the resulting deaths and injuries cannot be addressed by identifying and placing responsibility on drivers alone; rather, there must be a national programme to study the causes leading to violations and to regulate traffic, parking and movement and to secure the places where citizens move about – pavements, road intersections and congested residential areas – through the participation of several authorities, such as the Greater Amman Municipality, the municipalities, Public Works and the Public Security Directorate, in order to equip roads with traffic controls, grant permits for work sites on roads and monitor them, and address the sites where accidents with serious consequences recur. There must also be coordination among a number of ministries, such as Education and Culture, and the various media, in order to implement a continuous media and educational plan to raise citizens' awareness of the dangers of traffic accidents and the resulting human losses, material damage and social problems.

5. Work injuries and occupational diseases: Information from the Social Security Corporation indicates that the number of work injuries registered during 2005 reached (16,885) injuries, including (702) deaths and (511) cases of disability of varying degrees. A comparison of these figures with those for 2004 shows a marked increase in the number of work injuries and in the deaths resulting therefrom.

6. Crime: Crimes against persons constitute a particular type of threat to personal integrity. The official statistics for 2005 indicate the occurrence of (34) crimes of premeditated murder (with prior intent), (33) crimes of intentional homicide, (536) crimes of intentional harm (grievous bodily harm), (78) crimes of rape and (4) crimes of causing permanent disability. A comparison of these figures with those for 2004 shows a marked decrease in the number of murders and rapes.

7. Diseases and malnutrition: The statistics of the Ministry of Health for the years (2004, 2005) indicate a decrease in the number of cases of certain communicable diseases, as shown in the table below:

Disease	Number of cases in 2004	Number of cases in 2005
Chickenpox	14483	8355
Mumps	5768	5375
Rubella (German measles)	7647	13879
Non-epidemic meningitis	762	747
Viral hepatitis	342	266

- The statistics also indicate that Zarqa Governorate and the Northern Badia are among the areas in which the most cases of mumps were recorded, that Amman is the area most affected by rubella, and that Ma'an, Ajloun and the Northern Jordan Valley are among the areas most affected by viral hepatitis.

8. Error, negligence and breach of official duties: There continue to be substantial violations of the right to life and personal integrity to which citizens and others are exposed (including medical errors). Despite the limited legal provisions addressing liability for medical errors, whether in the Penal Code or in the Jordan Medical Association Law and its regulations, and the inadequacy of the methods of proof followed in determining the type and extent of errors and the forms of liability therefor, no law on liability for medical errors has yet been enacted, whereas such a law is necessary to strengthen the guarantees for the protection of the right to life and personal integrity. Ministry of Health statistics indicate that the number of complaints received, and in respect of which committees of inquiry were formed, by the Internal Control and Audit Department of the Ministry of Health during 2005 reached (209) complaints, including (86) complaints relating to medical errors or negligence by Ministry staff.

2. The Right to Liberty and Security of Person

- Deprivation of liberty and places of temporary detention (lock-ups).
- Correction and Rehabilitation Centres and the conditions of inmates.
- Excessive use of force and exaggeration in raids and arrests.
- Medical experiments and the sale of human organs.

(a) Deprivation of Liberty and Places of Temporary Detention

International instruments guarantee the right of every person to liberty and security of person (Article (9) of the International Covenant on Civil and Political Rights (ICCPR)). This right is also affirmed by the Jordanian Constitution in Article (8): (No person may be detained or imprisoned except in accordance with the provisions of the law).

The Jordanian Criminal Procedure Code sets out the cases in which judicial police officers may arrest defendants and deprive them of their liberty, namely (felonies; cases of flagrante delicto misdemeanours where the law prescribes for them imprisonment for a term exceeding six months; and the misdemeanours of theft, usurpation, aggravated assault, resisting public authority officers by force or violence, procuring for immorality and violation of public decency). Article (100) of the same Code imposes formal safeguards and restrictions that must be observed during the arrest, on pain of nullity, including: drawing up an arrest record signed by the defendant, containing the defendant's name and the date of his placement in the place of arrest, and the time at which the

defendant was placed in the place of detention; hearing the defendant's statements immediately upon his arrest; and sending him, together with the record, to the competent Public Prosecutor within twenty-four hours.

However, violations are committed by judicial police officers during the arrest of defendants, the most prominent of which are the following:

1. Failure to comply with the period of arrest prescribed by Article (100) of the Criminal Procedure Code, as defendants are held for more than (24) hours, sometimes for several weeks, on the basis of the Crime Prevention Law (administrative detention), and at other times without reliance on that Law.

2. Failure of judicial police officers to comply with the powers legally conferred on them, namely (hearing the statements of arrested persons), as this is exceeded to the exercise of (interrogation and confrontation), a power vested exclusively in the Public Prosecutor. This constitutes a substantial violation of the Criminal Procedure Code entailing the nullity of the investigations, as has also been affirmed by the Court of Cassation in many of its decisions.

3. Deprivation of the liberty of persons by the security services after their release by the judiciary or upon the expiry of their sentences, on the pretext of security considerations. The Centre received several complaints from persons who had been released by the judiciary and were returned to prison by way of administrative detention, on the pretext that leaving them at liberty posed a danger to public safety. There is no doubt that this measure contravenes international instruments and national legislation, as the person is punished twice for the same act, once through the judiciary and again in a manner contrary to the law by the administrative governors upon the recommendation of the security agencies. The number of persons held in administrative detention in the Correction and Rehabilitation Centres during 2005 reached (513) persons.

- In view of the infringement of personal liberty contained in the Crime Prevention Law, through the power conferred upon the administrative governor to detain any person if he believes that such person may commit a crime or that his being at liberty constitutes a danger to public safety, and in view of other violations committed by administrative governors in applying this Law, the National Centre for Human Rights addressed the Minister of Interior on 14/9/2005, calling for a review of the administrative detention carried out under the Crime Prevention Law, and of the violations of the Crime Prevention Law itself caused by the excessive use of such detention, which constitutes a striking violation of human rights. The Centre proposed the formation of a committee to study the application of the Crime Prevention Law and to submit such recommendations as it deems appropriate for the repeal of this Law or its amendment in a manner consistent with Jordan's current declared orientation and which enhances human rights and protects personal freedoms.

On 3/7/2005, His Excellency the Prime Minister decided to form a committee chaired by His Excellency the Minister of Justice and comprising the Minister of Interior, the Director of Public Security and the Governor of the Capital, to study the recommendations set out in the Centre's letter. However, this committee did not meet. After the formation of the new Government, the committee was re-formed on 5/1/2006, with the addition of a representative of the National Centre

for Human Rights and a representative of the Public Prosecution; this committee, too, has not met to date. In view of the importance of this matter, the Centre considers it necessary for this committee to convene and commence its work at the earliest possible opportunity, so that this orientation may have credibility.

Places of detention: During 2005, the National Centre for Human Rights conducted a number of visits to the places of temporary detention affiliated with the Public Security Directorate, the General Intelligence Directorate and Military Security. The conditions of these places were as follows:

Places of temporary detention (lock-ups) affiliated with the Public Security Directorate:

During 2005, visits were made to the places of temporary detention affiliated with the Public Security Directorate (the lock-ups of the police directorates and security centres, and the places of temporary detention at the Preventive Security Department, the Criminal Investigation Department, the Anti-Narcotics Department and the Family Protection Department). The visits revealed the following:

- Most of these places are small in area and are located on the ground floor (basement) of the buildings of the Public Security departments; they are often poorly ventilated and lit and lack appropriate sanitary conditions.
- There are no separate places for holding women in a number of the detention centres affiliated with the police directorates.
- Only lunch is provided to detainees, the remaining meals being at the detainees' own expense; and mattresses and blankets are not provided in some places of detention (particularly the Criminal Investigation lock-up in the Capital), on the pretext that detainees harm themselves or that some of them attempt to commit suicide with them, which contravenes Article (10/1) of the International Covenant on Civil and Political Rights (ICCPR).

Places of temporary detention at the General Intelligence Directorate:

A delegation from the Centre made two visits to the places of detention affiliated with the General Intelligence Directorate (GID). The first was on 6/8/2005, when the number of detainees was (13) persons; the second visit took place on 12/12/2005, when the number of detainees was (84) persons detained on behalf of the Public Prosecutor of the State Security Court. It should be noted that the second visit took place in the aftermath of the bombings that occurred at a number of hotels in the capital, Amman. During the two visits, a number of detainees were interviewed and asked about their conditions and the treatment they receive. One of them stated that he had been beaten, and two others stated that they had been subjected to torture. It should be noted that during the visit the Iraqi national who took part in the hotel bombings was interviewed. The places of detention were also inspected, the services provided to detainees were reviewed, and the detainees were asked about their complaints. The complaints submitted by the detainees related to the state of complete isolation to which they are subjected, and they also requested more books for reading.

Correction and Rehabilitation Centres and detention centres affiliated with the Armed Forces:

On 28/9/2005, for the first time, a delegation from the Centre visited the Correction and Rehabilitation Centre (the Military Prison) affiliated with the Armed Forces. It was found to hold (265) inmates, of whom (120) were in judicial detention and (145) were inmates against whom judicial sentences had been rendered. The cases were distributed as follows: desertion (44); theft and attempted theft (18); murder and attempted murder (17); adultery and sodomy (11); trial before the unit commander (21); and other miscellaneous cases (154). The Centre's team met the detainees and asked about their conditions and the treatment they receive, and no complaint, whether written or oral, was submitted during the visit.

The team also visited one of the detention centres affiliated with the Military Security Directorate (the Salt Intelligence Office) on 22/9/2005. The team did not meet any detainee during the visit, as the centre held no detainees.

National criminal legislation relating to deprivation of liberty:

- There are a number of observations on national legislation that infringe personal liberty, the most important of which may be highlighted as follows:

1. Article 7/1 of the State Security Court Law granted the “judicial police” the power to arrest persons and hold them for a period of seven days when necessary, before referring them to the Public Prosecutor, where they are suspected of having committed any of the crimes falling within the jurisdiction of the State Security Court. Granting the judicial police this power constitutes a departure from the general rule laid down by the Criminal Procedure Code, namely detention for a period of (24) hours only; it also constitutes an infringement of personal liberty and is regarded as an unjustified expansion. The power of the judicial police to arrest and deprive persons of their liberty in felonies of murder and theft is (24) hours, whereas in crimes falling within the jurisdiction of the State Security Court it is seven days, especially since there are misdemeanours that this Court is competent to hear.

2. The weakness of the criminal protection provided for in the Jordanian Penal Code in the case of deprivation of liberty (unlawful arrest), and the absence of specific legal provisions punishing judicial police officers who commit this crime, as is the case in most Arab legislation, which has criminalised such conduct. Article (346) of the Jordanian Penal Code made no distinction between an ordinary person and a public official in the penalty for unlawful arrest (“deprivation of liberty”), and punished it with a lenient penalty, namely imprisonment from one week to one year or a fine not exceeding (50) dinars. This penalty is not commensurate with the gravity of the crime, which necessitates a specific penalty for a public official who unlawfully arrests a person, given that the Jordanian Penal Code, in Article (180), increased the penalty for the crime of violating the sanctity of the home when committed by a public official, making it more severe than the penalty prescribed for an ordinary person.

- In light of the foregoing, the Centre recommends adding Paragraph (2) to Article (346) of the Penal Code, as follows: (Article 346/2: The penalty shall be not less than one year's imprisonment if the perpetrator of these acts is a public official).

3. The right to complain of deprivation of liberty: Although Article (107) of the Criminal Procedure Code guarantees the right of any person to complain of deprivation of liberty, providing that: (Every detainee or prisoner shall have the right at any time to submit to the prison warden a

written or oral complaint and to request him to communicate it to the Public Prosecution, and the warden shall accept it and communicate it forthwith after recording it in a register kept for that purpose), practice does not reflect this, owing to the complete secrecy that prevails over the investigations of the security agencies and to complainants being prevented from doing so by the officers of these agencies.

4. The right of arrested persons to the assistance of lawyers: Article 14/3/d of the International Covenant on Civil and Political Rights grants every accused person the right to defend himself in person or through a lawyer. However, Jordanian criminal legislation does not grant this right to persons arrested during the investigations of the security agencies (preliminary investigation).

Furthermore, Article (63) of the Criminal Procedure Code, during the stage of the initial investigation (the Public Prosecution), permits the Public Prosecutor, in cases of urgency owing to fear of the loss of evidence, to question the accused about the charge brought against him before summoning his lawyer to attend.

- The Centre recommends that every person who is arrested be granted the right to appoint a lawyer, particularly during the investigations of the security agencies. It also recommends that a medical examination be conducted on every person arrested for a period exceeding twenty-four hours and that the result of the examination be kept in his file.

b. Correction and Rehabilitation Centres and the Conditions of Inmates

- The National Centre for Human Rights observed that a tangible improvement occurred in the conditions of some of the Correction and Rehabilitation Centres affiliated with the Public Security Directorate during 2005, whether in terms of the treatment of inmates or the level of services provided to them, together with initiatives to resolve a number of the problems from which the Correction and Rehabilitation Centres had been suffering and which were referred to in the first report.

The Public Security Directorate also took an unprecedented step by opening the doors of the Correction and Rehabilitation Centres to journalists and civil society institutions so that they could view the conditions of the Correction and Rehabilitation Centres in general. It permitted journalists to visit the Juweideh (Men) Correction and Rehabilitation Centre on 5/6/2005, and also permitted the Freedoms Committee of the Bar Association and some civil society institutions to visit other Correction and Rehabilitation Centres. A visitors' hall, a lawyers' hall and a courtroom building for the trial of inmates were opened at the Juweideh (Men) Correction and Rehabilitation Centre.

- The selection of new, more capable administrations to run some of the Correction and Rehabilitation Centres led to a significant decrease in inmates' complaints of ill-treatment or torture: the National Centre for Human Rights received (70) complaints in 2005, whereas the number of complaints in 2004 reached (250).
- In an attempt to relieve overcrowding in prisons, particularly Juweideh Prison, the Public Security Directorate also established a Correction and Rehabilitation Centre in the Muwaqqar area; construction of these centres commenced during 2005.

- Amendments were also made to the system of records and registers in force for inmates within the Correction and Rehabilitation Centres, so that the information has become computerised in some prisons, although it lacks the inmate's social history.
- On 29/12/2005, an agreement was signed between the Social Security Corporation and the Public Security Directorate with the aim of including (170) sentenced inmates in the Correction and Rehabilitation Centres who work in their workshops in the social security records. While the Centre commends this step, it calls for widening the circle of its beneficiaries.
- On the other hand, 2005 witnessed hunger strikes which began at the Qafqafa Correction and Rehabilitation Centre on 2/6/2005, in the dormitory conventionally referred to as the dormitory of political organisations, and the strike spread to the Juweideh and Swaqa Correction and Rehabilitation Centres, for reasons relating to the protracted judicial proceedings of some accused persons who have been on trial before the State Security Court for several years, and other reasons relating to the inmates' solidarity with one another owing to the arbitrary imposition of solitary confinement penalties on one of the inmates.

Despite the efforts made by the Public Security Directorate to improve the conditions of the Correction and Rehabilitation Centres, these centres still suffer from problems, the most important of which are:

1. The absence of judicial oversight over prisons and places of detention.
2. The weakness of the forms of legal aid available to prisoners owing to poverty or ignorance of the importance of such aid.
3. Administrative detention, and the increase in the number of administrative detainees to approximately (513), an increase of approximately (56) over the figure in the Second Periodic Report on the Conditions of Correction and Rehabilitation Centres issued by the National Centre for Human Rights on (6/2/2005).
4. The high rate of recidivism (reoffending), and the absence of accurate statistics showing the rate of recidivism, the types of crimes, the age group, the geographical area and the reasons for reoffending.
5. The evident shortfall in the forms of health care (monitoring, preventive and curative), the shortage in the number of medical staff and the unavailability of certain medicines and treatments.
6. The weakness of psychological care and its unavailability in four Correction and Rehabilitation Centres (Karak, Ma'an, Aqaba and Al-Jafr Centres), despite the presence of a number of mentally ill persons within the Correction and Rehabilitation Centres.
7. The unavailability of social care services in some centres, and the absence of aftercare programmes to prepare the inmate for the stage following his release and to ensure his reintegration into society and that he does not reoffend.
8. The prevalence of illiteracy among inmates.

9. The prevalence of narcotic pills and violence among inmates.

10. The failure to adopt a considered standard for determining the capacity of the Correction and Rehabilitation Centres that takes into account the total area of the correctional centre, the area allocated to service facilities, the area allocated to the sleeping space of each inmate, and other factors that make it possible to apply international standards in the construction and management of prisons.

11. The failure to apply a system for the classification of inmates and the absence of a genuine standard therefor based on determining the degree of criminal dangerousness and identifying the needs of each inmate, a matter which the Centre raised in its previous report owing to its importance.

12. The weakness of programmes for the reform and rehabilitation of inmates.

13. The instability of the staff working in the facilities of the Correction and Rehabilitation Centres (the Centre has repeatedly called for this issue to be addressed, and urges the Public Security Directorate to take the necessary measures in this regard, given the positive impact of such a measure on the management of the Correction and Rehabilitation Centres, and recommends the creation of material and moral incentives for their staff).

- In light of this situation, the Centre recommends activating the role of the Higher Committee for Correction and Rehabilitation, which is chaired by His Excellency the Minister of Interior and whose membership includes representatives of a number of ministries concerned with reforming the centres and rehabilitating inmates.

c. Excessive Use of Force and Beating

The information available to the Centre from the Public Security Directorate indicates that in 2005 no person was killed at the hands of Public Security personnel in the course of their duties, while the number of Public Security personnel injured in the course of performing their official duties reached (81).

Statistics showed that the number of complaints in which the complainants alleged that they had been beaten, received by the Office of Grievances and Human Rights at the Public Security Directorate, reached (38) complaints, of which (14) complaints were filed away, a decision of non-prosecution was issued in (12) other cases, only one case was referred to the Police Court, and (3) trials were held before the unit commander. On this occasion, the Centre recommends that the measures taken against the perpetrators of such violations of citizens' rights be tightened, in application of the law, in pursuit of justice and in keeping with the declared policy of the Public Security apparatus.

Instances of clashes and the use of force against citizens also recurred during 2005, as the Government prevented the professional associations from holding events and rallies at the Professional Associations Complex and barred citizens and association members from reaching the site of the Complex, at times using force. This measure resulted in injuries to a number of citizens and association members during the organisation of association events on 25/1/2005 and 15/2/2005, on the pretext that the gatherings were unlawful.

d. Medical Experiments and the Sale of Human Organs

Under the Temporary Law on Drug Studies No. (67) of 2001, the Jordan Food and Drug Administration monitors drug studies relating to the conduct of medical experiments. In this connection, the conduct of medical experiments on human beings without their free consent and the sale of human organs are regarded as among the most prominent violations affecting the right to life and the right to physical integrity, which are guaranteed by international conventions and instruments. Article (7) of the International Covenant on Civil and Political Rights guarantees this right: (no one shall be subjected without his free consent to medical or scientific experimentation), and Article (9) of the Arab Charter on Human Rights of 2004 provides that (no medical or scientific experimentation or the use of a person's organs without his free consent ... shall be carried out on any person).

In light of the foregoing, the National Centre for Human Rights recommends that the following legislative amendments be made to the Law on the Conduct of Drug Studies No. 72 of 2001, so that it conforms to the laws and international principles in force governing the conduct of this type of study and ensures the protection and safety of volunteers:

1. Amending the text of Article (1) of the Law so as to include medicinal herbs, since the Law does not cover the monitoring of therapeutic substances manufactured from medicinal herbs.
2. Amending the text of Article (7), Paragraph (a), so that the Institutional Committee includes a physician, since this Article does not require a physician to be a member of the Committee.
3. Amending the text of Article (5), Paragraph (a), to read: (No drug study may be conducted on a human being except after obtaining his written consent and informing his family). The purpose of this is that, should any complications arise for the person on whom a medical experiment has been conducted while he is outside the supervision of the competent physician, the donor's family will be aware of this and will inform the supervising physician.
4. Amending the text of Article (15) so that the Drug Directorate at the Administration has the power to monitor violations by centres and hospitals that conduct studies without obtaining a licence from the Institutional Committee, so that no violation of human rights occurs. The Jordan Food and Drug Administration must also observe transparency, and should have an annual report covering all aspects of drug studies.

Sale of human organs:

National legislation guarantees the necessary protection for the human right to physical integrity through the text of Article (335) of the Jordanian Penal Code No. 16 of 1960, as amended, which provides that: "If the act results in the severance or removal of an organ, the amputation of a limb or its disablement, the disablement of one of the senses, or causes serious disfigurement or any other permanent disability or what has the appearance of a permanent disability, the perpetrator shall be punished by temporary hard labour for a period not exceeding ten years."

Medical sources at the Ministry of Health confirm that all organ transplants performed in Jordan have been carried out from donors, most of whom are relatives of the patients. Such transplants are regulated by the Law on the Use of Human Body Organs No. 23 of 1977, as amended. This Law guarantees the human right to life and physical integrity even where the donation is made

with the donor's free consent, pursuant to Article 4/a/1, which provides that "the transfer shall not involve an organ essential to life if such transfer may expose the life of the donor to danger, even with his consent". This Law also punishes anyone who commits a violation of its provisions, which in turn guarantee the human right to physical integrity, pursuant to Article (10) thereof, which provides that "Without prejudice to any penalty provided for in any other legislation, anyone who commits a violation of the provisions of this Law shall be punished by imprisonment for a period of not less than one year or by a fine of not less than ten thousand dinars, or by both penalties". It should be noted that the maximum limit of this penalty is three years, which is not consistent with the gravity of the crime committed. This requires a legislative amendment raising the minimum penalty for this crime in proportion to its gravity.

In March 2005, the Jordanian Public Security agencies apprehended a network trafficking in human organs (kidneys) and supplying them to a neighbouring country. It was also officially recorded with the Public Prosecution that an act of complicity ("removal of a human organ") had taken place in Jordan, and that an organ of a human body had been transferred without the person's will in return for material consideration and for profit, for Jordanians, [the operations having been] carried out outside Jordan.

The year 2005 witnessed the signing of a cooperation agreement between the Ministries of Interior of Jordan and Syria, which includes the commitment of both parties to cooperate in the field of combating organised crime through the exchange of information on the various patterns of organised crime, particularly trafficking in persons and human organs. The Centre recommends the signing of similar agreements with neighbouring countries in order to curb and halt these violations, even where they take place outside Jordan.

3. Human Rights in the Administration of Justice

The results of an opinion poll conducted by the Centre for Strategic Studies at the University of Jordan on (the State of the Judiciary in Jordan) indicated that the judicial system and the judgments issued by the regular courts enjoy, in general, the confidence of 74% of Jordanians. However, there is a clear weakness in the judicial inspection system, which 75% described as ineffective. As regards the Judicial Institute, judges and lawyers believe that there is an urgent need to develop the curricula and to raise the standard of the teaching staff.

On 19/12/2005, the Judicial Council adopted the "Code of Judicial Conduct", which covered matters relating to the independence of the judiciary. It required the judge not to permit litigants, lawyers or any other person to interfere in or influence his adjudication, and, in the event of any domination of or influence over him by any of his fellow judges in his judicial work, or should he fall under such influence or domination, he must report this to the President of the Judicial Council.

The Code also addressed the guarantees of litigation and the conduct of the judge, the most important of which are the speedy adjudication of cases, equality between the litigants and the public nature of trials. It obliged the judge to perform his judicial duties without preference, partiality, prejudice or bias; rather, he should perform them in a manner that enhances confidence in the performance and integrity of the judiciary.

It further included important requirements relating to competence and ability, obliging the judge to be acquainted with all laws and regulations issued in the Kingdom and with the amendments being made thereto, and to be conversant with jurisprudential commentaries. The judge must also follow every judicial precedent issued by the higher courts and take note of their settled jurisprudence on contentious issues.

Obstacles and Restrictions Facing the Right of Litigation:

1. The slowness of litigation procedures. Although efforts are being made to address this phenomenon, the problem still persists and drives some people to refrain from resorting to the courts, as they feel that justice comes at an exorbitant price, represented by the high costs of litigation in the form of the fees prescribed for cases, lawyers' fees, delays in deciding such cases, and their repeated visits to the corridors of the courts.

2. The number of cases carried over before all courts in the Kingdom up to 1/10/2005 reached (80,926) cases, and the proportion of cases pending for more than three years amounted to 7% of the total of the previous cases.

- The National Centre reaffirms what was stated in its 2004 report, namely that there is an urgent need to introduce amendments to the legal rules regulating litigation procedures, including the procedures for filing a case, replying thereto and submitting evidence; setting a time limit for the adjudication of cases; holding the judge disciplinarily accountable in the event of failure to comply therewith; activating the judicial inspection system; and increasing the number of inspectors while paying attention to quality.
- The National Centre draws particular attention to the aggravation of the phenomenon of interference in the course of cases and in the judgments issued by certain courts on the part of higher-ranking judicial bodies, which constitutes a crime in itself and causes litigants to lose their confidence in the integrity of the judiciary.

3. The absence of a Constitutional Court: The Constitutional Court is considered one of the most important guarantees for achieving justice and protecting human rights, particularly since the High Court of Justice, which has been granted the power to suspend the application of a provisional law, does not have the power to examine the constitutionality of ordinary laws issued by the legislative authority. This confirms the necessity of establishing a Constitutional Court whose powers would include issuing decisions annulling any law, or any provision of a law, that contravenes the Constitution or is inconsistent with any of its provisions. In affirming the necessity of establishing the Constitutional Court, the National Centre points out that the National Charter issued in 1990 considered the establishment of this Court a necessity for strengthening the basic foundations of the State of law, and defined its competences as interpreting the provisions of the Jordanian Constitution in respect of matters referred to it by the Council of Ministers; adjudicating constitutional issues referred to it by the courts in cases pending before those courts; and adjudicating disputes and challenges relating to the constitutionality of laws and regulations in cases brought before it by persons having an interest, such that the competence of the Constitutional Court would be confined to stating the constitutional ruling, and its judgment would be final and binding upon all the authorities of the State and upon everyone. The National Agenda issued in 2005, on the other hand, referred to this matter without expressing a definitive opinion on it.

The High Court of Justice: When the High Court of Justice Law No. (12) of 1992 was issued, it affirmed the independence of this Court, expanded its jurisdiction and prohibited the immunisation of administrative decisions against challenge. It also granted the Court the right to suspend the application of provisional laws that contravene the Constitution, or of any regulation that contravenes the law or the Constitution, and to award compensation for the decisions it annuls. This Court is considered, on the one hand, a bulwark for the protection of the rights and freedoms of individuals and, on the other hand, a faithful adviser to the administration.

- In order to complete the process of enabling the High Court of Justice to achieve its intended objective, the National Centre for Human Rights recommends amending the law of this Court so as to include the following:

1. Making the High Court of Justice the court of general jurisdiction over administrative disputes.
2. Making litigation before the administrative judiciary of at least two tiers, so as to grant the litigants the right to appeal against the judgments of the court of first instance, thereby ensuring the protection of the rights of individuals and the provision of advice and guidance to the administration.
3. Preparing judicial cadres specialised in administrative justice who possess the appropriate qualifications in understanding the nature of public law, administrative disputes and the philosophy of the relationship between the individual and the authority, and in striking a balance between them.
4. Extending the competence or jurisdiction of the High Court of Justice to include disciplinary adjudication, in addition to annulment and compensation adjudication.

Below is a table showing the number of cases received by the Court from 1/1 to 30/11/2005 and the outcome of those cases:

Cases Received by the High Court of Justice (1/1/2005 – 30/11/2005)

Number of cases	Decided	Pending	Dismissed	Annulled	Struck out	Concluded by operation of law (withdrawal of the decision)
517	443	38	406	101	19	10

Violations and Impediments Preventing the Fulfilment of Fair Trial Standards:

a. Articles (9) and (14) of the International Covenant on Civil and Political Rights (ICCPR) set out the most important standards of a fair trial; however, there are existing violations that prevent these standards from being fulfilled, the most prominent of which are the following:

1. The security agencies still arrest suspects and hold them for long periods, sometimes extending to several weeks, in the places of detention belonging to those agencies (lock-ups). This is at times facilitated by the broad powers granted to administrative governors under the Crime Prevention Law, whereby suspects are detained in lock-ups pursuant to administrative decisions that lack legitimacy as well as objectivity and precision. The National Centre for Human Rights received a number of complaints concerning the administrative detention of a number of persons in Criminal Investigation lock-ups for the purpose of further investigation; after one or two weeks they were

released without being referred to any judicial authority. The number of persons administratively detained for further investigation at the Capital Criminal Investigation Department alone, from 1/1 to 27/9/2005, reached seven hundred (700) persons.

2. Failure to treat detainees in a dignified manner. Owing to the length of administrative detention, some investigators of the security agencies resort to torture in order to compel the accused to confess to crimes they did or did not commit. What encourages them to adopt this method is that no person is referred to the judiciary until the traces of torture have disappeared. Numerous decisions have been issued by the Court of Cassation concerning these violations.

3. Placing persons under police supervision (compulsory residence) for periods of up to one year after their referral to the judiciary, pursuant to decisions issued by administrative governors on the recommendation of the security agencies. This adversely affects the life of the individual and the pursuit of the work entrusted to him, which constitutes the source of his livelihood and that of his children, and also infringes his right to freedom of movement.

- (The National Centre for Human Rights received complaints from persons who had been placed under police supervision after obtaining judgments of acquittal from the courts. The Centre addressed the competent authority, whereupon the compulsory residence of some of them was lifted. The Centre considers that placing persons under police supervision (compulsory residence) should fall within the jurisdiction of the judiciary, and should take place only after the issuance of a final judgment in respect of specified crimes and in cases of the repeated commission of such crimes, in line with most legislations.)

4. The absence of effective judicial oversight of places of administrative detention (lock-ups), as these places have not been visited by any judicial authority. These places must be subject to judicial oversight and to inspection by the Public Prosecution.

5. Torture: Although Jordan has ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984 (CAT), it has not given effect to the provisions of this Convention, and the obligations that the Convention imposes on States Parties have not been translated into tangible reality in the national criminal legislation. This enables certain persons within the security agencies to practise torture against suspects in order to compel them to confess to crimes they did or did not commit.

b. The scope of the legal protection of a person's right to physical integrity under Jordanian legislation (when that person stands accused) is weak, as can be demonstrated by the following facts:

1. The Jordanian Constitution, unlike most constitutions, contains no provision setting out the constitutional principle prohibiting the physical or moral harming of the accused. Nor does it provide for the right of victims to fair compensation directly from the State, and it does not make crimes of torture crimes that are not subject to a statute of limitations.

2. Article (159) of the Criminal Procedure Code accords legal value to a confession made before officers of the security agencies, and considers such a confession sufficient legal evidence for conviction for crimes punishable by death, if the Public Prosecution establishes evidence of the

circumstances in which it was made and the court is satisfied that it was made voluntarily and of the accused's own free will.

- The National Centre for Human Rights received a complaint from a person stating that a death sentence had been passed on his brother by the Major Felonies Court in 1999, in Case No. 325/99, on the charge of killing a certain person, and that the death sentence was accordingly carried out. In 2005, the Major Felonies Court, in Case No. 44/2005, sentenced another person to death for killing the same person. The complainant added that his brother's confession had been extracted from him under duress and that he had stated so before the court; nevertheless, the court issued its decision to execute him.

3. Under Jordanian legislation, offenders who are officers of the security agencies are tried before special courts that do not meet the international standards of a fair trial set out in Article (14) of the International Covenant on Civil and Political Rights, as some of the judgments of these courts are not subject to the ordinary means of appeal against judgments, but are instead subject to ratification by the director of the security agency concerned.

- The National Centre considers that acts of torture must be investigated and adjudicated by an independent and impartial judicial body, and that this can only be achieved if the regular courts and the Public Prosecution undertake this task.

4. The ineffectiveness of the Court of Cassation's oversight of acts of torture, since Article (159) of the Jordanian Criminal Procedure Code precludes effective oversight, particularly where the trial court is satisfied with the confession made by the accused before the security agencies, as the Court of Cassation exercises no oversight over the conviction of the trial court.

5. Article (208) of the Penal Code provides for the punishment of those who commit acts of torture without distinguishing between public officials and others, which contravenes the Convention against Torture, which requires aggravated penalties for officials who practise torture. Furthermore, the penalty prescribed by the aforementioned Article is a misdemeanour penalty, namely imprisonment of (3 months – 3 years), even though acts of torture are punishable in most legislations by a felony penalty, namely hard labour of (3–10 years).

4. The Right to Hold Public Office

a. The right to hold public office is one of the fundamental rights of citizenship guaranteed by the Jordanian Constitution under Article (22/1). Article (22/2) further provides that appointment to public offices, whether permanent or temporary, in the State and the administrations attached thereto and in the municipalities shall be made on the basis of competence and qualifications.

- Notwithstanding the measures taken by the Government and the projects, programmes and future plans formulated with the aim of developing the public sector, raising the standard of public service in its various aspects and seeking to achieve the greatest possible degree of equality among citizens, these measures need to be activated by beginning to implement them on the ground, in order to curb the abuses and practices that continue to undermine and impede the achievement of the intended objectives, namely appointment without adherence to the order of precedence of candidates for appointment, appointment by contract or on project accounts, and appointment at the wish of the minister or official.

- Up to the end of 2005, the National Centre observed that appointments to leadership positions are still made without any genuine and clear criterion adopted for assuming such positions, as appointments to these posts continue to be based on personal considerations and on deference to persons of influence and to the interests of powerful groups and factions. The appointment of advisers in ministries is likewise based on the same considerations; indeed, recent graduates are sometimes appointed as advisers with very high salaries and privileges.
- A study prepared by the Civil Service Bureau in 2005 (on the reality of human resources and administrative organisation in the Jordanian civil service) indicates that the number of senior-category posts rose from (103) posts in 1995 to (139) posts in 2005, even though no new institutions or leadership positions requiring an increase in the number of this category were created. This indicates that the posts of this category are being used to serve and benefit persons who are appointed in order to improve their circumstances, their retirement entitlements and their job positions, and/or results from the absence of institutional practice in appointing suitable persons to leadership positions (Secretary General, Director General) and replacing them with every cabinet change, while retaining those removed as advisers at the Prime Ministry or as governors at the headquarters of the Ministry of Interior.
- The low participation of women in the senior category, which represents leadership positions, is also noted: women occupied only two posts out of (113) posts during 2005, out of the overall total of (139) posts in this category, i.e. a proportion of only (2%). This proportion is also low in the first category, where it amounted to only (6%) of the total posts in this category. On the other hand, however, the participation of women rises considerably in the second and third categories, where it amounts to (43%) and (53%) respectively.

b. Jordan has also ratified the United Nations Convention against Corruption of 2004. On 12/7/2005, the Council of Ministers approved the draft “Anti-Corruption Commission Law” and referred it to the House of Representatives for discussion and for the taking of the legal measures required for it to become an enforceable law.

Article (4) of the draft Anti-Corruption Commission Law sets out the objectives of the Commission in the field of combating corruption, including “uncovering areas of corruption and investigating all cases thereof, including financial and administrative corruption, combating *wasta* (favouritism) and nepotism, ensuring justice, equality and equal opportunities in the distribution of the gains of development, and combating character assassination”. However, this Law has not been issued to date.

- The National Centre for Human Rights recommends the enactment of the draft Anti-Corruption Commission Law, in view of the importance of the existence of such a commission for achieving the intended objectives of the public sector reform programme and for implementing the proposed future national policies and projects.

5. The Right to Nationality, Residence and Asylum

The complaints received by the Centre during 2005 relating to the procedures for withdrawing documents proving nationality, and identity cards, on the basis of the Disengagement Decision and the Instructions issued thereunder, accounted for the largest proportion of the total complaints received by the Centre. The responses of the Ministry of Interior in this regard did not change from what they had been in the previous year, and the High Court of Justice dismissed (8) nationality cases relating to decisions taken under the Disengagement Decision and the Instructions issued thereunder. On this occasion, the National Centre for Human Rights, in reiterating its position on this issue as expressed in the First Report on the State of Human Rights for 2004, reaffirms that the granting of nationality to, and the withdrawal of nationality from, any person must take place only in accordance with the law, as Article (5) of the Constitution provides that “Jordanian nationality shall be defined by law”.

On the other hand, Jordan still maintains its reservation to Article 9/2 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which obliges States Parties to grant women equal rights with men with respect to the nationality of their children.

Moreover, the Nationality Law No. (6) of (1954), as amended, likewise contains no provisions granting women this right, as Article (3) thereof provides that: “Any person born to a father holding Jordanian nationality shall be deemed a Jordanian national”.

- In light of the foregoing, the National Centre recommends introducing amendments in this regard to the Jordanian Nationality Law and withdrawing Jordan’s reservation to Article (9) of the Convention on the Elimination of All Forms of Discrimination against Women, so that women are granted a right equal to that of men to confer their nationality on their children, particularly in light of the increasing number of Jordanian women married to foreigners.

The Right of Residence:

Arab nationals and foreigners residing in Jordan are governed by the Residence and Foreigners’ Affairs Law No. (24) of 1973, as amended. The prevailing situation in Iraq has had a clear impact on the entry of large numbers of Iraqis into Jordan in search of security and a dignified life, in addition to the arrival in Jordan of many persons of foreign and Arab nationalities for work, tourism and residence.

The following observations may be made on the residence situation in Jordan:

1. The Jordanian Residence and Foreigners’ Affairs Law, in Article (18), requires every foreigner residing or wishing to remain in the country to hold a residence permit in accordance with the provisions of this Law, and to leave the territory of the Kingdom upon the expiry of the residence permit unless he has renewed it. The Law grants the Ministry of Interior the right to accept or reject a foreigner’s application for a residence permit, or to revoke a residence permit already granted and require him to leave the Kingdom, without stating the reasons.

- This absolute power of the Ministry of Interior to deport foreigners without stating the reasons has had negative effects on a number of Jordanian families, as foreigners of both sexes married to Jordanians have been deported from Jordan without the reasons being

stated and without any trials being held. This has had repercussions on their children and families, resulting in the separation of a single family, with one parent inside the Kingdom and the other outside it, and has caused them severe psychological suffering.

The National Centre has also received complaints from citizens married to foreign women whose wives were refused annual residence permits by the Ministry of Interior, and such complaints continue to recur on an ongoing basis. Furthermore, the security agencies deport foreigners, even those married to Jordanian women, in the event that a judicial judgment is issued against any of them, irrespective of the type of crime.

- A number of persons affected by these administrative measures have sought redress by challenging them before the High Court of Justice; however, in view of the absolute powers of the Ministry of Interior to deport any foreigner without stating the reasons, the decisions of the High Court of Justice upheld the decisions of the Ministry.

2. The increase in the number of foreigners deported by the Public Security Directorate, whose number this year reached (23,961) persons. It is noted that there is severe slowness in deportation procedures, represented by the existence of legislative and administrative restrictions and the requirement to collect from foreigners the fee for overstaying their residence. The deportation decision is not carried out until these fees have been paid or until the approval of the Ministry of Interior exempting them from the residence-overstay fees has been issued. In the meantime, they are held in administrative detention by administrative governors pending the issuance of the exemption decision, which sometimes takes a long period extending to several months, constituting a clear infringement of their personal liberty.

The National Centre for Human Rights addressed the Ministry of Interior regarding the repeated cases of deportation of foreigners married to Jordanian women, and its response was that deportation is carried out for security reasons and is considered an act of sovereignty.

- The National Centre, for its part, recommends introducing legislative amendments to the Residence Law and refraining from deporting the husbands of Jordanian women, in order to guarantee the stability of the family and living circumstances of Jordanians married to foreigners.

The Situation of Asylum:

No change occurred during 2005 with respect to the right of asylum and its frames of reference, or in the number of refugees present in Al-Ruwaished Camp, or of persons registered with the Ministry of Interior and the Office of the United Nations High Commissioner for Refugees (UNHCR), as set out in the 2004 report. The Ministry of Interior also rejected the proposal of the UNHCR Office to consider asylum applications and the resettlement of Iraqis in the Kingdom, and the Ministry maintains its previous position, which reflects the Government's dissatisfaction with the temporary protection regime.

(b) Political Rights

6. The Right to Vote and to Stand for Election

The year 2005 witnessed no parliamentary or municipal elections, and the Elections Law No. (34) of 2001 remains applicable and in force, without having undergone any amendment or change. Furthermore, the National Agenda, which was formulated during 2005, did not arrive at a definitive and unified opinion regarding the electoral system, as there were two points of view: the first called for the adoption of a mixed representative electoral system combining individual candidacy and proportional lists, whereby the voter casts two votes, one to elect his candidate in his electoral district and the other for the list of his choice; the second point of view called for arriving at an electoral system that produces deputies on party and programme-based foundations, through an integrated package of measures and legislation that includes the application of the principle of one vote, one district and one deputy.

- The National Centre for Human Rights considers that the time has come to enact a democratic elections law that reflects the genuine representation of the various segments and groups of Jordanian society, as well as the representation of the prevailing intellectual currents, and that contributes to strengthening the national fabric, so as to produce deputies who genuinely represent the Jordanian people and who work to enact sound legislation that enhances the democratic approach in the country and strikes a balance between legitimate social interests and the various legislative values. The Centre recommends the following:

1. That the voter should have two votes, casting one vote for a candidate from his electoral district according to the districting system currently in force, and casting his other vote for another candidate from the wider electoral district at the governorate level.
2. Full judicial supervision of all stages of the electoral process.

General Observations on the Performance of the Legislative and Executive Authorities

The Jordanian Constitution vests legislative power in the Senate and the House of Representatives, although the two chambers differ in the number of their members, the method of their appointment and the conditions of membership in each. The following general observations may be made on the performance of the legislative authority during 2005:

1. It is noted that a number of draft laws and provisional laws have long been held up before the Senate and were released only recently, the most recent being Provisional Law No. (75) of 2003, “the National Centre for Human Rights Law”, which remained with the President of the Senate for more than eight months and was not referred to its Legal Committee until 26/3/2006, whereas the House of Representatives had referred it to the Senate as early as 8/7/2004.
- While the National Centre respects the discretion of the Senate and its Legal Committee in the recommendations and decisions they adopt with respect to any legislation, it draws attention to the fact that the approach followed in dealing with the National Centre for Human Rights Law from the outset reflected the state of tension that characterised the relationship between the two chambers. However, the Centre’s intervention during the

final deliberation of the Law in the Legal Committee of the House of Representatives resulted in a reduction in the number of articles in dispute between the two chambers, and the Law was accordingly referred to the Senate on 8/7/2005. In this regard, the Centre records that withholding the Centre's Law from the Legal Committee of the Senate for more than eight months has caused the Law to remain provisional until further notice, which inflicts further harm and delay on the accreditation of the Centre as one of the national human rights institutions recognised by the International Coordinating Committee's accreditation body attached to the Office of the High Commissioner for Human Rights in Geneva, with the consequent deprivation of the Centre of moral and financial privileges and rights of which it is in the gravest need.

2. During 2005, the House of Representatives refused to approve the Jordanian–American agreement providing for the non-surrender to the International Criminal Court of wanted American nationals, or non-Americans working for the United States Government; however, it reversed this refusal and approved the agreement at the beginning of (2006), noting that the Hashemite Kingdom of Jordan was among the States that participated in drafting the Statute of the International Criminal Court, and was at the forefront of the States that signed and ratified the international convention relating thereto (the Rome Statute).

3. Contrary to all expectations, the Government's decisions to raise fuel prices in 2005 obtained the approval of the majority of the members of the House of Representatives.

4. Certain laws in force that infringe upon human rights remain in effect, and no action has been taken within the House of Representatives to review, amend or replace them, such as the Crime Prevention Law, the Public Assemblies Law and the Political Parties Law.

5. With regard to the international conventions relating to human rights, the National Centre for Human Rights addressed both the Ministry of Foreign Affairs and the Prime Ministry on 16/1/2006 concerning the measures that must be taken to give effect to the conventions that Jordan had signed and ratified at earlier stages, in light of Article (23/2) of the Constitution, which provides that "treaties and agreements which involve financial commitments to the Treasury or affect the public or private rights of Jordanians shall not be valid unless approved by Parliament (the National Assembly) ...". Since, by way of a *contrario* interpretation, this Article does not apply to the human rights conventions referred to above, His Excellency the Prime Minister requested the Ministry of Foreign Affairs to compile a list of those conventions in preparation for their publication in the Official Gazette and their entry into force. The Centre has learned that the Ministry of Foreign Affairs is about to recommend the publication of the six core conventions in the Official Gazette.

- While the National Centre supports this approach, it recommends that the provisions of these conventions be reflected in the relevant national legislation, namely: the Convention against Torture (CAT), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC), the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

7. The Right to Freedom of Opinion and Expression

Freedom of opinion and expression is regarded as the key to all freedoms, and is one of the most important means of exposing the violations to which all other freedoms are subjected. The exercise of freedom of opinion and expression is closely linked to democracy and to all aspects of human rights. Furthermore, freedom of the press, according to the definition of the United Nations Educational, Scientific and Cultural Organisation (UNESCO), is the collective extension of every citizen's freedom of expression, and deprivation of this freedom diminishes all freedoms combined.

The Jordanian Constitution of 1952 guarantees this freedom, providing in Article (15) thereof that:

1. The State shall guarantee freedom of opinion, and every Jordanian shall be free to express his opinion by speech, in writing, by means of photographic representation and by other means of expression, provided that he does not exceed the limits of the law.
2. Freedom of the press and printing shall be guaranteed within the limits of the law.
3. Newspapers shall not be suspended nor their licences revoked except in accordance with the provisions of the law.

The international human rights conventions have likewise guaranteed freedom of opinion and expression and have devoted several provisions to it (Article (19) of the Universal Declaration of Human Rights, and Article (19) of the International Covenant on Civil and Political Rights of 1966).

- The year 2005 also witnessed a relatively positive development in the area of freedom of the press, which constitutes the most important manifestation of freedom of opinion and expression. His Majesty the King issued directives on 19/4/2005 prohibiting the arrest and detention of journalists, and the Prime Minister issued a circular on 14/6/2005 prohibiting censorship of newspapers. The Council of Ministers submitted to the House of Representatives a draft law amending the Press and Publications Law, which provides for the abolition of the penalties of imprisonment and detention in press and publication offences.
- The National Centre considers that this draft represents a significant and positive development at the level of the legislation regulating freedom of the press in Jordan, and recommends the enactment of this draft law in view of its importance.

The Council of Ministers also referred the draft Law on the Right of Access to Information to the House of Representatives in October 2005. This draft law is intended to regulate the steadily increasing use of information and the technological development of means of communication. The Centre recommends the enactment of this draft law as expeditiously as possible.

In addition, 2005 witnessed the application of an index of press freedoms in Jordan, which showed that press freedom in Jordan is a relative freedom. The index adopted an inverse relationship between the total relative weight points and the degree of press freedom, such that the higher the number of relative weight points, the greater the violation of press freedom. The percentage was

calculated by adding up the points obtained by each indicator and calculating the percentage for all indicators, taking (189) points as the minimum threshold of press freedom, and then calculating the overall percentage.

The index also relied on several indicators relating to journalists and indicators relating to newspapers, and the results were as follows:

Indicator	Frequency	Percentage
Difficulty of obtaining information	221	33.84
Interference in journalistic work	86	13.16
Unofficial threats	72	11.02
Summons by the security agencies	60	9.18
Prevention from attending public events	55	8.42
Official threats	52	7.96
Prosecution	23	3.52
Temporary suspension from work	23	3.52
Arbitrary transfer	18	2.75
Arrest	15	2.29
Physical harm	12	1.83
Prohibition from practising the profession	8	1.22
Outright dismissal from work	8	1.22
Expulsion of foreign correspondents from the country	0	0
Prevention of foreign correspondents from entering the country	0	0
Total	653	99.93

As regards the recommendations of the National Agenda Committee concerning the abolition of compulsory membership of the Jordan Press Association, the Association rejected them, arguing that abolishing compulsory membership would create chaos and disorder in journalistic work in Jordan. The Association also expressed its rejection of this recommendation by holding a sit-in in front of the Prime Ministry for this purpose on 4/10/2005.

- Notwithstanding the positive developments relating to freedom of opinion and expression witnessed in 2005, the beginning of the year had witnessed restrictions on certain manifestations of this freedom: the professional associations were prevented by force from expressing their opinion on the new draft Professional Associations Law, and they were prohibited from organising certain seminars and festivals addressing public or political affairs.

The figures announced by the Press and Publications Department for 2005 also indicated that the Department banned the circulation of (73) books. The ban covered books by authors of diverse political backgrounds, and also extended to the circulation and printing of master's and doctoral theses submitted at Jordanian universities and awarded honours, in addition to other books that had won the State Appreciation Award and had been printed at the State's expense.

8. The Right to Establish and Join Trade Unions

No professional association or labour union was established during 2005. The membership of the Jordanian professional associations totals approximately (150,000) persons, distributed among a number of associations across various professions. The professional associations are distinguished by compulsory membership for those working in the professions concerned.

The various labour unions, numbering (17), comprise (100,000) persons, membership in labour unions being non-compulsory, unlike the professional associations.

Labour unions are considered among the important institutions that contribute significantly to the economic and development process. However, the labour movement suffers from major difficulties, most notably (deteriorating working conditions, lack of job security, strong competition from migrant workers, rising prices, irregular payment of membership fees, or the inability of workers for financial reasons to pay their subscriptions), which led a large segment to refrain from participating in the electoral process. The President of the Federation and his Deputy were re-elected unanimously, and this was evident in the election of the union presidents and the boards of the labour unions by acclamation, with the exception of (6) unions out of (17) during the 2006/2011 union cycle.

- With regard to freedom of trade union organisation, trade union organisation remains prohibited for teachers, who constitute (50%) of public employees. Furthermore, by the end of 2005 Jordan had not acceded to International Labour Convention No. (151) of 1978 concerning Protection of the Right to Organise and Procedures for Determining Conditions of Employment in the Public Service, known as the “Labour Relations (Public Service) Convention”, which provides for the right of public employees to establish their own organisations enjoying complete independence from the official authorities. The National Centre reiterates its recommendation of last year on the necessity of reconsidering this matter and permitting the establishment of a teachers’ association.

As regards the representation of women on the elected leadership boards of the professional associations, the number of women did not exceed (4), of whom (3) were on the board of the Jordan Nurses and Midwives Council and one (1) on the board of the Jordan Press Association, out of (11) professional association boards, despite the registration of (31,000) women as members of the said professional associations.

Although women’s membership in the professional associations reached 23% of the total membership, it is noted that the electoral lists that contested the 2005 elections in (9) professional associations included no women.

The beginning of 2005 witnessed sharp confrontations between the professional associations and the Jordanian Government. The dispute centred on the Public Assemblies Law and the extent of its application, and on the insistence of the professional associations on the right of assembly and freedom of opinion and expression. The dispute reached its peak when the Council of Association Presidents called a meeting which the authorities prevented by the use of force. The confrontation escalated when the Government submitted the new draft Professional Associations Law to the House of Representatives on 6/3/2005; Article (4) of the draft law specified the matters that association boards are entitled to discuss, being those relating to professional issues, and

prohibited the discussion of any matters outside the professional sphere without prior permission, which the professional associations regarded as contrary to freedom of opinion and expression, both of which the Constitution guarantees to citizens.

The intensity of the confrontation continued until after the change of government and the undertaking of the succeeding Government not to seek the enactment of the draft law in Parliament without consulting the stakeholders, which led to a de-escalation.

The year 2005 also witnessed a dispute between the Jordan Press Association and the Government when the National Agenda Committee, in its report submitted to His Majesty the King, recommended that membership of the Jordan Press Association should not be compulsory for those wishing to practise the profession. This led to a vigorous media campaign by the Association, which considered the proposal to be contrary to its Law and an attempt to weaken its standing, whereas the Government relied on the principle of freedom of opinion and expression.

- In light of these developments, the National Centre for Human Rights took the initiative of issuing a statement in which it made clear that association members have the right to hold their own views on national public affairs and that the use of violence against association members constitutes a breach of the law. The Centre stressed that the frame of reference for the relationship between the Government and the professional associations must be the Constitution, the law and the supreme interest of the nation, pointing out that the breakdown of dialogue, the exchange of accusations and the security presence around the associations suggest that the country is living under difficult security conditions, which is wholly and entirely contrary to reality. Moreover, the atrophy of political life in the country in general and the weakness of the national parties for historical and objective reasons have created an ambiguous situation that requires an examination of the causes that led to its emergence, and requires a serious and sincere review of the methodology of political action as a whole. The professional associations and the other civil society institutions have a fundamental and natural role in national development in its various dimensions, and this role must be recognised if we aim to broaden the base of participation.

9. Political Parties and the Right to Establish Them

The number of political parties registered with the Ministry of Interior remains (34). The year 2005 witnessed only one attempt to register a party, namely the Al-Qirsh Party, whose founding philosophy is class-based, aiming to represent the poor and members of the middle class. The debate that has continued for several years on the merger or amalgamation of political parties, so as to provide themselves with a degree of political weight enabling them to perform their role in public life, remains at a standstill. The year 2005 witnessed no projects for party mergers or alliances; on the contrary, this year witnessed a split in what was called the “Jordanian National Movement”, which may be regarded as evidence that such alliances are formed without proceeding from a political programme or a shared political vision among the parties concerned. Barely four months had passed since the announcement and formation of the National Movement coalition of (11) centrist parties when disputes erupted within it, to the point that (Al-Ahd Party) withdrew from the Movement definitively and (Al-Risalah Party) suspended its membership.

Despite the existence of coordination committees among the parties, many observers have affirmed that these committees play no real role in responding to events, particularly those taking place on the political scene, and that the most prominent shortcomings of these committees are the absence of mechanisms regulating their work and the lack of a defined methodology.

The political parties welcomed the Government's declared orientation towards political development during 2005; however, practice on the ground indicates otherwise. During 2005, licences were refused under the Public Assemblies Law for many applications submitted by political parties to hold marches and sit-ins denouncing the Government's successive decisions to raise prices, in solidarity with the Iraqi people against foreign occupation, or in defence of public freedoms, which seriously regressed during the year. Furthermore, during 2005 a number of members of certain parties were summoned by the security services and the administrative governors for distributing statements in which they criticised the Government's economic policy.

The Draft Political Parties Law and Reactions to It

Debate continues among the political parties concerning the Political Parties Law currently in force. While some political parties consider that it does not provide sufficient scope for freedom, does not provide financial support to parties and does not help bring about political pluralism, other parties consider that there is no need to amend the current Political Parties Law, since in their view it serves its purpose and does not hinder party activity, and that what is required is the activation of the Law; they also expressed their concern that the proposed new law may be less democratic than the current one.

In the face of this divergence of views, the Ministry of Political Development submitted a draft new Political Parties Law, announced by the Minister of Political Development at a press conference on 21/3/2005. The Ministry, for its part, considers that the draft came in response to the demands of the political parties for the necessity of a new political parties law providing for government support to them, based on objective and transparent criteria such as the number of party members, its popular reach, the extent of women's participation in it, its organisational structure, etc. No sooner had it been disclosed than party reactions poured in, ranging from reservation, apprehension and concern over the restriction of party activity, to outright rejection.

The Higher Coordination Committee of Opposition Parties (15 parties) announced its opposition to the Law during the period set for the parties to submit their opinions and views in writing, namely within one month of the date of announcement of the draft, affirming that the objective the Government seeks by hastening to put forward this draft is completely remote from the slogan of political development that the Government has promoted for more than a year, and that the draft law aims to transform the parties into hollow committees or structures attached to the Ministry of Political Development, rather than national institutions whose work and activity are governed by the Constitution. The parties also considered that the draft negates the principle of party pluralism, abolishes class distinction, grants the Government the right to interfere overtly in the work of the parties and their internal by-laws and regulations, and isolates them from their Arab, Islamic and human environment.

Other parties, meanwhile, considered that the draft law is contrary to the Constitution and leads, expressly and implicitly, to the suspension of the constitutional right to establish new parties, and

infringes the constitutionally and legally acquired rights of the existing political parties under the Political Parties Law in force, pursuant to Article (16) of the Constitution. Among the most prominent provisions of the draft that gave the parties pause and on which they entered reservations were: the provision prohibiting the establishment of any party on a class, sectarian, ethnic, factional or geographical basis; the provision concerning the holding of an annual general conference of the party, the requirement that a representative of the Ministry attend, and the election of the Secretary-General for three years and for two terms only; the provision prohibiting a party from interfering in the affairs of non-Jordanian States or entities; and other provisions at which the parties paused, in addition to the system of financial support for parties.

- The National Centre considers that the said draft new Political Parties Law contains a number of restrictions and conditions, couched for that purpose in loose terms that are widely open to interpretation, which makes the violation of any of these conditions an offence punishable by imprisonment under Articles (3, 6, 20) of the Law, places the parties under continuous threat, and enables the governmental administrations to accuse a party of violating the Law under numerous interpretations. This constitutes a breach of constitutional principles and a nullification of the constitutional right of Jordanians to form parties and carry on their activities.

Position of Jordanian Political Parties on Public Issues

The political parties, particularly the opposition parties, attributed the deterioration of the economic situation to the erroneous economic policies of successive governments, their failure to address the economic crises facing the country in accordance with well-studied plans, their failure to take action to address the phenomenon of corruption and the waste of public funds, and their failure to address indebtedness and its obligations. They have repeatedly demanded and affirmed the following:

1. “Not resorting to the privatisation of the major service sectors such as education and health, and using privatisation proceeds within the framework of creating a productive national economy free from dependency and subordination.”
 2. On the other hand, the opposition parties rejected the Government’s orientation towards raising fuel prices, since this would lead to a rise in the prices of most goods and services, accusing successive governments of shifting their financial predicaments onto the people by increasing their burdens.
 3. They also criticised the Government’s orientations towards raising water prices and depriving those covered by public sector health insurance of treatment in hospital emergency departments after three o’clock.
- The National Centre considers in this context that the political parties, by taking this position, have to a large extent expressed the opinion of the overwhelming majority of citizens.

Political Participation

Citizens’ view of political parties declined during 2005. Information contained in an opinion poll conducted by the Centre for Strategic Studies at the University of Jordan indicates that the political

parties currently in existence represent only 6% of the political, social and economic aspirations of citizens, compared with 9.8% in last year's poll. This means that more than 90% of the poll respondents do not consider that the existing parties represent their aspirations. On the other hand, one third of respondents stated that they were not concerned with whether or not the parties had succeeded in carrying out political work. Public opinion continues to hold that the parties suffer from a crisis in reaching the street. Regarding society's lack of confidence in political parties, a total of 53.3% of the respondents to the survey stated that parties work to serve the interests of their leaderships, while 13.8% stated that they work to serve the interests of the people.

Political Participation of Young People in Party Activity:

- Fear of the future continues to limit the participation of young people in party activity, in addition to the negative societal culture towards parties that prevails among many segments of society and their warnings to young people against joining them, at a time when the laws regulating political life are still in need of radical development. Moreover, the weakness of the parties themselves, their large number and the vagueness of the programmes on which they are based create a state of confusion among citizens; and the prevailing lack of conviction in their usefulness and in their ability to attain leading positions in the State has caused a state of indifference towards parties among young people.

The Nature of the Relationship between the House of Representatives and the Parties:

The existing parties suffer from a weak party presence in the House of Representatives. It appears that the crisis the parties suffer, namely their inability to reach citizens, has affected their relationship with the House of Representatives. Party members are agreed that dialogue between the House of Representatives and the parties is almost non-existent, that the relationship between the two sides still falls short of establishing a genuine partnership serving the desired democratic process, and that there exists what they termed a crisis of loss of confidence between the two sides.

An opinion poll conducted by the Centre for Strategic Studies at the University of Jordan in 2005 showed that the Islamic Action Front Party is still the party that best represents the political, social and economic aspirations of citizens compared with any other Jordanian political party, as stated by 4% of all respondents to this poll, compared with 6.6% in the 2004 poll and 14.7% in the 2003 poll. The National Constitutional Party came second with 0.6%, the same percentage recorded in the 2004 poll, compared with 1% in the 2003 poll. As for the remaining parties, none of them exceeded 0.2%.

10. The Right to Establish and Join Associations

According to Ministry of Social Development sources, the number of associations registered with the Ministry of Social Development as at the end of 2005 reached (982) associations, of which (60) were registered in 2005. The number of associations dissolved in the same year reached (9), for departing from the objectives for which they were established or because their statutes contravened the Law on Associations and Social Bodies No. (33) of 1966.

The number of cultural bodies registered with the Ministry of Culture as at the end of 2005 reached (261) bodies, of which (23) were registered in 2005. The number of bodies dissolved in the same year was two, owing to the suspension of the work of their administrative boards, and licensing was refused for (3) bodies because the Ministry of Culture lacked competence to grant the licence requested.

The number of associations registered with the Ministry of Interior as at the end of 2005 reached (223) associations, of which (43) were registered in 2005, while the licensing of (4) associations was not approved (because their founding bodies did not obtain security clearance and the Ministry of Interior did not approve the statutes of these associations).

Obstacles Facing Social Bodies:

1. The multiplicity of executive authorities concerned with registering associations and social bodies, and the differing patterns of official oversight and supervision over them.
2. The issue of security clearance for the establishment of associations still constitutes a fundamental obstacle to the exercise of this right. That clearance must be understood within the framework of the discretionary powers of the competent Minister, for there is nothing in the text of the law that makes approval of the establishment of associations conditional upon security clearance; yet such clearance has come to be regarded as a necessity, and the reasons for it are a mixture of the competent Minister's need to verify that the conditions and requirements of registration are met and reliance on security correspondence and circulars.
3. Limited financial resources and the absence of adequate and regular forms of official support, which has made it necessary to examine the advantages and disadvantages of foreign funding for those associations.

Article (20) of the Universal Declaration of Human Rights provides that everyone has the right to freedom of peaceful assembly and association.

The Jordanian Constitution also provides in Article (16/2) that Jordanians have the right to form associations and political parties, provided that their objectives are lawful, their means peaceful, and their statutes not in contravention of the provisions of the Constitution.

In any event, making the registration of an association conditional upon any approval constitutes a restriction on the right to establish and join associations.

In view of the age of the Law on Associations and Social Bodies No. (33) of 1966, which has undergone only minor amendments, the Ministry of Social Development drafted, at the beginning of 2005, a new draft law on charitable development social bodies. However, the associations regarded the draft law as running counter to democracy and departing from fairness and justice, and it was the subject of numerous criticisms, the most prominent of which were the following:

1. The draft law raised the number of founders from (7) to (25), which some associations regarded as an impediment to the work of new associations, since some associations do not have this number of volunteers, particularly in remote areas.

2. Article (7/d) of the new draft law empowered the Minister to reject applications from new associations without granting the association the right of appeal or objection, which constitutes arbitrariness in decision-making.
3. The draft law prohibits the existence of more than one women's union in Jordan, which is wholly inconsistent with the democratic orientation and with pluralism.
4. Certain provisions of the proposed law constitute an encroachment upon the jurisdiction of the judiciary and the courts, since they vest the Minister of Social Development with the powers of the judicial police, the power to issue judgments and the power to enforce penalties, which is contrary to constitutional principles.
5. The new draft law contains no incentives or mechanisms to support active and effective associations, even though Ministry of Social Development sources indicate that the Ministry provides annual support amounting to (750) thousand dinars to a number of associations through agreements between them and the Ministry.
6. The draft law imposed restrictions on the freedom to stand for and to vote in association elections, prohibiting members of administrative boards from standing for re-election for more than two terms, in addition to prohibiting any member from chairing more than one association.
 - The National Centre for Human Rights recommends that substantive amendments be made to this draft law, or that a new draft law be submitted that adheres to the provisions of the Constitution and to international standards for the exercise of the right to freedom of association and peaceful assembly.

Second: Economic, Social and Cultural Rights

When the International Covenant on Economic, Social and Cultural Rights was concluded, the international community deliberately refrained from establishing a mechanism to follow up the implementation by the States signatory to the Covenant of their obligations, in order to give developing countries time to build their national institutions and prepare their development programmes. However, the deterioration of human rights in the economic, social and cultural spheres, and the retreat of those States from fulfilling their obligations more than a quarter of a century after ratifying the Covenant, prompted the Economic and Social Council and the United Nations Commission on Human Rights during the past decade to take action and to form a working group to develop a mechanism for following up these rights, along the lines of the mechanism provided for in the International Covenant on Civil and Political Rights, proceeding from the principle of the interdependence of the rights set forth in both Covenants. The Commission on Human Rights called for a seminar to be held in New Delhi during 2005, at which it recommended that national human rights institutions follow up the implementation by governments of their obligations set forth in the International Covenant, and that human rights be observed and taken into consideration when planning development programmes.

On 30/6/1972, Jordan signed the International Covenant on Economic, Social and Cultural Rights, and subsequently signed the international convention on combating violence against women and the Convention on the Rights of the Child. However, most of these conventions have not been published in the Official Gazette, nor have they been submitted to the House of Representatives for ratification.

1. The Right to Work

On the basis of the standards of the International Labour Organization, decent work is defined as productive work in which rights are protected and which generates an adequate income, with adequate social protection.

- The Jordanian Constitution of 1952 guarantees citizens the right to work in Article (23) thereof, and is consistent with the international standards relating to guaranteeing the right to work for all citizens in several respects, the most important of which are:

1. Every individual has the right to equal pay without discrimination.
2. Every individual has the right to work for fair remuneration ensuring for him and his family a decent existence.
3. Everyone has the right to form and to join trade unions for the protection of his interests.
4. Everyone has the right to rest and leisure, to reasonable limitation of working hours and to weekly holidays with pay.

The Jordanian Labour Law currently in force, No. (8) of 1996, also regulates and defines the bases of the relationship between workers and employers as follows:

- It regards the labour rights set out therein as constituting the minimum that may not be derogated from, and deems null and void any contract or agreement under which a worker waives any of these rights.
- It entrusts the task of monitoring the application of the provisions of the Law to labour inspectors, who are granted the status of judicial police officers in the performance of their duties.
- It entrusts the Ministry of Labour with the task of organising the labour market and vocational guidance, providing employment opportunities for Jordanians, and licensing private offices for the recruitment and regulation of the employment of non-Jordanian workers.
- With regard to setting the minimum wage, it delegates this task to a special committee supervised by the Ministry of Labour and comprising representatives of employers and workers, so as to guarantee a level sufficient to provide an adequate standard of living for the worker. It regulates the contractual relationship between the worker and the employer and the conditions governing the employment contract, sets out the cases in which it terminates, determines daily and weekly working hours, and requires the payment of overtime wages to the worker when employed for additional hours, as well as when employed on weekly rest days or on official and religious holidays. It grants the worker the right to various types of leave and, finally, regulates the conditions for the employment of working women and juveniles.

However, the Law excludes the following categories from its provisions:

1. Public servants and municipal employees, the regulation of whose employment rules is entrusted to legislation specific to them.
2. Members of the employer's family who work in his enterprises without pay.
3. Agricultural workers, who have been made subject to special provisions of their own.
4. Domestic workers of all categories, such as servants, cooks and gardeners.
 - According to Ministry of Labour statistics, the Jordanian labour force in 2005 numbered (1,227,300) male and female workers. The Ministry estimates that 80% of migrant workers are of Arab origin, while the number of migrant workers is estimated at (350,000) male and female workers. The proportion of them holding valid work permits reached 74%, i.e. approximately (261,000) workers only, which means that some (90,000) male and female migrant workers are not registered in the records of the Ministry of Labour and are working without permits.
 - Jordan has ratified (24) of (180) labour conventions.

In light of the foregoing, the National Centre for Human Rights recommends the following:

1. That the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the conventions concerning women's work and the international Convention on the Rights of the Child, which Jordanian governments have signed and undertaken to comply

with, be regarded as among the reference sources for the Labour Law or the legislation concerning workers' rights.

2. That Jordan ratify all the international labour conventions mentioned in the Centre's first report for (2004), including Convention No. (87) of 1948, entitled the (Freedom of Association and Protection of the Right to Organise Convention), and the (Collective Bargaining Convention No. (154) of 1981).

3. That the provisions of the Labour Law be extended to cover workers in the agricultural sector and domestic workers.

4. That protection be provided to working women against sexual harassment by introducing a legal provision penalising such cases.

5. That the Law expressly provide for equality between men and women in work, pay and promotion; that Article (23) of the Labour Law, which restricts trade union freedoms and contravenes international conventions, be amended; and that Article (28) be freed of the restrictions that limit the worker's right to strike.

6. That Article (31) concerning arbitrary dismissal be amended so as to provide greater guarantees for the worker.

Conditions of Workers in the Qualifying Industrial Zones:

The National Centre for Human Rights conducted a survey of the conditions of workers in the Qualifying Industrial Zones (Al-Hassan Industrial Estate in Irbid Governorate and the industrial clusters in Amman) on a sample of (300) workers, 83% of whom were aged between (19–34) years, 71% female, 87.7% single, and 85% had not reached the Tawjihi (General Secondary Education Certificate) level of education. The results of the monitoring exercise indicated the following:

- **Salaries and promotion:** 70% of the sample stated that they receive the minimum wage, amounting to (95) dinars per month; 94% of workers stated that they are enrolled in social security; and those who had not received an annual increment amounted to 61% of the sample.

While 67% of the sample stated that they receive their salaries and wages on time, 59% indicated that there is no equality in pay between those with the same competence and qualifications.

- **Working conditions:** 83% of the sample confirmed that they are not covered by health insurance, and 56% considered health insurance services to be inadequate; 77% stated that they had received paid sick leave. As for first-aid services, the overwhelming majority stated that these are provided to them when they sustain work injuries.

58% stated that they are not supplied with their own protective clothing and equipment, while 67.7% considered that suitable sanitary facilities are available for both sexes; 55.4% considered the workplace to be free of substances harmful to health; and 63% indicated that the employer treats workers decently, compared with 33% who confirmed that the employer treats them

indecently, in the form of shouting, insults, beating, warnings, wage deductions and arbitrary dismissal.

- It may be concluded from the foregoing that working conditions in the Qualifying Industrial Zones are, in general, below the acceptable level in terms of health services, occupational safety, the social working environment and fair wages.
- **Employment contracts (workers' awareness of their rights):** 90% confirmed that they had signed employment contracts with the employer; 88% of the sample stated that they hold a copy of the employment contract; and 71.4% confirmed that they had not been required to perform work other than the work contracted for. While 54% of the sample stated that there is a gradation of penalties, 66% stated that they had not been allowed to defend themselves before a penalty was imposed on them; 54% of the sample stated that they had read the Labour Law, and 74% stated that they had read the factory's work instructions relating to the work regulations.
- **Training:** 58.4% of the sample confirmed that they had undergone a period of practical training of a maximum of (3) months, while 61.5% of the sample confirmed that they had received no remuneration whatsoever during the training period, compared with 18.5% who received remuneration equivalent to the basic salary. 79.8% confirmed the absence of a written contract covering the practical training, while 64.2% stated that the factory did not hold in-service training courses for the purpose of enhancing professional competence, and 73.8% confirmed the absence of awareness programmes for workers on workers' rights, which indicates a clear disparity among factory managements in their view of the importance of training and incentives.
- **Married working women:** 85% confirmed that they had received fully paid maternity leave upon childbirth for a period of (10) weeks.

The Minimum Wage:

In 2005, the Wages Committee decided to raise the minimum wage from (85) dinars to (95) dinars per month. However, this increase in the minimum wage was not based on a specific, studied criterion reflecting the rise in the cost of living and its impact on securing a decent life for the citizen.

- The National Centre considers it necessary to take the following matters into consideration when examining the question of wage-setting:
- The minimum wage falls considerably below the poverty line, which according to the report of the International Monetary Fund stands at (150) dinars per month.
- A number of private-sector establishments do not comply with the application of the minimum wage.
- Employers invoke the need to encourage investment in order to oppose demands calling for the minimum wage to be raised.
- The widening scope of the negative effects resulting from low wages, manifested in the increase in child labour and begging.

- In light of the above, the National Centre recommends the following:

1. That the minimum wage be linked to the rise in the cost of living.
2. That Article (53) of the Labour Law be activated to monitor the extent to which the minimum wage is applied in establishments, that the role of labour inspectors be activated, and that strict measures be taken against violators.
3. That the role of labour unions and civil society institutions be activated so that they carry out the tasks and duties imposed by their statutes to protect workers and their rights as set out in the Labour Law.

Child Labour:

Jordan has ratified a number of international and Arab conventions relating to child labour, foremost among them International Labour Organization Convention No. (138) concerning the Minimum Age for Admission to Employment, International Labour Organization Convention No. (182) on the Elimination of the Worst Forms of Child Labour, and Arab Labour Convention No. (1) of 1966.

- During 2005, no measures were taken regarding the increase in the rate of child labour in the Kingdom. Information indicates that their numbers reach approximately (50) thousand, more than half of whom work in the capital, Amman; they receive less than the minimum wage, while being more exposed than others to work injuries.
- Owing to the aggravation of the problems of poverty and unemployment, an increase has become noticeable in the number of children working in the informal business and trades sector. Available studies confirm that 40% of working children work in vocational workshops (garages, carpentry and blacksmithing), in addition to working long hours for low wages, which exposes them to health and psychological risks. Ministry of Labour estimates also indicate that the number of working children in Jordan is approximately (45) thousand; on the other hand, however, the Ministry confirms that the available statistics are inaccurate owing to evasion of registration, whether by the children's families or by employers.
- During 2005, the International Labour Organization's office in Amman prepared a campaign under the title of the International Programme on the Elimination of Child Labour, and formed working teams responsible for monitoring the phenomenon of child labour and to take preventive measures to curb its spread. However, this campaign did not achieve the results expected of it, which is attributable to the deteriorating economic and social conditions of the families to which most of these children belong, in addition to the general rise in prices.

Unemployment

Unemployment and poverty are interlinked issues and two sides of the same coin, and they are considered among the most significant obstacles to national development. The phenomenon of unemployment and the problem of poverty continue to grow steadily. Some link the phenomenon of unemployment to the "culture of shame" or to the unwillingness of nationals to work in certain

occupations and their aspiration to government jobs only. It appears, however, that these claims are not always correct, since it is observed that the unemployment rate is higher among young people who lack academic qualifications, and that it also rises among poor families, which raises the question of the relationship between migrant workers and their impact on the availability of job opportunities for Jordanian youth. It must also be pointed out that employers and investors, particularly in the Qualifying Industrial Zones (QIZ), tend to prefer recruiting and employing migrant workers from abroad rather than employing and training local workers, which leads to an increase in the unemployment rate among citizens.

Domestic Workers

Domestic workers of various nationalities, particularly Filipino, Indonesian and Sri Lankan, constitute a large segment of the migrant workers in Jordan. Nevertheless, the available statistics indicate a wide discrepancy between the records of the Ministry of Labour and those of the Residence and Foreigners Department, which shows that there are no accurate statistics on the number of female domestic workers of the various nationalities. This category of migrant workers faces various violations of their rights, which vary in degree of seriousness but at times amount to a violation of the right to life. The most significant problems faced by this category include:

- Ill-treatment, whether by the agent or by the sponsor.
- Delay in the payment, or non-payment, of wages.
- Failure to provide basic needs, such as suitable accommodation, adequate food and the necessary health care.
- Violence in its various forms, verbal and physical, which may lead to death or cause permanent disability, in addition to sexual harassment and rape.
- Forcing the domestic worker to work in more than one household, which constitutes a breach of the terms of the unified employment contract approved by the Ministry of Labour and the embassies.
- The recruitment of domestic workers by certain commercial services offices without obtaining a licence for that purpose from the Ministry of Labour, and the violations of the rights of these domestic workers committed by such offices owing to the absence of oversight over them.
- Failure to obtain a work permit and residence permit for the domestic worker, which in many cases leads to her deportation.
- The holding of numbers of domestic workers by recruitment offices or embassies in places that lack the minimum standard of living, and the continued holding of a large number of domestic workers in detention at Public Security Directorate departments pending their deportation from the country, as they are unable to pay the overstay fines; they are not sent out of the country until the fines are paid or until a decision exempting them from payment of the overstay fine is issued by the Ministry of Interior, which takes a long time to be issued.

- The deportation of a number of domestic workers by the administrative governor on the basis of claims by householders that they engage in immoral acts or commit theft and similar offences.

As regards recruitment and employment offices, the number of such offices licensed by the Ministry of Labour has to date reached (95) offices. According to Ministry of Labour sources, four offices were closed following the receipt of a number of complaints and the failure of these offices to regularise their status. However, there are offices registered with the Ministry of Industry and Trade that recruit domestic workers under cover of their licences as commercial services offices, and they are consequently not subject to the provisions of the above-mentioned Regulation. A comparison of the numbers of domestic workers obtained from the embassies with the statistics of the Ministry of Labour reveals the role played by these offices in the unlawful recruitment of female workers, as large numbers of domestic workers, particularly of Indonesian nationality, are brought in on forged passports; the age of the domestic worker stated in the passport is often more than twenty years, whereas her actual age does not exceed fifteen years or less.

Services Provided to This Category

Some embassies have offices or mechanisms for receiving complaints from domestic workers, whereas no such mechanism exists at other embassies. The Social Centre of Caritas, which was established in 2002, receives complaints from domestic workers, and Public Security centres also receive complaints from domestic workers and refer them to the competent authorities according to the nature of the complaint.

Some embassies also act as mediators between the domestic worker and the respondent in an attempt to resolve the problem amicably, and some of them provide temporary shelter services for domestic workers. It should be noted, however, that the shelter services provided by some embassies lack the requirements that would ensure a minimum humane standard of living.

Some embassies also have resident physicians who provide medical examination services to domestic workers who claim to have been subjected to physical abuse. However, the reports issued by these physicians are often not accepted because they are private physicians, which means that the injury is not covered by medical insurance and that the report is not relied upon when complaints are filed with the official authorities. The Family Protection Department handles cases of sexual harassment and rape to which domestic workers are subjected, providing medical examination services and investigating the complaint without any discrimination.

In light of the foregoing, the National Centre recommends the following:

1. Activating the role of labour inspectors in overseeing the work of domestic worker recruitment offices in order to curb the violations committed by them.
2. Affirming that the recruitment of domestic workers is restricted to the offices licensed for that purpose by the Ministry of Labour, and not permitting commercial services offices, which are not subject to the provisions of the Regulation applied by the Ministry of Labour, to engage in the recruitment of migrant workers.

3. Organising awareness campaigns for citizens on the rights of this category and the need for it to enjoy a decent standard of treatment, and rejecting the demeaning view of it.
4. The necessity of holding capacity-building courses for embassy staff on mechanisms for receiving and handling complaints, and on how to deal with complainant domestic workers, particularly those who have been subjected to violence.
5. Establishing close cooperation between the Ministry of Labour and the Public Security Directorate/Residence and Borders Department, for the purpose of controlling the records of migrant workers and curbing their exploitation by employment offices or certain employers.
6. In light of the preliminary information available to the National Centre for Human Rights regarding cases of exploitation of certain female migrant workers in sex trafficking operations, the National Centre calls upon the competent authorities to tighten oversight, to take the strictest measures against anyone proven to be involved in cases of this kind, and to prevent the spread of this phenomenon in Jordanian society.

2. The Right to Education

School Education

Education in Jordan is available to all; it is compulsory up to the tenth grade (the basic education stage), and it is free of charge, notwithstanding the imposition on students of regular, modest annual “school donations”, from which the poor are usually exempted.

- With regard to human rights education in schools, the Ministry of Education responded to the initiative of the National Centre for Human Rights to develop a joint three-year plan of action for this purpose (2005–2008). The plan adopted four pillars, namely:
 1. Integrating human rights concepts into school curricula, including the preparation of a national human rights reference framework through the development of the human rights matrix that the Ministry had prepared some years ago, and presenting it to all civil and official sectors of Jordanian society in order to gain their support for it.
 2. Building the capacity of Ministry staff in the field of human rights education. Indeed, (20) employees from the Ministry’s Directorate of Curricula, Training and Educational Supervision were trained for (7) days in February 2006 on techniques for integrating human rights concepts into school curricula. It is hoped that the other part of this pillar, consisting of holding two (training of trainers) courses in the field of human rights education for Ministry staff, so that they may undertake the task of training teachers in human rights, will be implemented in the near future.
 3. Promoting extracurricular activities in schools by establishing human rights clubs, holding annual competitions, distributing human rights brochures and posters, and celebrating human rights occasions at the international and national levels.
 4. Media: by providing the media with the activities carried out by the Centre and the Ministry on human rights education, in addition to issuing a special issue of the Centre’s magazine “Al-Risala” and a special issue of the Ministry’s magazine “Risalat Al-Mu’allim” on human rights education.

As for the phenomenon of school dropout, the Ministry, in cooperation with international organisations, implements programmes to curb it, such as the popular culture programme for dropouts. It would nonetheless be useful to conduct a survey study on this phenomenon to serve as guidance in the approach to tackling it.

As regards literacy programmes, the Ministry has increased the remuneration of the teachers of the literacy programme, and reference should also be made to the progress achieved in reducing the illiteracy rate to 9%. However, there is a need to strengthen literacy centres, for example through financial support or certain incentives for learners, since it is observed that the number of these centres, which does not exceed (400) centres in the Kingdom, remains small relative to the size of the target group.

- The Ministry of Education has also prohibited the use of beating and harm against students as a disciplinary punishment, and has established a hotline directly with the Ministry to receive complaints or cases of abuse, whereupon it investigates the matter and takes the necessary measures.
- The National Centre reiterates what was stated in its first report, namely that the official decision continues to prevent the establishment of a teachers' syndicate, which contravenes the right to trade union organisation and necessitates the establishment of a teachers' syndicate if the status of the profession is to be improved and the interests of its members defended.

Higher Education

The criteria for admission to public universities remain a contentious issue, as exceptions to the competitive criteria still account for the largest share, 62% of those admitted, which prevents the achievement of equality among students and affects the Jordanian citizen's enjoyment of the right to education.

Furthermore, high university fees and the inequality in them continue to constitute an obstacle to the enjoyment of the right to education, as the university fees paid by Jordanian students are considered high relative to the level of income in Jordan. Moreover, (the parallel programme) and other schemes in which credit-hour fees are not equal are considered a form of discrimination affecting the right to enjoy education on an equal basis, since the student pays higher fees in return for obtaining a seat in a specialisation with a lower average than the general average for that specialisation. This necessitates a review of university fees so that they are within the means of incomes in Jordan, and the abolition of fees that result in discrimination among students.

- With regard to human rights education in universities, the Centre recommends working to integrate human rights concepts and principles into the curricula of the faculties of law, political science and Sharia.

3. The Right to Social Security

Article (22) of the Universal Declaration of Human Rights provides for this right, and the International Covenant on Economic, Social and Cultural Rights, in Article (9), provides for the right of everyone to social security, including social insurance (General Comment No. 5 of 1994).

The right to social services is also set out in the Convention on the Rights of the Child, in Articles (26 and 27), as well as in the Convention on the Elimination of All Forms of Discrimination against Women, in Articles (11 and 14).

In general, the realisation of the right to social security is deemed to guarantee the material conditions necessary for achieving an adequate standard of living, and the right to equality enshrined in international human rights instruments also applies to social security benefits. From a rights-based perspective, the essential elements that social security systems should have are: comprehensiveness, accessibility, adequacy and appropriateness, respect for equality, and respect for procedural safeguards.

- Jordanian law guarantees the right to social insurance, as a body of national legislation is applied that sets out the standards and systems relating to general social safeguards and to those specific to certain groups, including (the Social Security Law No. 19 of 2001, the Family Protection Homes Regulation No. 48 of 2004, and the Instructions for Licensing Homes for the Elderly No. 2 of 2001. There is also a set of plans and strategies relating to social safeguards and services, most notably the strategic plan of the Social Security Corporation (2005–2007), the Family Strategic Plan, the strategic plan of the Ministry of Social Development, the National Aid Fund, and the Zakat Fund).

1. Social Security

During the past period, the Social Security Corporation issued a strategic plan for the years 2005–2007. Among the most prominent objectives of this plan are: attaining the provision of an outstanding insurance service that meets the requirements and standards of efficiency, in addition to working to ensure justice in the distribution of income among members of the same generation and across successive generations.

The latest statistics from the Social Security Corporation indicate that more than half a million active male and female subscribers working in approximately ten thousand establishments have been insured. The statistics also indicate that social security covers (31.8%) of the Jordanian labour force and approximately (36.5%) of all employed persons.

Coverage as a proportion of the total population during the period 1999–2004 amounted to approximately (11%); that is, Jordan has not yet reached the international levels of coverage, which stand at (20%). The Corporation has set itself the following objective: raising the coverage rate of all employed persons to (60%) by the end of 2007.

In 2005, a new draft social security law was introduced, which includes a ceiling on the wage subject to deduction, thereby allowing a maximum ceiling to be set for the retirement pension. However, there are still categories excluded from the Social Security Law No. 19 of 2001, such as workers employed in agricultural, forestry or herding work, seafarers, fishermen, domestic workers and persons in a similar position. The National Centre considers it necessary to include these categories within the scope of the Social Security Law in the interest of justice.

2. The National Aid Fund

The National Aid Fund is an independent institution whose budget comes from the State Treasury. The programmes provided by the Fund are (the recurrent cash assistance programme, the disability care programme, the emergency assistance programme, the vocational training programme, the physical rehabilitation programme, and the free health insurance programme through the Ministry of Health). Official statistics indicate that the poverty rate stands at 14.2% of the total population, whereas other independent statistics indicate that it ranges between 23% and 24% of the total population. The total amounts provided by the National Aid Fund during 2005 reached approximately JD (56) million, compared with (55.5) million provided by the Fund in 2004 and approximately JD (24) million in 2000.

3. The Zakat Fund of the Ministry of Awqaf

The Zakat Fund provides recurrent and diverse assistance, which totalled JD (11,200,000), of which JD (4) million was in the form of salaries and assistance to poor families numbering (13) thousand families, with the amount of assistance provided ranging from JD (10) to JD (35) per month. Emergency assistance totalled JD (3) million, with the amount of such assistance ranging from JD (10 to 100).

The Zakat Fund also provides in-kind assistance to the needy, the value of which amounted to JD (200,000), usually in the form of food assistance. Orphan sponsorships amounted to JD (4) million, distributed to (17) thousand orphans in the form of monthly salaries of JD (30) per month.

Based on the foregoing, the National Centre for Human Rights recommends the following:

- a. Establishing a comprehensive database on poverty and the poor. The flow, transmission and exchange of information is of the utmost importance and helps to remove certain obstacles and problems, and prevents the commission of new errors, the repetition of old ones, or the duplication and repetition of benefits.
- b. Re-examining the working methodology of the aid funds in addressing poverty, so that support is confined to the poor who are unable to work, while other programmes are directed towards financing projects that create job opportunities for the poor in order ultimately to raise them above the poverty line.

4. The Right to Health

The Jordanian Constitution makes no reference to the right to health, and national legislation likewise contains no provision on the State's responsibility for securing the objective conditions for the exercise of this right in accordance with the standards set out in the International Covenant on Economic, Social and Cultural Rights, which affirms "the right of everyone to the enjoyment of the highest attainable standard of physical and mental health".

However, the Temporary Public Health Law No. (54) of 2002, as amended, contains articles affirming the State's responsibility for providing health care in its various forms, including the provision of medical and treatment services, combating communicable diseases, raising

awareness, and maternal and child care. Nevertheless, the Law focuses on physical health and the treatment of diseases and does not give the same degree of attention to mental health.

- Among the positive developments in the field of health during 2005 was the commencement of the implementation of the school feeding programme in areas in need. The National Centre for Human Rights recommends continuing this programme, and indeed expanding it, increasing the proportion of its beneficiaries and extending it to other areas.
- It is noted that there has been a decrease in the complaints filed with the Jordan Medical Association concerning fees, which numbered (24) complaints in 2005, compared with (29) complaints in 2004.
- The premarital medical examination system also constituted a distinctive positive development in the field of the prevention of thalassaemia, since under the Premarital Medical Examination Regulation No. 57 of 2004, both parties to a marriage contract are required, before the contract is registered, to undergo a medical examination at any of the accredited medical centres (Article 4(a)). This is considered a positive development in the field of preventive health services, particularly as the examination is free of charge, and in light of the statistics indicating that, when the examination was optional, uptake did not exceed 6% of those intending to marry. On the other hand, however, the shortcoming of this Article is noted, as the result of the examination is not binding; the legislator merely required that both parties be notified of the risks of concluding the marriage and that they sign for receipt of the notification, as set out in Paragraph (b) of the same Article. The Centre recommends providing genetic counselling services in every governorate before and after marriage.
- Another positive development was the issuance in August 2005 of the Health Communication and Media Strategy, which aims to achieve “a Jordanian society enjoying health competence, in which the media provide individuals, families, communities and institutions with the knowledge, skills and resources required to work together in improving health and sustaining it”.
- Despite the positive developments in the field of health, there are a number of observations and challenges, most notably:
 1. The increased prevalence of chronic diseases such as diabetes and hypertension, in addition to problems associated with lifestyle patterns such as anaemia, alcohol addiction and smoking.
 2. The increase in the number of complaints relating to medical errors, as the number of complaints in 2005 reached (119) complaints, of which (56) complaints were dismissed, (60) complaints are being processed, and (3) complaints were referred to the Disciplinary Council.
 3. The shortage of medicines in hospitals and health centres, as well as the smuggling of medicines, which harms the health of citizens and the national economy.
 4. The absence of effective oversight over the sale of (sexual stimulants) bearing trade names, and likewise over herbal remedies.
 5. The absence of a mechanism linking health centres and hospitals.

6. The lack of nursing staff in some health centres, particularly male nursing staff.

In light of the above, the National Centre for Human Rights recommends the following:

- Adopting the international standards set out in the International Covenant on Economic, Social and Cultural Rights as a principal source for determining the type of health services that must be provided to all citizens.
- The technical and material qualification of the governmental and non-governmental institutions concerned with the provision of health services, in a manner commensurate with the quantitative and geographical responsibilities of these institutions.
- Ensuring the equitable distribution of health centres, hospitals and medical personnel across the various regions of the Kingdom.
- Strengthening mental health services and establishing mental health services for children under the age of 18, as no mental health services are currently available to them except through civil society organisations and private clinics.
- Improving and developing the quality of the health services, physiotherapy and rehabilitative therapy provided to residents of special education centres, by setting appropriate standards for this purpose and applying them.
- Adopting an effective referral system between health centres and hospitals, and appointing liaison officers in both hospitals and health centres.
- Increasing the financial allocations for primary and secondary health care, as they constitute only 6% of the general budget of the Ministry of Health.
- Working towards an electronic system linking the Ministry of Health with the Royal Medical Services, university hospitals and private hospitals.
- Despite the measures taken by the Ministry of Health to increase the number of persons covered by the health insurance umbrella, it still falls short of achieving comprehensive health insurance.
- Prohibiting the import of foodstuffs from countries that have problems with nuclear radiation or epidemic diseases, or foodstuffs that contain colourings, flavourings or preservatives hazardous to health.
- Taking the necessary measures to secure adequate protection for physicians at their places of work.

5. The Right to a Healthy Environment

a. Solid Waste

Jordan produces relatively large quantities of solid household waste in relation to its population, with the average quantity of household waste produced per person reaching approximately 0.9 kg per day. Accordingly, the problem of solid and hazardous waste ranks high among the environmental problems from which Jordanian citizens suffer, since it is a daily problem affecting citizens' lives, particularly in places outside the capital where waste dumps are widespread.

Although waste collection operations are carried out with a high degree of efficiency, the problem lies in technically unspecialised treatment operations, which mostly rely on the sanitary landfill method; this is in most cases carried out haphazardly and without regard to the health and engineering requirements of that method (with the exception of the Al-Ghabawi landfill recently established by the Government). Waste dumps thus cause pollution of the air in the surrounding areas. Moreover, the spraying of the sites of these dumps with insecticides by various bodies during the summer leads to pollution of the environment, including soil, air and water.

- The Al-Ukaider dump in Ramtha constitutes a major environmental problem, since the quantities of waste discharged daily into this dump exceed its absorptive capacity, being estimated at approximately 800 tonnes of solid waste in addition to 1,000 cubic metres of industrial wastewater coming from Al-Hassan Industrial Estate. This necessitated the issuance of the Solid Waste Management Regulation No. (27) of 2005, under the provisions of which the management of solid waste is regulated so as to achieve the protection of the environment and public health, through a set of measures stipulated in that Regulation, such as the preparation of plans and studies relating to solid waste management, and the provision of qualified personnel and public safety means for citizens ... This Regulation entered into force on 31/3/2005.

b. Medical Waste

Medical waste contains medical refuse such as needles, syringes, cotton, gauze, remnants of specimens contaminated with patients' fluids and blood, pharmaceutical and chemical refuse, and sometimes radioactive refuse and surgical refuse such as human organs and the like, at a rate of 20%; the remainder consists of general waste and rubbish such as food remnants, cans and paper. The Jordanian Ministry of Health disposes of this waste by incineration and obliges hospitals and clinics to contract with specialised institutions for its disposal. However, there is negligence on the part of some hospitals, and an absence of oversight over laboratories in the disposal of waste, on the pretext of high cost, with no regard to the fact that such waste in many cases contains disease-causing bacteria, viruses and fungi, and is burnt in the open air, scattering the harmful substances it contains.

- The Regulation on the Management, Transport and Handling of Harmful and Hazardous Substances No. (24) of 2005 was issued, comprising a set of provisions aimed at limiting the environmental effects resulting from the disposal of hazardous waste, which, under this Regulation, includes medical waste. This Regulation entered into force on 31/3/2005.

c. Water Pollution

The Khirbet As-Samra plant in Zarqa is considered one of the most prominent sources of water pollution in Jordan. The plant was established in the early 1980s above groundwater basins. As a result of the increased inflow of wastewater exceeding the plant's absorptive capacity, the groundwater lying beneath it became polluted, and that water flows into the Zarqa stream and from there into the King Talal Dam. In May 2004 the Government began implementing a project to upgrade the plant, and work on this project is expected to be completed at the end of 2006.

d. Air Pollution

The Hashemiyya area in Zarqa Governorate is considered one of the hotspots of environmental pollution in Jordan, as it contains three sources of pollution (the Al-Hussein Thermal Power Station, the oil refinery and the Khirbet As-Samra plant), which emit more than (35) tonnes of toxic gases into the sky every day. This has led some to classify it among the world's environmental hotspots, as the level of pollution there exceeds all local and international standards.

The city of Zarqa suffers from a high level of pollution owing to emissions of sulphur oxides, hydrogen sulphide and carbon oxides from a number of industries in general and from iron and steel factories in particular, in addition to dust from quarries and stone crushers.

The Russeifa District likewise suffers from the decomposition of waste buried in the closed dump, which leads to the emission of harmful smoke and gases. The same applies to the Al-Hallabat area in the Zarqa region.

The residents of the town of Fuheis continue to suffer from emissions of harmful gases from the cement factory, despite the efforts made by the factory to reduce the quantity of these gases through the use of bag filters instead of gravel filters, which has reduced the emission rate considerably.

The same is true of the towns of Al-Qadisiyya and Dana in Tafileh Governorate, whose residents and farms suffer from cement dust blown from the Al-Rashadiyya cement factory and from the emission of harmful gases from the factory, despite the efforts being made by the factory's management to limit this.

There are other environmental problems in the Central Jordan Valley area, which constitute health nuisances, the most prominent of which are the treatment plant in the South Tawal area and cesspits.

e. Iraqi Scrap

The Iraqi scrap imported into Jordan constitutes one of the causes of environmental pollution. It consists of equipment and vehicles of the Iraqi army destroyed by the American forces in their war on Iraq, and contains a high level of radiation; specialist professors have indicated that these vehicles were destroyed using missiles and shells containing uranium. The Al-Muwaqqar area east of Amman, where the Iraqi scrap was stored, constitutes a serious threat to the Jordanian environment and to the population of the neighbouring areas owing to its high level of radiation. This led the Jordanian Government to close the area to Iraqi scrap once the presence of radiation there had been established, while the Government decided to establish a free zone on the Jordanian-Iraqi border in which to store Iraqi scrap under the supervision of the Jordanian Army.

The Al-Muwaqqar area has witnessed the emergence of new diseases previously unknown there, which residents attributed to the presence of the Iraqi scrap, rumoured to contain contaminating radioactive materials; moreover, offensive odours causing severe allergies are emitted from the scrap depot.

However, the absence of any scientific study or laboratory tests confirming or refuting the environmental and health damage caused by the Iraqi scrap, particularly the scrap that entered the Jordanian market without being subjected to prior testing, keeps citizens in a state of constant anxiety, especially those living in the areas surrounding the sites where such waste is collected, in light of press reports of the spread of strange diseases in those areas.

f. Mobile Telephone Towers

Mobile telephones have spread widely in Jordan, as have transmission booster towers and high-voltage towers, which have begun to spread among residential neighbourhoods. According to numerous studies conducted on the effects of the oscillations and frequencies of these towers and their capacitors and their link to diseases such as cancer, the installation of mobile telephone towers on the roofs of houses and on electricity poles without conducting environmental impact assessment studies, and without the participation of people and local communities in this matter, further exposes citizens to the health risks arising from these towers.

It should be noted that a special Environmental Impact Assessment Regulation No. (37) of 2005 has been issued, which aims to measure the environmental effects of the stages of establishing any industrial, agricultural, commercial or housing project and requires that environmental approval be obtained before any of the aforementioned projects is established; what is required is the application and activation of this Regulation.

In this regard, the National Centre recommends:

- The need to expedite the issuance of the regulations and instructions necessary to give effect to the Environmental Protection Law, including the renewal of mechanisms that ensure effective oversight of factories outside the specified working hours, in order to avoid the violations that occur during those hours.
- Activating the Environmental Impact Assessment Regulation No. (37) of 2005.
- Establishing a mechanism to remove the conflict between the competences of the Ministry of Environment and those of the other institutions concerned with environmental protection.
- Qualifying and training judges on environmental cases in their environmental and legislative aspects.
- Including in the Environmental Protection Law a provision guaranteeing citizens the right to a healthy environment.
- Stipulating the principle of preference, which means giving precedence to environmentally friendly projects over projects expected to have greater or more serious effects on the environment.
- Stipulating the principle of compensation for environmental pollution, and obliging whoever causes such pollution to remove the damage resulting from it.
- Guaranteeing the right of access to and obtaining of information and the right of participation; this principle includes the right of every citizen to obtain information on the

state of the environment from the competent authorities, including information on the various projects and activities, among them industrial works.

- Granting incentives, such as grants, soft loans and customs and tax exemptions, to factories that adopt clean and environmentally friendly technologies.
- Developing a national strategy for environmental education.

6. The Right to Adequate Housing

This right is enshrined in a number of international conventions ratified by Jordan. Article (25) of the Universal Declaration of Human Rights affirms that: “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services”,

and Article (11/1) of the International Covenant on Economic, Social and Cultural Rights provides that “The States Parties ... recognise the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions”.

Housing is one of the basic needs, in addition to being physical capital for the Jordanian family, and it must provide psychological comfort and a sense of security for all members of the family. The latest figures of the Department of Statistics indicate that approximately 68% of Jordanian families own their homes, whereas 23% of families rent a place of residence. These percentages vary between rural and urban areas. A survey conducted by the Ministry of Social Development also indicates that there are (13,260) families in need of housing who are unable to own a home or even to apply for a loan to build one. The figures further indicate that the proportion of the new generation renting their homes has increased in comparison with the previous generation.

As for the services available in dwellings, statistics indicate that 97% of dwellings are connected to the public water network, 99.5% to the public electricity network and 60% to the sewerage network.

Pursuant to Article (2) of Housing Regulation No. 26 of 1970, a limited-income family is defined as follows: “a family whose total annual income does not exceed JD 1,500”. The year 2005 witnessed an official orientation towards strengthening the Government’s role in implementing housing projects targeting limited-income families, with (10) million Jordanian dinars allocated to begin implementing housing projects in the various governorates. According to official statements in this regard, the criteria for determining priority among projects are the housing need in the governorates, the level of income and the possibility of connection to infrastructure services, in addition to giving special priority to female-headed households and families having cases of disability.

The National Centre recommends the need to pay attention to establishing new housing projects by revitalising the role of the Housing and Urban Development Corporation, with priority given to limited- and low-income state employees and other citizens in the various governorates of the Kingdom. It further recommends connecting more residential areas to the sewerage network.

7. The Right to an Adequate Standard of Living

It may generally be said that the year 2005 witnessed setbacks resulting from successive price increases without corresponding allocations. It was also observed that the continuation of privatisation operations, without taking into account the negative social effects resulting therefrom, contributed to creating further difficulties for citizens, and for persons with limited income in particular.

The year 2005 witnessed developments that directly and adversely affected the capacity of Jordanian families to bear the basic costs of living, the most prominent of which were those connected with the right to housing. Figures of the Jordan Housing Developers Association indicate that the prices of real estate and land rose markedly in the areas of the capital, and at much lower rates in some other areas of the Kingdom. In the first seven months of 2005 alone, the volume of investment in the real estate market amounted to JD (1.5) billion, while the value of real estate sales to non-Jordanians amounted to JD (12) million in the month of June alone. The real beneficiary of these developments was the investor, whereas for citizens with limited income, the rise in the prices of land and residential apartments rendered them entirely unable to keep pace with the market.

- There is a close relationship between housing, its sanitary facilities and other services, and a decent standard of living. Despite the achievements made by Jordan in the fields of health and education, the deprived and marginalised groups in general remain unable to benefit from the available opportunities or to enjoy their basic rights to food, clothing, nutrition and medicine. A poor family is often also deprived of adequate housing options, health services, safe drinking water and sufficient and healthy nutrition; in other words, it is deprived of the right to enjoy a decent standard of living, which is regarded as the essence of social rights.
- The year 2005 also witnessed developments liable to increase the financial pressures on the Jordanian family, the most prominent of which was the raising of the prices of basic commodities, including fuel, and the accompanying rise in the prices of all goods and services. During this year fuel prices were raised twice, the first time in April and the second in September; the prices of diesel and kerosene rose by 33.3%, and the price of petrol was raised by 10.6%. This led to a successive chain of price increases for many basic items such as water, electricity and food, as well as service and transport fares, which directly affected the standard of living of persons with limited income.

8. Women's Rights

Jordan signed the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on 3 December 1980 and ratified it in July 1992, but it entered a reservation to Article 9(2), concerning the grant to women of equal rights with men with respect to the nationality of their children; it also entered a reservation to Article 15(4), concerning the grant to women of the same rights as men with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile; and it further entered a reservation to paragraphs (c), (d) and (g) of Article (16) thereof, concerning marriage and family relations.

On the other hand, the Government has not, as of this date, published the Convention on the Elimination of All Forms of Discrimination against Women in the Official Gazette or submitted it to the House of Representatives. In its (combined third and fourth) report to the United Nations dated 27/10/2005, the Government justified the failure to complete the ratification procedures for the Convention and to publish it in the Official Gazette by reference to the question of priorities in the discussion of provisional laws in Parliament (the National Assembly).

a. Political Participation

Women's political participation remains limited, even though the official position encourages such participation.

In 2005, Jordanian women assumed certain posts for the first time: on 28/2/2005 the Ministry of Interior appointed the first woman to the post of administrative governor, in addition to appointing a woman to the post of mukhtar.

The first woman also won a leadership position in the Jordan Medical Association in late 2005. And in late 2004 the Public Security Directorate appointed the first woman in the history of the Public Security apparatus to serve as a public prosecutor in the Capital Police Directorate.

The number of women in the judiciary rose from (19) judges in 2004 to (25) judges in 2005.

Some non-governmental organisations also held workshops calling for the allocation of a "women's quota" in municipal councils; these workshops concluded with the submission of a memorandum to the Prime Ministry in late 2005 demanding that at least 20% of the seats in municipal councils be allocated to women.

Nevertheless, women have not reached the required minimum level of political participation, owing to economic conditions, the social heritage, women's numerous burdens, particularly in the case of working women, society's failure to provide them with social facilities, and their insufficient knowledge of their rights.

b. National Legislation and Women

Article 6 of the Jordanian Constitution provides that "Jordanians shall be equal before the law. There shall be no discrimination between them as regards their rights and duties on grounds of race, language or religion". This Article established the principle of equality between men and women alike. This is consistent with the other articles of the Constitution, with the exception of Article (23), which made a positive distinction in favour of women by requiring that special conditions be laid down for the work of women and juveniles, and this has been translated into tangible reality in the Jordanian Labour Law. Nevertheless, there is legislation that must be amended because it contains breaches of the principle of equality between men and women, the most important of which are:

The Personal Status Law

The Provisional Law Amending the Personal Status Law No. 82 of 2001 was issued and is still a provisional law: the House of Representatives decided, after discussing it, to reject the law, which contains a specific article on "*khul*" (wife-initiated divorce), and referred the law to the Senate,

which approved it in full twice, pending a joint session of the House of Representatives and the Senate in accordance with the provisions of the Constitution. Despite these amendments, the Personal Status Law still contains certain legal gaps that call for remedy, including those relating to custody, namely raising the age of custody of children so as to be consistent with the Convention on the Rights of the Child, which defines a child as any individual below the age of eighteen years; likewise with regard to maintenance, so that a daughter's maintenance is not discontinued if she refuses to join her guardian; that divorce take place according to specific controls, and that the judge be vested with the authority to prevent divorce from occurring; and the need to take children's rights into account when divorce is effected.

The Penal Code

During 2005 no amendments were made to this Code that would strengthen the position of women and protect them in criminal legislation. However, efforts were made in 2005 in favour of women, the most prominent of which were:

1. The Chief Justice Department, in consultation and coordination with the National Council for Family Affairs and the Ministry of Justice, established family offices in the Sharia courts throughout the Kingdom, with the aim of resolving family disputes before recourse to the courts, and of having family disputes heard before a single body possessing experience and knowledge of legal and judicial affairs and the ability to achieve reconciliation and settlement among family members before recourse to the courts. This facilitates, shortens and simplifies litigation procedures in a manner consistent with the nature of personal status and family cases; for example, a divorce action may be heard together with the related claims for maintenance, deferred dowry, and the maintenance and custody of minor children, so that these matters connected with and arising from divorce are resolved at once, thereby sparing the wife from having to resort to the Sharia courts to file separate actions and from bearing the hardship of attending and resorting to the courts, with the psychological suffering and financial expenses that this entails.
2. Numerous complaints were received by non-governmental organisations from Jordanian women married to non-Jordanians because they are deprived of their right, on an equal footing with men, to confer their nationality on their children. These and other organisations are conducting advocacy campaigns to amend the Nationality Law and to withdraw the reservation to Article (9/2) of the Convention on the Elimination of All Forms of Discrimination against Women.
3. The Jordan Engineers Association approved the proposed amendments to the Retirement Regulation, and the General Assembly of the Engineers' Retirement Fund lowered the retirement age of engineers from 65 to 60 years for male engineers and from 60 to 55 years for female engineers.

Violence against Women

The Family Protection Department of the Public Security Directorate has been entrusted with the duty of handling cases of sexual assault against males and females of all age groups, and cases of domestic violence for males and females under the age of 18 years, within a mechanism that respects the confidentiality and privacy of such cases and is consistent with the requirements of

human rights. It commenced its work on 12/11/1999 in the Capital region, but subsequently expanded the scope of its work to cover other regions of the Kingdom, namely: Irbid, Zarqa, Aqaba and Balqa. On 17/2/2005, new sections of the Department were established in each of the Governorates of Madaba and Karak, and the number of cases handled by the Karak section reached (28) cases.

Since the establishment of this Department, the number of registered cases has been constantly increasing. The number of cases handled by the Department during 2004 reached (1423) cases and matters, among which were 396 cases of assault committed against females, according to the Department's statistics for the same year. As for 2005, the number of cases reached (1796), among which were 439 cases of assault committed against females.

* The increase in the number of registered cases is attributable to growing awareness among members of society regarding issues of violence, and consequently to an increase in the reporting of such incidents, in addition to the spread of branches of the Family Protection Department across the various regions of the Kingdom and the ease with which citizens can access them. It may be said that the increase in the number of workshops and seminars addressing the subject of violence in its various types and forms has contributed to raising awareness among citizens.

As regards family protection shelters, whose Regulation No. (48) of 2004 was adopted, the Guest House for Battered Women affiliated with the Jordanian Women's Union continues to receive such women; during 2005 it received approximately (127) battered women. It is noted that this number exceeded the number registered in the previous year (2004), which was (104) cases. During 2005, new work programmes were introduced, consisting of the rehabilitation and training of women hosted at the House who have been subjected to violence, so that they may acquire practical skills enabling them to obtain employment after leaving.

* Prevailing social patterns are among the most significant obstacles preventing women from exercising their rights on an equal footing with men. Jordanian society remains a male-dominated society in which women play a secondary role compared to men, whether at the level of the family or of society in general. However, a recent study conducted by the National Centre for Human Rights in 2005 on the awareness of students at three Jordanian universities of women's rights and violence against women observed certain positive changes in the attitudes and opinions of young men and women towards women's issues. Notwithstanding the limitations of the study's methodology, in that the study sample is not representative owing to its small size on the one hand, and to its being directed at the category of university students on the other, it nevertheless provides some very important indicators that call for diligent follow-up. (85.7%) of the sample members agreed that "women have the same rights as men", and (52.5%) that "women have the same abilities as men in the field of work", while (93.2%) disagreed with the statement that "women have no role other than caring for the home and children", (88.8%) that "education is more important for males than for females", (91.9%) that "men have the right to beat their wives", and (89.8%) that "violence within the family is a private matter and no party has the right to intervene in it". This demonstrates the need for awareness-raising on women's rights, particularly among university youth.

9. The Rights of the Child

Jordan ratified the Convention on the Rights of the Child on 24/5/1991, but entered a reservation to Article (14) concerning freedom of thought, conscience and religion, and also entered reservations to Articles (20) and (21) concerning adoption. Jordan submitted its first report on its obligations and undertakings regarding the implementation of the Convention in 1993, i.e. two years after its ratification of the Convention, and the second in 1998. The Jordanian Government is in the process of submitting its third periodic report, covering the period between 1998 and 2005, to the Committee on the Rights of the Child pursuant to Article (44) of the Convention on the Rights of the Child. The report contains information on all measures and procedures taken by the Government, including amendments made to national legislation and the policies, programmes and strategies developed in implementation of the Convention, in addition to responses to the concluding observations adopted by the Committee on the previous periodic report.

It is worth noting that the Convention on the Rights of the Child has not been published in the Official Gazette, nor has it been submitted to Parliament (the National Assembly) for approval so as to become effective as provided for in Article (33) of the Constitution, on the pretext of the priorities of the business of the House of Representatives.

a. National Legislation and Measures

There has been no new development regarding the draft Child Rights Law since its referral to Parliament (the National Assembly) for discussion and adoption in its final form. The same applies to the Provisional Personal Status Law as regards the amendment of the age of marriage to (18) years for both spouses, as it remains a provisional law. (Pursuant to contacts made by the National Centre for Human Rights on 14/3/2006 with the Speaker of the House of Representatives, it was agreed that the draft Child Law would be presented at the next extraordinary session of the House, to be held next June.)

At the level of strategic planning, several national strategies and plans related to the rights of the child have been adopted, the most prominent of which is the adoption of the draft plan of the National Youth Strategy (2005 to 2009).

b. General Principles for Ensuring the Protection of the Rights of the Child

1. Non-Discrimination

The principle of non-discrimination is set forth as a binding general principle in the Jordanian Constitution, pursuant to the text of Article (6) of the Constitution. However, there are certain violations that constitute a breach of the principle of equality provided for in the Constitution, including the deprivation of the children of a Jordanian woman married to a non-Jordanian of nationality, pursuant to the Jordanian Nationality Law No. (6) of 1954, as amended.

Necessity requires that the Jordanian mother's nationality be granted to her minor children so that she may be able to provide for their custody, education and health care, as in the case of the death of the non-Jordanian husband, his emigration to an unknown place and the cessation of news of

him, or his divorcing of the wife, whereby she is compelled to assume responsibility for raising her children herself without any contribution from the husband.

The same applies to the Personal Status Law, which discriminates between males and females in that it grants the male child the right to choose between his father and his mother, whereas the girl is compelled to be placed with her guardian. It also discriminates between males and females with respect to maintenance, in that maintenance continues for the male even if he does not join his guardian, whereas if the female refuses to join her guardian, the guardian may cut off her maintenance.

2. The Best Interests of the Child

There is no direct provision defining the best interests of the child in the Jordanian Constitution, given that the Constitution sets out the general principles pursuant to which laws and regulations are enacted. However, the draft Child Rights Law of 2004 included a provision on this principle and gave priority to the best interests of the child when taking any measure concerning him or her, in addition to Article (9/b), which provides for “taking into account the best interests of the child when taking any measure against either of his or her parents”.

3. The Child’s Right to Life, Survival and Development

Infant and under-five mortality rates have declined, and all Jordanian children under the age of six have been covered by free health insurance at the hospitals and centres of the Ministry of Health. The Ministry has also adopted a programme to compensate children for deficiencies in certain essential nutrients, such as vitamins and minerals.

The Ministry of Education has begun providing children under the age of five in all regions of the Kingdom, and the first three grades of the primary stage in some regions, with vitamin “A” tablets to address malnutrition problems resulting from a deficiency of this vitamin.

The figures of the Department of Statistics indicate a decline in the infant mortality rate to (22) cases per thousand live births, while the under-five mortality rate reached (27) cases per thousand live births.

The Ministry of Education, in cooperation with the National Council for Family Affairs and the United Nations Children’s Fund (UNICEF), has also adopted interlinked developmental standards that constitute a scientific basis for monitoring children’s development, through a project encompassing several areas, namely: language development and literacy; social and emotional development and relationship-building; logic, thinking and the ability to make connections between objects, events and persons; and the approaches adopted in learning. These five areas are interlinked in early childhood development.

4. Respect for the Views of the Child and the Child’s Right to Participation

There are no explicit provisions in the laws in force granting the child the right to take his or her own decisions or to express his or her views. However, the Jordanian Constitution guarantees freedom of opinion and expression to Jordanians without discrimination within the limits of the law, and Article (3/d) of the draft Child Rights Law provides for “the freedom of the child to express his or her opinion and his or her right to participate in all matters concerning him or her”.

Nevertheless, there has been an increase in the programmes and activities organised by schools and civil society institutions to enhance children's participation in development programmes. The National Centre for Human Rights implemented the project "Small Voices, Big Ideas" to acquaint children with their rights under the Convention on the Rights of the Child; the project covered six schools in three governorates.

c. Violence against Children

It is observed that there has been an increase in the awareness of Jordanian society of issues of violence against children, which may be attributable to the intensification of lectures and training courses organised by official institutions and non-governmental organisations.

In 2004, the number of cases of sexual assault against children (indecent assault) reached (271) cases according to the statistics of the Family Protection Department, while the number of cases of physical assault against children in the same year reached (107), males and females. In 2005, the number of cases of sexual assault against children (indecent assault) reached (292), while the number of physical assaults against children (causing harm) reached (97) cases.

In 2005, the closed-circuit television link system for children's testimony was adopted at the Major Felonies Court. Through its application, child witnesses are enabled to give testimony in a separate room linked to the courtroom, with the aim of creating a safe environment in which the child feels greater comfort and confidence while testifying before the court panel, and is kept away from confrontation and contact with the offenders and with persons frequenting the security and judicial departments. Article (158) of the Criminal Procedure Code was amended so as to permit the introduction of this technology to protect witnesses who have not attained eighteen years of age when giving their testimony, and to consider such testimony admissible evidence in the case.

d. Children in Conflict with the Law

Teams of the National Centre for Human Rights conducted field visits to places of detention of juvenile delinquents, numbering (12) visits during 2005, in order to examine their conditions and to verify that their rights are respected in the social defence institutions affiliated with the Ministry of Social Development, and that the minimum international standards are met.

The Centre also received (57) complaints during 2005 relating to detained juveniles, which focused on the lengthy duration of litigation, the lengthy period of detention, the lack of legal representation for some juveniles when their cases were heard, and ill-treatment. During the same period, the Centre also received (30) requests for assistance from juveniles, most of which concerned the juveniles' wish to see their families and relatives. Reports were prepared on these visits, and the competent authorities were informed of the details of the conditions of these centres and of the persons detained therein.

The responses of the competent authorities were generally positive; the President of the Judicial Council directed that the report be circulated to all courts and public prosecution departments. Nevertheless, it must be noted that the treatment of this group of society remains confined to punishing the juvenile in conflict with the law, and there are no public policies for the

rehabilitation of the juvenile within the community through alternative, non-custodial penalties under a system of restorative juvenile justice aimed at taking the necessary measures to prevent juvenile offending and/or its recurrence.

Observations on the Follow-up of the Situation of Children in Conflict with the Law

- Two pilot security centres were established for the preliminary investigation of juvenile cases in the Amman area, within a joint working mechanism between the Ministry of Social Development and the Public Security Directorate (the Quweismeh Security Centre, which received (170) juveniles, and the Zahran Security Centre, which received (74) juveniles, during the period from 3/7/2005 to 31/12/2005). However, there is an urgent need to increase the number of such centres. It should be noted that the Public Security Directorate has begun training special police officers and probation officers to deal with juvenile cases, in affirmation of the importance of having a specialised juvenile judiciary at all stages of trial.
- The Centre recommends direct attention to the needs of female juveniles, as it was observed during the field visits that there is clear discrimination in care and prevention services in favour of male juveniles.

The issue of juveniles escaping from detention centres also persists. According to the investigation conducted by the Centre into one of the cases of mass escape, the reason for the repeated escapes is attributable, on the one hand, to negligence, the incompetence of the supervisors and duty staff working in the evening shifts, and the absence of necessary preventive measures, such as the searching of women during visits, and, on the other hand, to the lack of attention and follow-up with regard to the psychological aspect of the juveniles detained in the centres.

e. Begging

The Ministry of Social Development conducted a study on begging, the results of which indicated that 70% of beggars regard begging as a profession yielding a higher return for earning money than performing work. The study also indicated that family disintegration in its various forms, bad company and dropping out of school are among the most prominent causes leading to begging, in addition to poverty and unemployment.

The Ministry of Social Development, in cooperation with the Public Security Directorate, also redoubled the campaigns it carried out during 2005, which exceeded (2000) campaigns in various cities. Statistical figures indicate a steady increase in the number of beggars detained: the number of beggars apprehended in 2003 reached (1228), rising to (1270) in 2004, and reaching (2095) in 2005.

* The National Centre considers that the phenomenon of begging is no longer a temporary means of solicitation, but is turning into an organised and permanent phenomenon, part of which is managed by individuals who recruit children, distribute them, train them in begging methods and exploit them to earn money by playing on the emotions of society. The Centre recommends national media campaigns to raise citizens' awareness, and the orientation of public policies towards the provision of suitable employment opportunities and combating unemployment.

10. The Rights of Persons with Disabilities

The legitimacy of the rights of persons with disabilities derives from the principles set forth in international covenants, charters and declarations within the human rights system in general. Although governments and international organisations had for a long time overlooked the rights of persons with disabilities, they have recently placed the issue of disability among the priorities of the Member States of the United Nations, where agreement was reached on drafting an international convention concerned with persons with disabilities, in whose meetings the Arab States, including Jordan, participated. It is expected to be adopted next August.

The Jordanian Constitution does not specifically address the rights of persons with disabilities, but it affirms in Article (6) that all Jordanians are equal in rights and duties. The Jordanian National Charter, for its part, addresses the rights of persons with disabilities in the social field, Paragraph Eight: “Persons with disabilities among the members of Jordanian society have the right to special care, education, training, rehabilitation and work, in a manner that ensures that they overcome their difficulties and enables them to live their lives as a participating and productive group in society”.

In 1993, the Welfare of Disabled Persons Law No. (12) of 1993, as amended, was enacted following the adoption of the first Arab convention on the rehabilitation and employment of persons with disabilities, which was adopted in the Jordanian capital, Amman, in the same year. The legislator granted persons with disabilities rights on an equal footing with others who are not disabled, some of which are general rights, such as the right to participation, the right to health care and the right to education, while others are rights specific to persons with disabilities, such as the right to integration, the right to rehabilitation, the right to a suitable environment, the right to exemption from customs duties, the right to sport and recreation, and the right to vocational rehabilitation.

In light of the provisions contained in the above-mentioned Law, the National Centre finds that they are for the most part loosely worded provisions, closer to humanitarian principles than to enforceable rights. Article (5/a) affirmed the exemption of means of transport (specially) adapted for persons with disabilities in accordance with the conditions agreed upon between the Ministry and the Customs Department; in practice, however, this has been translated into complex instructions and conditions that serve a limited segment of persons with disabilities. In 2005, (253) applications for customs exemption for vehicles used by persons with disabilities were approved out of (1073) applications.

The National Centre recommends amending the above-mentioned Instructions so that they better meet the needs of persons with disabilities.

General Observations and Recommendations on the Rights of Persons with Disabilities

1. Inclusive development is an important pillar of the draft international convention on persons with disabilities, particularly as the inclusion required is inclusion of this group in society in the broad and comprehensive sense. In 1996, the National Register of Persons with Disabilities was established; however, it is observed that this Register falls short of covering all cases of disability

actually existing in Jordanian society, as the criterion adopted for classifying disabilities in the National Register differs from the criterion adopted by the World Health Organization, from which the definition of persons with disabilities in Jordanian legislation was derived.

2. It is necessary to find a solution to the problem of accommodating persons with severe disabilities by establishing centres distributed across the regions of the Kingdom, especially for persons who pose a danger to those around them. There are certain cases that call for concerted efforts and the involvement of official and non-official bodies in the process of accommodating and assisting those in need of this type of service, given that the problem of persons with disabilities is not confined to the family of the person with a disability alone, but is rather the responsibility of society as a whole. It should be noted that there are only two public-sector centres in the Kingdom for the accommodation of persons with intellectual disabilities, which are insufficient to absorb the numbers in need of specialised institutional residential care.

3. There is an urgent need to train the personnel working in the field of intellectual disability.

4. Whereas the Disabled Persons Law does not address the legal protection of the property rights of persons with disabilities, the National Centre for Human Rights recommends designating or establishing a legally mandated body (a fund for the care and management of the funds of persons with disabilities, or otherwise) and entrusting it with managing the funds and property of persons with disabilities, particularly those who have difficulty expressing their wishes.