



Third Annual Report on the State of Human Rights in the Hashemite Kingdom of Jordan 2006

The National Centre for Human Rights

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Introduction

This report covers the state of human rights in the Kingdom from 1/1/2006 to 31/12/2006. In placing this report before the legislative and executive authorities, the National Centre for Human Rights (NCHR) hopes that it will receive the attention it deserves and that the recommendations it contains will find their way to implementation.

During 2006, the National Centre for Human Rights Law No. (51) of 2006 was promulgated, following the completion of the constitutional procedures through the approval by the House of Representatives and the Senate of the provisional draft law. In April 2006, Jordan was elected a member of the Human Rights Council of the United Nations General Assembly in its first session for a term of three years, and the Permanent Representative of Jordan was elected Rapporteur-General of the Council.

During 2006, the Government published five international human rights conventions in the Official Gazette, whereby they became part of the Jordanian legal system, namely:

1. The International Convention on the Elimination of All Forms of Racial Discrimination.
 2. The International Covenant on Civil and Political Rights.
 3. The International Covenant on Economic, Social and Cultural Rights.
 4. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
 5. The Convention on the Rights of the Child.
 6. The Optional Protocol to the Convention on the Rights of the Child (on the involvement of children in armed conflict).
 7. The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.
- As for the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), it remains with the Government; it has not been referred to Parliament, nor has it been published in the Official Gazette.

At the legislative level, 2006 witnessed the adoption of a number of draft laws relating to public freedoms, human rights and integrity, the most important of which were the draft Prevention of Terrorism Law, the draft Law Ratifying the Convention on the Rights of the Child, the draft Financial Disclosure Law, the draft Law Amending the Law on Preaching, Guidance, Sermons and Teaching in Mosques, and the draft Anti-Corruption Law. Further, on 6/2/2007, the Anti-Corruption Commission was established.

The Government also referred to the House of Representatives a draft law amending the Press and Publications Law and a draft law amending the Political Parties Law, in addition to a draft Law on Guaranteeing the Right of Access to Information.

While the National Centre for Human Rights values the Government's orientation towards adopting certain legislation and amending other legislation in a manner that enhances the state of human rights and democracy in the Kingdom, it emphasises that there is now a pressing need to introduce a new elections law to replace the "One-Vote Law". It hopes that the new law will be a genuine lever for democracy and a gateway to achieving broader popular representation, greater fairness in the distribution of electoral districts, and a wider base of political participation.

The National Centre further considers that unleashing freedom of opinion and expression, as the engine of all rights and freedoms, requires unleashing freedom of the press and media and adopting a new Public Assemblies Law that is consistent with the Constitution in letter and spirit, conforms to the international standards and conventions to which Jordan has committed itself, enhances political rights, and lifts the heavy restrictions imposed by the executive authority on this right.

- In June 2006, the United Nations Special Rapporteur on Torture, Mr. Nowak, visited the Hashemite Kingdom of Jordan, during which he met a number of official figures, as well as certain officials of civil society institutions and relevant organisations, including the National Centre for Human Rights.

In October 2006, Nowak submitted a detailed report to the United Nations General Assembly on the situation of torture in all countries of the world, including Jordan, and on 5/1/2007 he submitted his final report to the Human Rights Council, which is scheduled to hold its session on 5/3/2007 in Geneva. In his report on Jordan, the Special Rapporteur stated that "torture is practised routinely in both the General Intelligence Directorate and the Public Security Directorate", and concluded that "cruelty and inhuman treatment are practised on a wide scale in the Correction and Rehabilitation Centres, with the exception of the Juweideh Women's Correction and Rehabilitation Centre, and he referred in particular to the conditions at the Al-Jafr Correction and Rehabilitation Centre".

On 27/12/2005, the National Centre for Human Rights had submitted a recommendation to the Government calling for the amendment of certain provisions of the Penal Code, in particular Article (208), so as to bring it into line with the provisions of the International Convention against Torture, which Jordan has ratified and which was published in the Official Gazette on 15/6/2006. However, to date no step has been taken towards implementing this recommendation, noting that the Centre reaffirmed this recommendation on 9/7/2006 following the publication of the Convention against Torture by the Jordanian Government.

- The directive of His Majesty King Abdullah II Ibn Al-Hussein to the Government to close "Al-Jafr" came as the culmination of the national efforts made to achieve this demand, foremost among which were the reports and recommendations of the National Centre for Human Rights calling for its closure. This step constituted a significant turning point in the prison reform project in the Kingdom.

Civil and Political Rights

First: The Right to Life and Physical Integrity

This right is the foundation without which no other human rights can be spoken of if it is violated. It has been guaranteed, in one form or another, by most international instruments, such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, and it has likewise been guaranteed by the divine laws, foremost among them Islam, in its view of the sanctity of life and its honouring of the human being.

Although the Jordanian Constitution does not expressly provide for the human right to life, the laws in force in the Kingdom guarantee this right and criminalise the acts that constitute a violation thereof.

Nevertheless, there are still many causes and factors that adversely affect the human right to life and personal integrity, the most prominent of which are:

a- Severe Punishment

The National Centre for Human Rights values the response of the executive and legislative authorities to the recommendation contained in its previous reports concerning the reduction of the number of legal provisions that impose the death penalty to the lowest possible level. Four laws have been amended, under which five articles were amended so as to replace the death penalty with life imprisonment with hard labour. These articles are:

(Article 138 of the Jordanian Penal Code; Article 11/a of the Firearms and Ammunition Law; Article 8 of the Narcotic Drugs and Psychotropic Substances Law; Article 9 of the Narcotic Drugs and Psychotropic Substances Law).

However, the National Centre for Human Rights considers that these amendments fall short of what it had aspired to in terms of a genuine reduction of the provisions that impose the death penalty, as many provisions still require amendment.

- With regard to judicial practice, (31) death sentences were handed down during 2006; the number of sentences upheld by the Court of Cassation was three (3), and the number of persons on whom the death penalty was actually carried out was only three (3).

Accordingly, the National Centre reaffirms its previous recommendations calling for this matter to be studied and for the necessary amendments to be made so that the death penalty may be imposed only for the most serious or most dangerous felonies, and within legislative, administrative and judicial safeguards that ensure its limitation and its proper application.

It further recommends that the Jordanian Judicial Council begin adopting the concept of judicial specialisation, so that crimes punishable by death are heard by specialised panels possessing a high degree of competence and experience in this field.

b- Incidents and Phenomena Affecting the Human Right to Life and Physical Integrity

During 2006, the National Centre for Human Rights monitored numerous incidents and phenomena affecting the right of individuals to life and physical integrity in the Kingdom, the most prominent of which were:

1. **Crime:** The volume of crimes against persons still represents a major threat to the right of individuals to life and physical integrity. Statistics issued by the Public Security Directorate (PSD) for the years 2004, 2005 and 2006 indicate a steady increase in the number of crimes of murder and grievous bodily harm, as shown in Table No. (1).

Table No. (1): Crimes Affecting the Right of Individuals to Life and Physical Integrity, 2004–2006*

Crime	Number of Victims in 2004	Number of Victims in 2005	Number of Victims in 2006
Murder	99	67	68
Attempted murder	236	233	219
Grievous bodily harm	473	536	610

** Table prepared by: the National Centre for Human Rights, on the basis of data from the Public Security Directorate.*

2. **Deaths of citizens while the security departments were performing their duties:** During 2006, the National Centre for Human Rights monitored the deaths of three (3) persons in police departments and the deaths of two (2) inmates inside Correction and Rehabilitation Centres in circumstances that remain unclear.

The National Centre considers that these incidents suggest the possibility of excessive use of force by members of the Public Security Force, or a failure to observe the rules of public safety in the performance of their duties. It should be noted that the Centre wrote to the Public Security Directorate regarding these incidents so that it would open investigations into them and establish the causes of death of these persons, without receiving final responses regarding the results of the investigations.

- The Centre recommends that the Public Security Directorate activate the rules governing the use of force and firearms as regulated under the Public Security Law and the Correction and Rehabilitation Centres Law, that impartial and fair investigations be conducted into these incidents, and that anyone proven to have failed to abide by the law be brought before the competent judicial authorities to receive just punishment.

3. **Narcotic drugs:** It is evident from the official statistics issued by the Public Security Directorate for the years (2004, 2005, 2006), shown in Tables (2) and (3) below, that there has been a decrease in the total number of cases; however, the danger lies in the rising rate of drug-trafficking offences, which confirms that there is an increase in demand for drug use, but that not all of these users are being reached, which raises our question.

Table No. (2): Number of Cases Seized by the Anti-Narcotics Department, 2004–2006*

Year	Number of Cases	Trafficking	Possession and Use	Miscellaneous
2004	1691	339	1317	29
2005	2041	344	1639	47
2006	1973	331	1599	43

** Table prepared by the National Centre for Human Rights on the basis of data from the Public Security Directorate.*

Table No. (3): Number of Users and Traffickers, 2004–2006*

Year	Number of Persons	Trafficker	Possession and Use
2004	2514	349	2158
2005	4792	746	4027
2006	3158	581	2577

** Table prepared by the National Centre for Human Rights on the basis of data from the Public Security Directorate.*

4. Traffic accidents: The loss of life resulting from traffic accidents during 2006 amounted to (885) deaths and (18,030) injuries (Public Security Directorate data up to 30/11/2006). The National Centre for Human Rights reiterates its previous recommendation on the need to develop and implement a national strategy to address these causes, based on a number of pillars, including the enactment of stringent legislation; the adoption of awareness programmes to disseminate traffic culture among all members of Jordanian society; the remedying by the competent authorities of defects in roads and in public transport departure points; the adoption of measures ensuring the roadworthiness of vehicles on all roads of the Kingdom; and the review of the curriculum and methods of the test taken by applicants for a driving licence, so that it becomes more rigorous and free from personal criteria.

During 2006, the National Centre also monitored a number of deaths resulting from drowning in dams and water ponds, whether those used for agriculture or those resulting from construction and contracting works. It also monitored deaths resulting from electrocution accidents. The total of these deaths amounted to (84) cases.

- The Centre considers that these phenomena have become extremely worrying and require effective monitoring of construction projects and their compliance with public safety rules, in order to preserve the safety of citizens and of those working on these projects.

5. Work injuries and occupational diseases: Information from the Social Security Corporation for the years (2004, 2005, 2006) indicates that the number of registered work injuries was as follows:

Table No. (5): Number of Work Injuries, 2004–2006*

Year	Total Work Injuries	Number of Deaths	Number of Disability Cases
2004	17518	745	1470
2005	16885	702	511
2006	16749	880	534

** Table prepared by the National Centre for Human Rights on the basis of data from the Social Security Corporation.*

- A comparison of the 2006 figures with those of 2004 and 2005 shows an increase in deaths resulting from work injuries. The National Centre for Human Rights therefore recommends activating the oversight role of both the Ministry of Labour and the General Directorate of Civil Defence over labour, industrial and commercial establishments in order to ensure their compliance with the public safety rules applicable to each establishment.

c- Exposure to Torture and Cruel, Inhuman and Degrading Treatment

During 2006, the National Centre for Human Rights monitored certain positive indicators in the field of combating torture, which consisted of the following:

- On 15/6/2006, the Jordanian Government published the Convention against Torture in the Official Gazette, whereby it became part of the Jordanian legal system.
- On 19/11/2006, the Director of Public Security issued a circular on the Convention against Torture to all security units, which included written instructions prohibiting torture and the use of violence under any circumstances, on pain of criminal liability.
- Despite this development, the National Centre for Human Rights received during 2006 (51) complaints affecting the human right to physical integrity. It investigated all the complaints it received and wrote to the relevant authorities in respect of every complaint found to have a reasonable and legal basis warranting follow-up.

The number of complaints received by the Grievances and Human Rights Office of the Public Security Directorate whose complainants alleged that they had been beaten was (56) complaints, including (26) complaints that their complainants had previously submitted to the National Centre for Human Rights. The outcome was as follows: (9) complaints were closed (filed); a decision of non-prosecution was issued in (3) complaints; one case was referred to the Police Court; (4) trials were held before the unit commander; and (39) complaints remain under consideration before the competent investigative bodies of the Public Security Directorate.

- On the other hand, 2006 witnessed the issuance of numerous reports by international organisations condemning acts of torture attributed to certain security bodies inside Jordan (the Amnesty International report) entitled “Your Confessions Are Ready for You to Sign”, issued on 24/7/2006, and the Human Rights Watch report entitled “Suspicious Sweeps: The General Intelligence Department and Jordan’s Rule of Law Problem”, issued on (19/9/2006), whether in Correction and Rehabilitation Centres or in places of temporary detention, accusing certain security agencies of practising systematic torture against all detainees in their custody in order to extract confessions from them. Some reports went even further, depicting the forms of torture practised and the manner in which perpetrators of torture crimes escape punishment.
- In light of the above, the National Centre for Human Rights considers that Jordan’s commitment to a clear policy of effectively combating torture requires a set of measures to be taken, and recommends the following:

1. Ratifying the First Optional Protocol to the International Covenant on Civil and Political Rights, as the implementing instrument for monitoring the fulfilment by States of the obligations set out in the aforementioned International Covenant.

2. Calling upon the Government to ratify the Optional Protocol to the Convention against Torture, which entered into force on 22/6/2006.

It should be noted that the United Nations Special Rapporteur on Torture (Mr. Manfred Nowak) visited Jordan in June 2006 and inspected certain places of temporary detention and Correction and Rehabilitation Centres under an open authorisation from the Minister of Interior. Following the visit, he made a statement calling upon the Jordanian Government to sign and ratify this Protocol.

3. Jordan's signature of the Convention against Torture and its publication in the Official Gazette require the adoption of legislative and administrative measures that respond to international standards. In emphasising the need to expedite the adoption of these measures, the National Centre expects that its repeated recommendations on the need to adopt a set of legislative and procedural measures to combat torture will meet with a practical response, and in particular that the following be undertaken:

First: Proposed Legislative Amendments

a. Amending the Penal Code so that the amendments include the following:

- Expressly criminalising acts of torture committed by public officials and increasing the penalties for such crimes.
- Providing that torture crimes are not subject to statutory limitation and are not covered by general amnesty.
- Expressly providing for the right of victims of torture to direct compensation from the State.
- Expanding the scope of liability for torture crimes so that the director of a Correction and Rehabilitation Centre or a detention centre is personally liable, in accordance with the provisions of the Penal Code, for the safety of detainees, and is held accountable for the crime of torture where the person who committed the offence cannot be identified.

b. The Public Prosecution shall assume responsibility for investigating torture crimes and bringing those responsible before the courts.

c. Activating and expanding the scope of regular judicial oversight and supervision over Correction and Rehabilitation Centres and places of temporary detention.

d. Repealing the Crime Prevention Law enacted in 1954, or introducing radical amendments thereto that would achieve the following:

1. Respect for, and compliance with, judicial decisions and final judgments of acquittal or non-liability.

2. Transferring the power to impose house arrest (compulsory residence) to the judicial authority, and adopting the principle of proportionality between the preventive measure and the criminal dangerousness when imposing house arrest.

3. Pending action with regard to the Crime Prevention Law, the National Centre for Human Rights emphasises the need for administrative governors to comply with the text of Article Four of the Crime Prevention Law regarding the procedures to be followed when resorting to administrative detention, with respect to issuing an arrest warrant, hearing the statements of the persons concerned and subsequently issuing administrative detention orders, and documenting all such procedures.

Second: Precautionary Measures, Which Consist of the Following

1. Introducing a system of regular medical examinations, by physicians of the National Centre for Forensic Medicine, for all persons held in detention, and keeping the medical reports in their files.

2. Keeping organised registers in places of detention that include (names, detention warrants, visits, transfers ...).

3. Ensuring that detainees have prompt and regular contact with their families, lawyers and physicians.

4. Establishing specialised centres for the treatment and rehabilitation of victims of torture, similar to the centres existing in some Arab countries.

5. Training the officials involved in the detention, interrogation or treatment of prisoners, in order to acquaint these officials with the international standards of humane treatment and their implementation, including making it clear to them that torture and other forms of ill-treatment are criminal acts and that they are liable to prosecution even if such practices were carried out on the instructions of their superiors.

6. Organising national campaigns through the audio-visual and print media to demonstrate the dangers of acts of torture to society and the extent to which they contravene national legislation and international human rights rules, with a view to achieving official and popular condemnation of acts of torture.

7. Launching training and media programmes to raise the awareness of law enforcement officials of the lawful and civilised methods of dealing with prisoners and detainees, with emphasis on the illegitimacy of any practices contrary to the law, including torture in all its forms and manifestations.

Second: The Right to Liberty and Security of Person

1- Deprivation of Liberty and Places of Temporary Detention

International covenants and instruments and national laws guarantee the human right to liberty and security of person. This right is provided for in Article (9) of the International Covenant on Civil and Political Rights. The Jordanian Constitution, consistent with international standards, also provides for this right in Articles (7 and 8). The Criminal Procedure Code specifies the cases

in which the judicial police may arrest a suspect and deprive him of his liberty, and sets out the procedures and formal safeguards relating to the arrest process which must be observed on pain of nullity. It also regulates the matters of investigation, detention and release, specifies the procedures for law enforcement bodies in dealing with suspects, and regulates the procedures for inspecting prisons and detention facilities.

Despite these safeguards, there are still many practices that constitute a violation of this right, the most prominent of which are:

1. Failure to abide by the law with regard to the legal arrest period of (24) hours, as suspects continue to be held for long periods exceeding one week on the basis of the Crime Prevention Law, and sometimes without reliance on this law.
2. Violation of the law by certain judicial police officers, who exceed the powers granted to them under Article (100) of the Criminal Procedure Code and exercise the public prosecutor's power to interrogate suspects, instead of abiding by their legally defined power, which is to hear the statements of suspects and refer them to the competent public prosecutor within (24) hours.
3. Failure to deposit the investigation papers and seizure reports ("case retention") prepared by judicial police officers during the preliminary investigation period with the Public Prosecution, which is the competent investigating authority, for long periods, as persons' liberty and the investigation papers are held by the police without notifying the Public Prosecution, owing to the absence of a deterrent measure for violation of Article (49) of the Criminal Procedure Code.
4. Resorting to the successive referral to the judiciary of cases relating to wanted persons with prior records, pending the execution of the prison sentence in each case separately, on the pretext of protecting the security of society and defending "national interests".
5. Resorting to depriving persons of their liberty and instructing that preventive measures be taken against them on the pretext of security considerations and the preservation of public security under the Crime Prevention Law, and through "return requests" (a notation placed by the security centre that originally arrested the wanted person stating that the inmate is to be returned from the Correction and Rehabilitation Centre and handed over to the security centre after his release, if he is a detainee, or after his discharge, if he is a convict), so that a recommendation may be made to take administrative action against him or to transfer him in order to refer him in another case.
 - The National Centre for Human Rights emphasises that resort to the Crime Prevention Law in the field of judicial policing has become an extremely worrying phenomenon and constitutes a violation of the right to liberty and security of person. This is evidenced by the rise in the number of administrative detainees, which reached (11,597) administrative detainees during 2006, while the number of administrative detainees held for further investigation and not referred to the judiciary during the period of detention reached (1,829) detainees. Moreover, decisions binding repeat offenders and persons with prior records to compulsory residence numbered (1,384) decisions during 2006, of which (141) persons were through the Anti-Narcotics Department and (1,243) through the Criminal Investigation Department. These decisions oblige the persons concerned to sign in daily at the security centres according to their geographical area, once or twice a day, for periods ranging from three months to one year.

Upon examination and analysis of the complaints received by the National Centre for Human Rights, it is evident that the application of the Crime Prevention Law in the manner in which it is carried out constitutes a clear breach of international and national standards and an abuse of power on the part of members of the judicial police, as the person is punished twice for the same act: once by the judiciary and once again by the administrative governors.

* Given that these measures infringe upon the personal liberty of individuals, this year witnessed a series of strikes by administrative detainees in the Correction and Rehabilitation Centres in protest against the decisions and administrative control measures issued by the administrative governors.

Places of Detention

During 2006, the National Centre for Human Rights carried out a number of visits to the temporary places of detention affiliated with the Public Security Directorate, the General Intelligence Directorate and Military Security. Furthermore, as of the beginning of September 2006, the Centre commenced periodic and unannounced visits to a number of detention cells (lock-ups) in the security centres and the various security departments (the Criminal Investigation Department, the Preventive Security Department, the Family Protection Department and the Anti-Narcotics Department), in direct coordination with the Office of Grievances and Human Rights / Public Security Directorate. These visits revealed the following:

1. The lack of sanitary facilities in a number of these places, and their inadequacy in most of the detention cells in which sanitary facilities are available.
2. The lack of designated places for holding female or juvenile detainees in most of the buildings of the security departments and the detention cells affiliated with the various police directorates.
3. The absence of designated places for the performance of religious rites in all of these places.
4. Overcrowding in some of the detention cells at the security centres, and the prevalence of humidity, poor standards of cleanliness and foul odours in others.
5. The lack of drinking water in most of these places.
6. The failure to observe classification standards when holding detainees in these places.

The most prominent violations to which detainees are subjected:

1. Depriving the detainee of contact with his family to inform them of his whereabouts.
2. Deprivation of the right to the assistance of a lawyer, as Jordanian laws do not provide for granting the accused this right during the preliminary investigation stage (inquiry and evidence-gathering), as is the case in the stages of the initial judicial investigation and trial.
3. Holding the detainee in solitary confinement cells, which frequently lack sanitary facilities, natural lighting and adequate ventilation, and continuing such detention for long periods exceeding two weeks (pursuant to a detention warrant issued by the administrative governor) at some security departments during the preliminary investigation stage.

4. The subjection of some detainees to torture and cruel, inhuman or degrading treatment for the purpose of extracting confessions. Although the provisions of the Penal Code and the Criminal Procedure Code and the jurisprudence of the Court of Cassation are clear as to the impermissibility of basing a conviction on a statement or confession obtained under duress, it is difficult to prove that such confessions were obtained under duress. This is due to the reliance of the public security departments on administrative detention, the prolonged duration of which makes it difficult to prove torture as the traces of physical violence disappear over time, in addition to the difficulty of securing witnesses or forensic medical reports, and the difficulty for victims of identifying the perpetrators from among the members of the judicial police. The person who exercises coercion does not record the statement, and consequently such statement is deemed lawful and conclusive evidence once the officer who recorded it testifies that the person gave it voluntarily and of his own free will. Moreover, the absence of effective judicial oversight over places of administrative detention (detention cells) contributes to a large extent to exposing detainees to ill-treatment and to physical and psychological coercion.

5. Deprivation of the right to seek redress before the competent authorities and to file complaints during the preliminary investigation stage with the police, owing to the complete secrecy that surrounds the investigation, and to the conviction of some detainees that filing complaints with the security agencies is futile, given that those agencies are themselves competent to conduct the investigation, and that members of the judicial police will therefore not issue decisions condemning their colleagues.

The most prominent violations to which the families of detainees held at the security centres and the various security departments are subjected:

1. The families of the inmate are at times deprived of their liberty in order to compel the detainee (at some security departments) to provide information relating to the course of the investigation so as to protect his family from such violations.
2. The difficulty, in many instances, of ascertaining the fate of the detainee owing to his transfer between the detention cells of the security centres or of the various police directorates.
3. Inhuman treatment in the form of insults, verbal abuse and humiliation, a phenomenon that still exists in most security centres and police directorates.
4. The hardship of waiting in the courtyards of some security centres in the cold in winter or under the heat of the sun in summer, owing to the lack of designated waiting areas.

Temporary Places of Detention at the General Intelligence Directorate

A team from the National Centre for Human Rights carried out its third visit to the places of detention affiliated with that Directorate on 26/7/2006, during which it examined the conditions of the places of detention and the legal status of the detainees, as well as the forms of care, the characteristics of the prison environment, the quality of food and the manner of its preparation and serving, and the level of health care and mental health services. The team was able to interview some of the detainees in private.

On the date of the visit, the number of detainees stood at (50) inmates, who had been detained for various periods ranging from one week to two years. All of the detainees interviewed had been detained pursuant to detention warrants issued by the Public Prosecutor of the State Security Court. The complaints of the detainees held by the General Intelligence Directorate may be summarised as follows:

1. The short duration of their visits.
2. The prohibition of visits to some of them pursuant to a decision issued by the Public Prosecutor of the State Security Court.
3. The prolonged duration of detention and the failure to refer them to the competent court.
4. The state of isolation in which they live inside the solitary confinement cells.
5. The Centre's team also received, during the visit, three oral complaints of ill-treatment and beatings inside the detention centre of the General Intelligence Directorate.

Correction and Rehabilitation Centres and the Conditions of Inmates

- The average number of prisoners in Jordanian prisons in 2006 was (6,000–6,500) inmates, distributed among ten prisons.
- Among the most prominent achievements realised in 2006 were the closure of Al-Jafr Prison and the issuance of a special Royal Pardon on the occasion of the blessed Eid Al-Fitr, under which (129) prisoners were released, including (94) inmates whose sentences were less than (3) years, among them (5) female inmates, (3) of whom were of non-Jordanian nationality. In addition, (9) detainees charged with smuggling and storing weapons on behalf of the Islamic Resistance Movement “Hamas” were released, and the Royal Grant also covered the release of a number of juveniles detained in centres affiliated with the Ministry of Social Development.
- The continuation of the measures for computerising the records and registers of inmates in all prisons; however, these records still do not address the social history, health status or psychological condition of the inmate, which are considered an important component of the process of classifying the prisoner with a view to his rehabilitation.
- The National Centre for Human Rights notes the attention paid by the Public Security Directorate to prisoners' grievances concerning missed court hearings owing to late attendance or to the non-arrival of notification papers. The Public Security Directorate / Correction and Rehabilitation Centres Department took the initiative, during April 2006, of opening an operations room within the Department to follow up court hearings, notification and summons memoranda and their dates between the courts and the prisons.
- The National Centre for Human Rights observed that some improvement had taken place in a number of Correction and Rehabilitation Centre administrations, which contributed to humanising prison conditions in these centres.
- The Public Security Directorate took a number of measures within the framework of implementing a correctional and rehabilitative policy for the Correction and Rehabilitation Centres. It undertook the preparation of trainers for the staff working in the Correction and

Rehabilitation Centres in order to raise the competence of all staff working in the centres. A “Prison Development” office was also established at the Royal Police Academy in April 2006, which implements training programmes for officers and personnel working inside the Correction and Rehabilitation Centres on international and national standards relating to the treatment of inmates. The number of trainees reached (340) officers and personnel.

- As of 11/10/2006, the National Centre for Human Rights began carrying out unannounced visits to the Correction and Rehabilitation Centres in direct coordination with the Office of Grievances and Human Rights / Public Security Directorate.
- The Centre also observed during 2006 a tangible decrease in the number of complaints relating to torture, beatings or cruel or inhuman treatment in a number of prisons, with the exception of (the complaints of the inmates of the wards of unlawful organisations during the riots in Swaqa, Qafqafa and Juweideh/Men prisons, and of the inmates of Al-Jafr Prison, which took the form of collective complaints) from inmates who had been subjected to ill-treatment.
- The number of individual complaints submitted by inmates to the National Centre for Human Rights alleging beatings and ill-treatment during 2006 reached (46) complaints, in respect of which the Public Security Directorate was addressed. As a result, (25) persons were convicted, (8) complaints were dismissed, and (13) complaints remain under investigation.
- As regards the complaints of the inmates of unlawful organisations (in Juweideh/Men, Swaqa and Qafqafa prisons) concerning allegations of beatings and the use of violence during the riots that occurred in April and May 2006, the Public Security Directorate stated that it had exercised the power conferred upon it to use force in cases of mutiny and rioting or participation in disturbances, where violence is committed against any of its personnel, pursuant to Article (6) of the Correction and Rehabilitation Centres Law No. (9) of 2004.
- As regards inmates’ complaints against the guards responsible for guarding prisoners relating to ill-treatment, it should first be pointed out that on 1/5/2006 the Public Security Directorate established a specialised unit affiliated with the Correction and Rehabilitation Centres Department for guarding and escorting inmates (Correction and Rehabilitation Centres Security Battalion 17), and the said unit was reinforced with staff trained in dealing with inmates. However, the team of the National Centre for Human Rights responsible for visits monitored the continuation of complaints against the guards responsible for guarding and transferring prisoners. Accordingly, the Public Security Directorate was addressed on 14/8/2006 to investigate those allegations. The Public Security Directorate stated that most of the allegations submitted by the inmates were untrue, owing to violations committed by some of them in connection with attempts to smuggle narcotic pills or sharp instruments during their transfer to the courts or hospitals, and that two guards had been tried for ill-treatment.
- During 2006, the construction of a new prison was completed in the Al-Muwaqqar area, located (40 km) from the capital, Amman, with a capacity of (1,060) inmates; this prison is expected to commence operation at the beginning of 2007. The Public Security Directorate has also begun the construction of another prison (for high-risk inmates) beside

and adjoining this prison, with a capacity of (400) inmates. According to the information available to the National Centre for Human Rights, any new prison that is built will replace an older prison rather than be an addition to existing ones.

- Finally, the National Centre for Human Rights records its deep regret that the Higher Committee for Correction and Rehabilitation did not convene during 2006, despite the recurrent disturbances that occurred in a number of prisons and the pressing need for services that fall within the responsibility of certain relevant ministries, such as the Ministries of Health, Social Development and Education, which are represented on the said Higher Committee chaired by the Minister of Interior. The Centre calls for this Committee to convene as soon as possible and on a regular basis in order to discharge the functions entrusted to it by law.

* In light of the circumstances referred to in this report, the National Centre for Human Rights considers it necessary to adopt a set of legislative, judicial and administrative measures to alleviate prison overcrowding, foremost among which are:

1. Enacting legislation on alternative non-custodial measures in respect of a number of contraventions and misdemeanours, limiting short-term custodial sentences and replacing them with precautionary measures, financial penalties and work outside prison.
2. Activating the legislative provision on the “suspension of the execution of the sentence” (provided for in Article (54) bis of the Penal Code).

The Most Significant Events in the Correction and Rehabilitation Centres during 2006

First: Prison Riots

The beginning of this year witnessed riots in three prisons (Juweideh/Men, Swaqa and Qafqafa) on 1/3/2006 and 13/4/2006, inside the sections of what have come to be termed (inmates of unlawful organisations). These events resulted in the death of an inmate in Qafqafa Prison and in injuries among officers and personnel of the public security forces. Following these events, committees were formed to investigate them.

During the visit of the team of the National Centre for Human Rights, the inmates of those sections complained that they had been subjected to beatings, ill-treatment and solitary confinement for periods exceeding twenty days. The National Centre addressed the Public Security Directorate to obtain its response to the inmates’ complaints and allegations and the results of the investigation into those events; however, the Centre has not received any response in this regard.

It should be noted that the wards of the inmates of unlawful organisations in the Qafqafa and Birein Correction and Rehabilitation Centres were closed, and that those wards in the Juweideh/Men and Swaqa Correction and Rehabilitation Centres were re-divided into rooms with reinforced concrete floors and narrow, high windows that do not allow adequate natural light. These rooms are also separated from the other prison wards. Visits to these prisoners take place through special booths located away from those designated for visits to the inmates of the other wards. These rooms also lack television sets, and the prisoners are prohibited from using the

library and obtaining books, with the exception of daily newspapers. Security surveillance over the prisoners in these sections is extremely strict.

On 23/4/2006, the security forces also foiled an attempted escape by an inmate of the unlawful organisations ward in Swaqa Prison, whereby an armed group had prepared to launch an armed attack on Swaqa Prison using automatic weapons. The security forces, however, arrested seven persons, while two others remain fugitives from justice.

Second: Prisoners' Strikes

During 2006, Jordanian prisons witnessed a series of hunger strikes which were recurrent and continuous in nature. Strikes have become a conspicuous phenomenon in a number of prisons among the various categories of prisoners (administrative detainees, judicial detainees and the sections of unlawful organisations), such that hardly a month passes without a strike. The hunger strike has become the prisoners' weapon and, at times, their last resort to protest against prison conditions or to draw attention to what they endure as a result of the arbitrary decisions or measures taken against them, owing to the prolonged duration of judicial detention by (the State Security Court and the Major Felonies Court) or owing to administrative detention decisions. The number of judicial detainees during the period of the National Centre's visits to the Correction and Rehabilitation Centres reached (3,181) judicial detainees.

Third: Deaths inside Prisons

During 2006, the number of deaths in prisons reached (22), distributed as follows: Swaqa Centre (11) deaths, Juweideh Centre (4) deaths, Qafqafa Centre (3) deaths, Al-Jafr (2) deaths, the death of one female inmate in Juweideh/Women, and the death of one female inmate in the women's detention cell at Juweideh Prison.

The circumstances and causes of death of (20) of them were deemed natural in light of their available medical history or owing to serious illnesses. However, the circumstances of the death of two inmates (Khaled Fawzi Al-Bashtawi / Qafqafa Centre, and Khaled Mohammad Al-Yamani / Al-Jafr Centre) remain unknown. The Public Security Directorate formed a board of inquiry through the Legal Affairs Department to determine the causes and circumstances of the death of the above-mentioned inmates, and that board has not issued any findings to date.

The Most Prominent Problems Still Facing the Correction and Rehabilitation Centres

Notwithstanding the efforts exerted by the Public Security Directorate and those in charge of administering the Correction and Rehabilitation Centres, there remains a set of problems facing the Correction and Rehabilitation Centres, the most prominent of which are:

1. The shortage of rehabilitation programmes, vocational training programmes and craft workshops, as these programmes remain concentrated in four prisons (Swaqa, Qafqafa, Juweideh/Women and Birein) and do not exist at all in (6) prisons.
2. The system of classifying inmates in accordance with international standards has not been applied in any of the Correction and Rehabilitation Centres, owing to the failure to adopt a genuine

criterion based on determining the degree of criminal dangerousness and the needs of each inmate. Moreover, the system of separation between prisoners is still not applied, as detainees are held together with convicted prisoners on the one hand, persons convicted of felonies together with those convicted of misdemeanours on the other, and persons with previous convictions and repeat offenders together with first-time offenders on yet another.

3. The criterion for determining the capacity of a prison is still based on the number of available beds or the size of the spaces designated for inmates' sleeping quarters, without taking into account other factors relevant to determining prison capacity (the inmate's share of sports, health and educational facilities and dining halls, his share of rehabilitation and training activities, and his share of the total space).

4. Overcrowding in some prisons, where some prisons house numbers exceeding their accommodation capacity.

5. The instability of the staff working in the prison facility, and the failure to grant them material and moral privileges and incentives commensurate with the scale of the responsibility they bear and the particular efforts required by the nature of their work, which involves a considerable degree of danger.

6. The lack of infrastructure in some prisons and the shortage of appropriate facilities and equipment (sports halls, workshops, dining halls, visitors' reception halls and libraries).

7. The continuing rise in the number of administrative detainees, which reached (590) detainees.

* We note that the number of administrative detainees has risen by (77) administrative detainees compared with the Third Periodic Report on the Conditions of Correction and Rehabilitation Centres issued by the National Centre for Human Rights on 21/5/2005.

8. The prolonged duration of judicial detention, and the rise in the number of judicial detainees to (3,181) detainees, including (367) foreign detainees, held at the disposal of the courts and the public prosecutors. These inmates complained of their continued detention and its impact on their families. It is noted that the number of persons held in judicial detention at the disposal of the courts rose by (297) judicial detainees compared with the previous report, as the number of judicial detainees in 2005 was (2,884).

9. The weakness of the forms of legal aid available to prisoners owing to poverty or ignorance of the importance of such aid. A list containing the names of inmates in need of legal aid and judicial representation was sent to the Jordan Bar Association on 24/8/2006. The Association replied on 22/10/2006, expressing its readiness to provide legal aid to needy inmates of the Correction and Rehabilitation Centres within the provisions and principles set out in the Bar Association Law, and its readiness to receive complaints by inmates of the Correction and Rehabilitation Centres against certain lawyers through the team of the National Centre for Human Rights responsible for visiting prisons.

10. The continued prevalence of illiteracy among inmates and the decline in the implementation of literacy courses in some prisons.

11. The spread of narcotic pills and sharp instruments in some prisons.

12. The low level of health care in all its forms (supervisory, preventive and curative), and the evident shortage in the number of medical staff working in the medical units in prisons and in the number of hospital beds allocated to the Correction and Rehabilitation Centres Department, together with the absence of health units in five prisons (Al-Balqa, Al-Karak, Ma'an, Aqaba and Juweideh/Women) out of ten. In addition, no gynaecologist (male or female) is provided at Juweideh/Women Prison, certain medicines and treatments are not provided, the health supervision exercised by the health directorates over the food and cleanliness of the centres is weak, and inmates are ill-treated by doctors inside the prisons or in hospitals.

13. The continued low level of psychological care and its non-availability in prisons, as well as the low level of dermatology and dental services.

14. The evident shortage of social care services, and the continued non-availability of this service in the (Aqaba and Ma'an) prisons. We point out here that this service is considered inadequate and is not provided in the required manner in any case, as the Ministry of Social Development has not implemented any correctional programmes to help inmates return to society and reduce their criminal dangerousness, nor has the Ministry of Social Development issued any specialised studies to address the causes of recidivism (repeat offending) or the causes of crime.

15. The failure to activate the system of conjugal visits (*khulwa shar'iyya*) for eligible inmates in prisons.

Excessive Use of Force and Exaggeration in Raids and Arrests

1. Information available from the Public Security Directorate indicates that three (3) persons were killed and (131) persons were injured at the hands of public security personnel in the course of performing their duties in 2006, while the number of public security personnel injured in the course of performing their official duties reached (51), and one person died owing to or in the course of performing their duties.

2. Incidents of confrontation and the use of force against citizens also recurred during 2006, as the Government prevented the professional associations from holding certain events and rallies at the Professional Associations Complex and barred citizens and association members from reaching the Complex, at times using force. This measure resulted in injuries to a number of citizens and association members and in the arrest of others and their referral to the judiciary, during the association events organised on 22/7/2006 and 24/10/2006, on the pretext that the meetings were unlawful.

Third: Human Rights in the Administration of Justice

The issue of justice and the independence of the judiciary lies at the heart of the issues relating to human rights, human dignity and well-being; it is the foundation of the rule of law and good governance and of the promotion of political stability and economic and social development. This right is provided for in Article 14(1) of the International Covenant on Civil and Political Rights (ICCPR).

Furthermore, the performance of the judiciary's mission, the administration of justice and the protection of rights and freedoms require the independence and impartiality of the judicial

authority, which is guaranteed by the Jordanian Constitution in Articles (97 and 101). However, practice and implementation on the ground reveal certain breaches that undermine the principle of the independence and impartiality of the judiciary, among which are the following:

1. The fragmentation of litigation among a number of regular, military and special courts, the multiplicity of authorities to which those courts are answerable, and their frequent lack of the conditions and elements of a fair trial.
2. The powers of the Minister of Justice to recommend the appointment of judges pursuant to Article (14) of the Independence of the Judiciary Law No. (15) of 2001.
3. Despite the processes of reform, development and modernisation, the attention given to the judicial facility and the increase in the number of regular judges, whose number reached (690) judges by the end of November 2006, a problem emerged in mid-2006 consisting of a shortage in the number of judges of the Court of Cassation as a result of the resignation of a number of its judges for health reasons, in addition to the secondment of an entire panel abroad. This calls for efforts to fill the resulting shortage in a manner that ensures the timely completion of cases and the attainment of justice in the adjudication of the accumulated cases.
4. There are numerous obstacles and problems faced by litigants during the litigation process, the most prominent of which are:
 - a. The high cost of litigation, which calls for court presidents to make active use of their powers to defer fees and to refrain from being strict in denying such deferral. Moreover, the imposition of fees on criminal appeals restricts the exercise of the right of defence before the courts at their various levels, particularly as such appeals relate directly to human rights and freedoms.
 - b. Protracted trial proceedings: The legislation in force contains no rules establishing a time frame for the completion of trial proceedings, with the exception of the Labour Law, which provides that labour cases are urgent, although practice indicates otherwise.

In 2004, the Judicial Development Strategy (2004–2006) was launched, containing implementation plans to achieve its objectives, and the Law Amending the Civil Procedure Code No. (16) of 2006 was issued, which included a number of amendments aimed at the expeditious adjudication of cases. Under Law No. (12) of 2006, a Mediation Department was established as an alternative means of dispute resolution. Notwithstanding these amendments, which aim to shorten the duration of litigation proceedings, and the establishment of the Case Management Department in (2001), more than (3248) cases have remained pending before the courts for more than three years, for legislative as well as executive reasons, in addition to the evident shortage of court staff and the lack of knowledge of legal procedures among many of them, particularly those seconded from other ministries.

c. In addition, there is the problem of service of process and the shortage of process servers, whose number stood at (289) at the end of August 2006, together with the failure of some of them to comply with the provisions of the law and the prevalence of bribery among process servers in order to effect service.

d. Enforcement (execution): According to the information available to the National Centre for Human Rights, the enforcement departments have become, as is commonly said among lawyers,

“the graveyard of cases”, which aggravates the suffering of the parties to litigation owing to slow procedures, the backlog of cases and low rates of completion, particularly in the capital, Amman.

Enforcement is also beset by many obstacles arising from the weakness of the service-of-process system, the weakness of the accountability system, and the lack of qualified and sufficient human resources to deal with the large number of enforcement cases, in addition to the large number of appeals lodged against the decisions of the Chief Enforcement Officer, as the enforcement process is suspended upon the lodging of an appeal, even if the appeal is a repeated one.

e. Ineffectiveness of judicial enforcement: Among the factors that obstruct the progress of cases and their expeditious adjudication is the ineffectiveness of the judicial enforcement apparatus, as some cases remain suspended pending the bringing of a witness or a wanted person for months and sometimes for years, despite dozens of writs of compulsory appearance having been issued against him.

f. Enforcement errors: As a result of similarity of names, the rate of errors in enforcement amounts to approximately 2% of all criminal cases enforced in the Public Prosecution Department. Consequently, persons who have no connection to any judgments or warrants issued are arrested and held in custody, which exposes them to embarrassment or causes them material and moral harm. This constitutes a violation of human rights that the competent authorities could avoid by taking measures to ensure that such errors do not occur, through the use of modern technologies and the national number.

g. Weakness of the role of judicial inspection: Notwithstanding the issuance of the Regulation on Judicial Inspection of the Regular Courts No. (47) of 2005, which entrusted the Judicial Inspection Directorate with inspecting the work of court judges, members of the Public Prosecution, assistants to the Civil Attorney General and enforcement judges, the number of inspectors in the Kingdom as at August 2006 was only (7). Moreover, the effectiveness of this apparatus appears very limited in addressing the problems that arise in dealing with the justice system, in view of the criteria adopted for evaluating the work of judges and the subordination of the Inspection Department to the Minister of Justice. This calls for the establishment of specific criteria for holding judges accountable, so as to ensure their compliance with the provisions of the law and that they do not act hastily in their judgments, causing harm to litigants, as well as the need to focus on drafting judicial rulings in sound legal and linguistic form.

h. The right of defence: The Criminal Procedure Code in force guarantees the right of defence; however, some of its provisions are inconsistent with international standards, which require that a lawyer be provided to the accused, where the accused is unable to secure one, in all types of offences with which the accused is charged. This is provided for in Article (14/d) of the International Covenant on Civil and Political Rights (ICCPR), which establishes a number of guarantees to be afforded to the accused, including the right “to be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it”, whereas Jordanian law does not provide the accused with the assistance of a lawyer at the expense of the State except in offences punishable by death,

life imprisonment with hard labour or life detention, pursuant to Article (208) of the Criminal Procedure Code.

Furthermore, some courts violate the principle of the right of defence by refraining from applying Articles (175) and (232) of the Criminal Procedure Code, which provide that the court may decide, after hearing the prosecution's evidence, that there is no case to answer and issue its final decision thereon on the basis of the principle of the presumption of innocence.

i. The absence of any means of appeal against certain judicial rulings, in particular rulings issued by the High Court of Justice, by the Military Council of the General Intelligence Directorate (GID) and by the religious courts of certain non-Muslim denominations, which constitutes a violation of human rights and a breach of the guarantees of a fair trial in accordance with the international standards set out in the international conventions, a number of which Jordan has ratified.

j. Compensation for victims of justice: From time to time, innocent persons complain to the National Centre for Human Rights that they have been unlawfully detained and imprisoned for long periods, or were brought to trial and judgments were issued acquitting them or finding them not liable for the offences with which they were charged, and that this caused them to lose many opportunities. Although such persons may, in theory, claim compensation, in practice the right to compensation is subject to restrictions and difficulties, since it is required that the detention and trial have resulted from a gross error on the part of the authority, which makes proving gross error extremely difficult. Accordingly, in order to do justice to such persons and to attempt to redress the harm they have suffered, the establishment of a fund affiliated with the Ministry of Justice to compensate such persons has become an urgent necessity. The International Covenant on Civil and Political Rights affirms in Article (9/5) that "anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation", in addition to other measures guaranteeing the rehabilitation of such persons.

k. The Prevention of Terrorism Law of 2006: After Jordan was subjected to the wave of heinous bombings that struck a number of hotels in the capital, Amman, on 9/11/2005, claiming dozens of innocent victims, the Government prepared a draft law entitled the "Prevention of Terrorism Law", which was approved by the House of Representatives and the Senate. This law poses a danger to human rights and freedoms, since, contrary to all legislation in the world, it punishes mere thoughts and intentions, thereby contravening Article (69) of the Jordanian Penal Code, which provides that a mere resolve to commit an offence does not constitute an attempt to commit it, and the same applies to preparatory acts. In addition, this law punishes persons on mere suspicion and permits the taking of measures that infringe human rights in respect of persons' freedoms, movements and financial dealings, even though suspicion is not a valid basis for such measures.

Furthermore, Article (6/a) of this law punishes any person who knows of another person's intention to commit terrorist acts, even though mere intention on the part of the person who harbours it is not punishable; how, then, can a person be held liable for knowing of such an intention on the part of another person and failing to report it? In view of the extremism that this law represents, unprecedented in just penal laws, and its infringement of the most basic human rights guaranteed by the international instruments and conventions ratified by Jordan, the National

Centre for Human Rights recommends that this law be repealed or amended so as to conform with the standards and guarantees set out in the international instruments and conventions.

l. The judicial record: The criminal laws provide for aggravated penalties in cases of recidivism and repetition, which necessarily requires the existence of an organised judicial (criminal) record for all persons under the full supervision of the Ministry of Justice, and requires that the judge consult that record in respect of the person appearing before him before determining the penalty, without reliance on the security record of previous convictions prepared by the security centres.

In monitoring the violations caused by administrative decisions on arrest and detention, the National Centre for Human Rights recommends that the Criminal Procedure Code be amended to establish a “judicial record” at the Ministry of Justice based on final judicial rulings, instead of relying on the record of previous convictions held by the security authorities, in order to ensure the proper application of the provisions of the law.

The Centre also recommends that the role of members of the Public Prosecution be activated so that they exercise the powers vested in them by law to interrogate defendants directly.

m. The sentence enforcement judge: In order for penalties to be consistent with human rights principles, and to ensure that prisoners are treated in a manner befitting human dignity, some States have established a judicial institution called the “sentence enforcement judge”, whose function is to decide on the type of penalty most appropriate for the convicted person, in addition to following up the convicted person’s serving of the sentence within the correction centre, the judge being granted powers that prevent the prison administration from abusing its authority over inmates and prevent the commission of violations.

The National Centre recommends that this experience be applied in Jordan in view of its importance in the field of the administration of justice and the application of human rights standards.

Fourth: The Right to Nationality, Residence and Asylum

The Right to Nationality

During 2006, the National Centre for Human Rights received numerous complaints relating to the right to nationality, from which it is evident that there are clear violations of individuals’ right to nationality, entailing many serious effects and consequences. The most prominent of these violations are the following:

1. The withdrawal of official documents (passports, civil status identity cards, national numbers, residence documents and driving licences) from numerous citizens on the basis of the Disengagement Decision issued in (1989), whereby such persons are left without nationality or any official documents proving their identity, and are deprived of the right to freedom of movement and travel.
2. The deportation of a number of individuals who had been residing on a quasi-permanent basis in the territory of the Kingdom and who were married to Jordanian women, leaving behind their spouses and children, owing to the withdrawal of the documents they had held.

3. The withdrawal, on the basis of the Disengagement Decision, of the personal documents of persons born in the Kingdom who have resided there for more than thirty years and have served in numerous State agencies, as a result of which their children have lost the identification papers necessary to prove their identity.

4. The recovery of passports issued to certain persons when they applied to the Civil Status Department to renew their official documents, and the notification of such persons that they are not entitled to obtain any documents or Jordanian nationality because the Nationality Law does not apply to them.

5. The refusal of the Ministry of Interior to grant nationality to certain foreigners residing in Jordan who had submitted applications to the Ministry of Interior to obtain nationality after fulfilling the requisite conditions, including the renunciation of their nationalities before the embassies of their States and the issuance of a decision by their States withdrawing their original nationality. As a result, such persons become stateless and suffer the gravest harm, and harm is also caused to their minor children, since they follow their guardians under the Nationality Law.

These measures have entailed consequences, the most prominent of which are the following:

1. The deprivation of certain citizens of their nationality, which constitutes a denial of a human right recognised in all international instruments and national laws, namely the right to nationality.
2. The deprivation of children of their right to education, particularly in the initial compulsory stages, as a result of the withdrawal of their father's official documents.
3. The restriction of freedom of movement, such that the person becomes unable to move within the territory of the State and is deprived of freedom of movement outside the territory of the State.
4. The deprivation of the person of work and of earning a living, entailing psychological and moral harm that may drive some to unlawful means of earning their living.

Recommendations of the National Centre for Human Rights:

1. Nationality should be granted and withdrawn only in accordance with the law, as Article (5) of the Jordanian Constitution provides that "Jordanian nationality shall be defined by law", and not on the basis of the Decision on Legal and Administrative Disengagement from the West Bank or any instructions issued thereunder.
2. Withdrawal of Jordan's reservation to Article (9) of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), so that women are granted a right equal to that of men to confer their nationality on their children, and amendment of the Nationality Law so as to conform with the provisions of the Convention.
3. Formation of a committee to examine urgent humanitarian cases and to take appropriate decisions thereon.

The Right to Residence

The Residence and Foreigners' Affairs Law No. (24) of (1973), as amended, regulates the status of Arab and foreign persons residing in Jordan. The prevailing situations in Iraq and Lebanon

have had a clear impact on the entry of large numbers of Iraqis and Lebanese into Jordan in search of security and a decent living, in addition to the arrival of many persons of foreign and Arab nationalities for work, tourism or residence.

The following are the most prominent observations on the residence situation of foreigners in Jordan during 2006:

- The Residence and Foreigners' Affairs Law No. (24) of (1973) grants the Ministry of Interior the right to accept or reject a foreigner's application for a residence permit, or to cancel a residence permit granted and require the foreigner to leave the Kingdom, without stating reasons.

This absolute power granted to the Ministry of Interior to deport a foreigner without stating reasons has negative effects on a large number of Jordanian families, as it causes the separation of a single family where one parent is inside the Kingdom and the other outside it, causing severe psychological suffering for all of them.

The National Centre for Human Rights has received complaints from citizens married to foreign women whose wives the Ministry of Interior has refused to grant annual residence permits, and such complaints continue to recur on an ongoing basis. In addition, the security agencies deport foreigners married to Jordanian women where a judicial ruling has been issued against any of them, regardless of the nature of the charge. Numerous individuals have challenged the decision issued by the Ministry of Interior before the High Court of Justice; however, the Court's decisions have upheld the decisions of the Ministry of Interior in view of the absolute powers granted to the Ministry of Interior to deport any foreigner without stating reasons.

- The security agencies deport foreigners, particularly those who overstay the period of residence granted to them, and do not execute the deportation decision against them until after the payment of overstay fees. It is observed that deportation procedures are extremely slow, as persons remain in administrative detention until a decision is issued exempting them or until they pay the fines due from them, which in many cases takes a long period amounting to months. This constitutes an infringement of their right to personal liberty and burdens the State Treasury with expenses that it could well do without.
- The administrative governor issues a deportation decision against a foreign person without granting him a period in which to defend himself, or even a period in which to settle his financial and social affairs, which constitutes a violation of the right to a fair trial.

However, 2006 witnessed a decrease in the number of persons deported by the competent authorities, the number of persons deported during the year reaching (10625), compared with 2005, in which (23961) persons of various nationalities were deported.

- The National Centre for Human Rights addressed the Ministry of Interior regarding the repeated cases of deportation of foreigners, particularly those married to Jordanian women; however, the Ministry of Interior maintains its position on the grounds that such decisions are acts of sovereignty.

Accordingly, the National Centre recommends that the Residence Law be amended as follows:

1. Granting the person against whom a deportation decision has been issued a specific period under this law in which to defend himself before the competent authorities by submitting any evidence or proof refuting the charge against him.
2. Granting the deported person a period in which to settle his financial and social affairs.
3. Not deporting the husband of a Jordanian woman, in order to ensure the stability of family and living conditions.
4. Expanding the powers of the Minister of Interior with regard to exemption from fines due from persons in violation who are to be deported.

The Situation of Asylum

Through its monitoring of asylum cases in Jordan, the National Centre for Human Rights finds that there has been no change with regard 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 (2005) report.

However, the problem facing refugees is that of residence and its legality and the expiry of the validity of their personal documents, together with the Ministry of Interior's rejection of the proposal of the Office of the UNHCR to consider the asylum applications of Iraqis in the Kingdom. The Ministry maintains its previous position, which reflects the Government's dissatisfaction with the temporary protection regime. Accordingly, the National Centre for Human Rights recommends that a committee be formed to examine the issue of refugees and that a clear, specific policy, publicly announced to all, be adopted, defining the mechanisms for dealing with refugees in a manner consistent with the provisions of the Residence and Foreigners' Affairs Law and with international standards.

Fifth: The Right to Vote and to Stand for Election, and Legislative Activity

Article (21) of the Universal Declaration of Human Rights guarantees everyone the right to take part in the government of his country, directly or through freely chosen representatives, and provides that the will of the people shall be the basis of the authority of government; this will shall be expressed in genuine elections which shall be held periodically by universal and equal suffrage among voters and by secret vote or by equivalent free voting procedures.

Article (25) of the International Covenant on Civil and Political Rights likewise contains provisions concerning the guarantees relating to the right to vote and to the holding of free and fair elections. These are also closely connected to a number of other articles, in particular Article (2) of the ICCPR, which clearly provides that, in accordance with international standards, the right to vote and to participate in elections must be guaranteed to all, and that no individual in any State may be deprived of the enjoyment of this right on the basis of his belonging to a particular group, whether as a result of negligence or of an organised policy.

During 2006, no action was taken regarding the Temporary Law on Elections to the House of Representatives No. (34) of 2001, despite the Government's undertaking in its ministerial statement to submit a modern draft law on parliamentary elections.

- Observance of the principle of periodicity in the holding of general elections is one of the important guarantees for the enjoyment of a range of citizenship rights, the least of which are the right to take part in the conduct of public affairs and the citizen's right to vote and to be elected. The National Centre recommends that the parliamentary elections be held on their scheduled periodic date in conformity with the principles established in democratic systems, and that the recommendations on the Election Law contained in the National Agenda be expeditiously put into effect.

During 2006, the number of draft laws and temporary laws passed by the House of Representatives during the extraordinary session of the third ordinary session reached (32) laws, among them a number of laws directly affecting human rights, such as:

1. The National Centre for Human Rights Law.
2. The Financial Disclosure Law.
3. The Environmental Protection Law.
4. The Law Ratifying the Convention on the Rights of the Child.
5. The Prevention of Terrorism Law.
6. The Law Amending the Sharia Enforcement Law.
7. The Preaching and Guidance Law.
8. The Anti-Corruption Commission Law.
9. The Law Ratifying the Rome Statute of the International Criminal Court.

- The number of requests for debate was two, concerning the debate on the issue of Jordanian prisoners missing in Israel, and the debate on the deportation of a citizen abroad and his surrender to the United States authorities.
- The number of proposals in the form of a motion submitted by the House was (4) proposals, the most prominent of which was the motion concerning daily-wage workers and health insurance, while the number of proposals for laws was (5) proposals, the most prominent of which were a proposal to amend the Penal Code, a proposal to amend the Landlords and Tenants Law, and a proposal to enact a comprehensive insurance law.
- There has been no new development regarding the Public Meetings Law No. (7) of 2004, which contravenes the international conventions to which Jordan has committed itself, as it restricts the right of assembly, to which the exercise of other political rights, such as the right to political participation and the right to freedom of opinion and expression, is linked and on which it may depend.

As for the draft Municipalities Law, it was referred by the Government to the House of Representatives and was not completed during 2006. The National Centre for Human Rights

recommends that this law be expeditiously completed so that municipal elections are not held under the provisions of the temporary law amending the provisions of the Municipalities Law, under which citizens' right was confined to electing half of the members of municipal councils.

(Note: On 4/2/2007, the draft Municipalities Law was passed by the House of Representatives and referred to the Senate to complete the constitutional procedures necessary for its enactment.)

Sixth: The Right to Freedom of Opinion and Expression and Freedom of the Press and Media

Freedom of opinion and expression is the fundamental manifestation and primary foundation of intellectual freedoms, foremost among them freedom of the press and media, freedom of peaceful assembly and voluntary membership of associations and trade unions, and freedom of access to information. The International Covenant on Civil and Political Rights, adopted in 1966, clearly provides for this right in Article (19).

A number of laws govern matters of opinion and expression and freedom of the press and media, namely: the Press and Publications Law, the Public Meetings Law, the Law on the Protection of State Secrets and Documents, the State Security Court Law, the Jordan Press Association Law, the Penal Code, the Preaching and Sermons Law, and the Law on the Right of Access to Information.

A study by the Higher Media Council on press freedoms showed that press freedoms in Jordan are at a below-average level, and the international organisation "Reporters Without Borders" had published a report stating that Jordan's position in the annual press freedom index had fallen from (96th) place in 2005 to (109th) place in 2006.

The Press and Publications Law: This law permits the Government to issue newspapers and to own shares in them. Through its funds, the Government controls 60% of the shares of *Al-Rai* newspaper and 35% of the shares of *Ad-Dustour* newspaper, and it interferes in the editorial policy of these two newspapers, particularly *Al-Rai*.

- It is noteworthy that the Government persists in this approach of owning newspapers, despite the privatisation policy that it vigorously pursues with respect to other productive and service enterprises.
- In this regard, the National Centre for Human Rights observes that there is a clear contradiction in the policy pursued towards newspapers, since the press is, according to the concept prevailing worldwide, essentially one of the tools for overseeing the executive authority, and not the reverse.
- The National Centre for Human Rights notes that the Press and Publications Law in force still provides for the requirement of prior licensing before the issuance of any publication, bearing in mind that prior licensing was abolished in Britain more than 300 years ago, and that the issuance of publications does not require prior licensing in the (46) States subject to the jurisdiction of the European Court of Human Rights.
- It is also observed that, although Article (6) of the Press and Publications Law provides for the right of access to information, practice reveals the absence of any guarantees for

the realisation of this right, at a time when most countries of the world celebrated this year, 2006, the passage of (240) years since the issuance of the first law on access to information in Sweden in 1706.

- During 2006, the Press and Publications Department issued decisions banning the circulation of (89) books on the grounds that they contravened the Press and Publications Law and other laws in force, having banned the approval and circulation of (73) books in 2005.
- The following table shows the numbers of books, newspapers, magazines and bulletins that were permitted to be imported, distributed and printed, and those that were banned, during 2006, according to the information available from the Press and Publications Department:

Table No. (6): Number of Publications Permitted for Publication and Those Banned from Circulation in 2006*

Category	Overall Total	Number Banned from Circulation or Printing
Books	129,000	89
Manuscripts reviewed	2,670	4
Newspapers and magazines published abroad	2,546	42

** Table prepared by the National Centre for Human Rights on the basis of data from the Press and Publications Department.*

- The Press and Publications Department also referred (7) publishing houses to the courts during 2006 on the charge of circulating books banned from publication and distribution in Jordan; these cases are still pending before the courts.
- It is noted that the legislation relating to press and publications does not observe the principle of “the personal nature of punishment” in offences committed through newspapers and other means; there is a presumed liability of the editor-in-chief even where he is neither a perpetrator, a participant nor an accessory. Article (23/2) of the Press and Publications Law No. (8) of 1998 provides that the editor-in-chief shall be liable for what is published in the publication of which he is editor-in-chief, and that he shall be deemed liable, together with the author of an article, for that article.
- The National Centre for Human Rights notes that the mandate of the Press and Publications Department, which is considered the oldest censorship body known in Jordan, has not changed significantly since the issuance of the Press and Publications Regulation in 1939 to date.
- The draft Press and Publications Law currently before Parliament (the National Assembly) still contains provisions permitting the detention and imprisonment of journalists.

The State Security Court Law

Although the State Security Court is a special court, its legal jurisdiction has expanded considerably, and it has come to hold the widest legal jurisdiction of any court in the Kingdom.

This Court has had a clear impact in increasing self-censorship among journalists, thereby deterring them from exercising their right to expression.

The Court has jurisdiction over offences committed in violation of the provisions of Chapter Two of the Penal Code (offences against internal and external State security); offences against public safety provided for in Articles (157 to 168) of the Penal Code; violations of Article (195) concerning what is termed “lèse-majesté against His Majesty the King”; and offences committed in violation of the provisions of the laws on the protection of State secrets and documents No. (50) of 1961.

The Penal Code

Article (150) of the Penal Code is regarded as one of the provisions of this Code most dangerous to freedoms in the Kingdom. Under this Article, two members of the House of Representatives were tried before the State Security Court for offering condolences on the death of “Abu Musab Al-Zarqawi”. The Court sentenced one of them to two years’ imprisonment and the other to one and a half years’ imprisonment; the Court of Cassation reduced the sentence of imprisonment to one year and one month for each of them, after which a special pardon was granted to them. On this basis, the High Council for the Interpretation of the Constitution issued a decision declaring the forfeiture of their membership of the House of Representatives.

Four members of the House of Representatives had been detained in June 2006 in connection with this case; however, one of them was released and his prosecution was barred, and the second was acquitted.

The National Centre for Human Rights records that this is the second time that Article (150) of the Penal Code has been used to try a member of the House of Representatives. Deputy Toujan Faisal had previously been convicted by the State Security Court of violating this Article. At that time, the decision of this Court in misdemeanours was final (which was subsequently amended). On this basis, she was barred from exercising her right to stand as a candidate in the parliamentary elections.

Article (118) of the Penal Code has also been used on more than one occasion to try journalists for writings deemed liable to disturb the Kingdom’s relations with a foreign State. It is noted that the use of this Article has increased since the American occupation of Iraq in 2003, through the prosecution of individuals accused of collecting funds or attempting to recruit persons to support the resistance in Iraq.

The Law on the Protection of State Secrets and Documents

This Law was issued in 1971 as a temporary law and remains a temporary law after the passage of (36) years. In a study conducted in 1996 by the international organisation “Article 19”, a London-based organisation concerned with freedom of expression as provided for in Article (19) of the International Covenant on Civil and Political Rights, entitled “The Crisis of Democracy in Jordan”, that organisation described the aforementioned Law on the Protection of State Secrets and Documents as “octopus-like”, since it effectively transforms all information in the possession of the State into “secret” information unless its publication is authorised.

At the session of the House of Representatives held on 25/7/2006, the Government responded to questions raised by a deputy regarding the report of the Audit Bureau on violations committed at the Vocational Training Corporation. The reply bore the marking “Secret and Restricted” on all its pages, together with a warning to the press not to publish the reply, and an explanatory statement reading: “This document and its annexes are classified as Restricted and are subject to the Law on the Protection of State Secrets and Documents No. (50) of 1971; their disclosure to persons other than those authorised to access them, or their printing, copying or publication by any person, shall expose such person to legal and criminal liability in accordance with the provisions of the said Law, which imposes a penalty of temporary hard labour for a period of not less than ten years”????

The Jordan Press Association Law and Assaults on Journalists

- Compulsory membership of the Jordan Press Association constitutes a violation of international human rights instruments, as Article (20/2) of the Universal Declaration of Human Rights provides that “No one may be compelled to belong to an association.”
- The Inter-American Court of Human Rights and the European Court of Human Rights have also issued several decisions on the unlawfulness of compulsory membership of journalists’ associations and unions.
- The official statistics set out in the table below indicate that the number of physical assaults that occurred during 2006 reached (11) assaults. The assault on three press photographers under the dome of Parliament, during a session of the House of Representatives on 11/12/2006, because they had photographed a fight between two deputies, constituted a flagrant violation of press freedom.
- A journalist from Al-Sabeel newspaper was also beaten by members of the Public Security Directorate while covering a celebration of the Prophet’s Birthday organised by the Muslim Brotherhood on 14/4/2006, on the pretext that the celebration was unlicensed “and may not be covered or photographed”, as the journalist was told.
- The table below presents a summary of the assaults, arrests, detentions and harassment reported by a number of journalists during 2006, as follows:

Table No. (7): Number of Cases of Assault, Arrest, Detention and Harassment to Which Journalists Were Subjected during 2006*

Case	Number of Occurrences
Detention for less than 24 hours by the General Intelligence Directorate	2
Detention for less than 24 hours by the Preventive Security	3
Arrest for more than 24 hours by the General Intelligence Directorate	1
Arrest for more than 24 hours by the administrative governor	1
Referral by the administrative governor to court	1
Telephone calls from government sources for the purpose of preventing publication of a news item	34
Telephone calls from government sources for the purpose of amending a news item	12

Case	Number of Occurrences
Security summonses for the purpose of preventing publication of a news item, or after its publication	12
Referral to the State Security Court	1
Referral to a regular court	8
Withdrawal of media material	7
Physical assault	11
Harassment and delays in travel procedures at land and air borders	3
Cases of prohibition of photography	5
Total	101

** Table prepared by the National Centre for Human Rights on the basis of data compiled by the Centre.*

- On 30/5/2006, the Amman Magistrate's Criminal Court sentenced the editor-in-chief of the weekly Al-Hiwar newspaper, "Hashem Al-Khalidi", and the former editor-in-chief of the weekly Shihan newspaper, "Jihad Al-Momani", to two months' imprisonment on the charge of insulting the religious feelings of citizens, after they had republished the caricatures deemed offensive to the Holy Prophet Muhammad (peace be upon him), which had first been published by a Danish newspaper in September 2005.

The defence counsel for the two journalists lodged an appeal against the court's decision before the Court of Appeal, and to date no decision has been issued by the Court of Appeal, bearing in mind that the two journalists had been detained in early February 2006.

The National Centre for Human Rights records that the publisher of Shihan newspaper, "Arab Printers Company", dismissed the editor-in-chief, "Jihad Al-Momani", immediately upon the release of the issue containing the offensive caricatures; the issue was also withdrawn from the market, and a new issue was printed containing an apology to the newspaper's readers.

The Jordan Press Association also referred Al-Momani and Al-Khalidi to the Disciplinary Council on the charge of violating the Press Code of Honour. The Disciplinary Council issued a decision barring Al-Khalidi from practising the profession for one year, and a decision permanently barring Al-Momani from practising the profession. Under the Jordan Press Association Law, the decision of the Disciplinary Council is subject to ratification by the Association's Council, and to date the Association's Council has not taken any decision in this regard.

As part of the efforts of the Higher Media Council to raise the ceiling of press freedoms in Jordan, the Council prepared a draft law amending the Press and Publications Law and a draft Law on Guaranteeing the Right of Access to Information, both of which are before Parliament. The draft Press and Publications Law included an amendment prohibiting prior censorship of books and granting the author the right to print his book without prior censorship; following publication, should it become apparent that the book contains anything contrary to the law, the Government may confiscate the book or ban its circulation.

The National Centre for Human Rights, while emphasising the importance of bringing about a qualitative shift in the legislation relating to freedom of opinion, expression, the press and the media, recommends the following:

1. Ratification of the First Optional Protocol to the International Covenant on Civil and Political Rights.
2. Amendment of current legislation in line with international standards, and wide dissemination of the relevant international and regional human rights conventions, including the “Arab Charter on Human Rights”, which Jordan was the first Arab State to ratify and which was published in the Official Gazette on 16/5/2004.
3. Abolition of custodial penalties for offences committed through publications and for offences of opinion, and enactment of clear and explicit legislation prohibiting detention or imprisonment in press and publications cases.
4. Application of the principle of “the personal nature of punishment” and abolition of the criminal liability of the editor-in-chief unless his participation in the offence is proven.
5. Abolition of all forms of prior censorship of freedom of expression and freedom of the press and the media.
6. Adoption of the draft Law on Guaranteeing the Right of Access to Information.
7. Amendment of the Law on the Protection of State Secrets and Documents No. (50) of 1971 so as to conform with Article (19) of the International Covenant on Civil and Political Rights.
8. Provision that journalists shall be tried exclusively before civil courts, and removal of the jurisdiction of the State Security Court in this regard.
9. Amendment of the Jordan Press Association Law, facilitating admission for those wishing to join it, and opening membership to journalists working in party newspapers and electronic journalism.
10. Abolition of Government or public-sector ownership of shares in newspapers.

Seventh: The Right to Form and Join Trade Unions

By the end of 2006, the number of labour unions had reached seventeen (17), all of which fall under the umbrella of the General Federation of Jordanian Trade Unions. The size of the labour force in Jordan is approximately one million two hundred thousand (1,200,000) workers according to the estimates of the Federation of Trade Unions, whereas the overall total membership of these unions among Jordanian workers did not exceed 9%, i.e. approximately one hundred thousand workers only. The number of professional associations is thirteen (13), with a membership of approximately (143,000) members by the end of 2006, bearing in mind that membership of professional associations is compulsory for practising the profession. The National Centre notes that no new labour union or professional association was formed during 2006.

Union Elections

The year 2006 witnessed the holding of elections for the labour unions for the current union term 2006–2011. A notable feature of these elections was the recurrence of the phenomenon of candidates being returned unopposed (by acclamation) in eleven (11) out of seventeen (17) labour

unions. This is attributable to the absence of competitors in some labour union councils, or to the small size of their general assemblies. It was also evident in the elections for the current term that two labour unions which had previously witnessed clear and intense competition among their candidates witnessed this year cases of candidates being returned unopposed, namely the Union of Bank Employees and the Union of Air Transport and Tourism Workers.

It may be said that the reluctance to stand for election is due to members' lack of desire to attain leadership positions in the union, the avoidance of responsibility and, at times, fear of dismissal from work; the dominance of certain administrative bodies that resort to all means and methods to deter competitors from nominating themselves for election; the desire of the union council to continue nominating itself owing to the success it achieved in the previous term (at least from its own point of view); the small number of members of the general assembly, as mentioned above; or the absence of any provision in the Labour Law permitting full-time secondment to union work. Moreover, the Labour Law prohibits union activity within establishments, which has prompted many trade unionists to call for a form of union immunity, either through a provision in the Labour Law protecting union workers from dismissal when engaging in union work, or through an agreement concluded among the parties to the production process to guarantee this.

- Among the most important and prominent objectives that the labour unions are currently pursuing is increasing their membership to 30% instead of 10% of the overall total number of workers, by moving towards restructuring the Federation and the unions so that a union committee is established at every workplace regardless of the number of workers at that site; calling for the consolidation of the principle of social dialogue among the social partners; and providing job security and stability for workers.

Union Issues

Perhaps the most prominent issue that occupied the labour movement during 2006, and which came as a surprise to the Government and the parties to the production process alike, was the revival of the labour movement and its adoption of programmes and escalatory steps towards improving the living conditions of workers. This took the form of a series of strikes and sit-ins covering many public- and private-sector establishments, the number of which reached ten strikes, the most prominent being the strike and sit-in carried out by the workers of the phosphate, potash, cement and magnesia companies and the Petroleum Refinery Company.

The most prominent demands of those carrying out these strikes and sit-ins were the adjustment of basic wages, their coverage by health insurance and social security, an increase in the site allowance, and a cost-of-living allowance owing to the Government's repeated increases in fuel prices. The role of the labour unions concerned consisted in leading the strikes and sit-ins and negotiating on behalf of the workers in order to reach a solution satisfactory to all parties to the production process.

Women's Participation in Union Work

The participation rate of Jordanian women in the labour force is approximately 15.2%, whereas the rate in developing countries is 40.2%. The proportion of women's membership in labour unions is 15%, and out of (250) members of the administrative bodies of the labour unions there

are only (20) women. This is attributable to the prevailing culture in labour circles, which holds that there are no qualified women trade unionists capable of assuming union work; or to gender discrimination and the lack of role-sharing; the negative social view of women's work; the decline in the roles of the labour unions; the shortage of women union officials; ignorance of the laws and women's lack of understanding of their role as trade unionists and of the role entrusted to the union itself; in addition to the prevailing public opinion that the labour unions are regarded as opposing the Government's policies relating to workers, and women's feeling that their union will not grant them their rights and entitlements as working trade unionists, which leads them to refuse to join the union.

In order to activate the role of women in union work, the General Federation of Jordanian Trade Unions calls upon the unions to appoint a woman member to every administrative and executive body to which no woman has been elected, to appoint a woman to the position of auditor, and to adopt a women's quota in elections, a call to which the unions have not responded. It further calls for amending the bylaws of the Federation of Trade Unions to include a provision for the establishment of a women's committee with an independent legal personality, in order to enable women to assume their role alongside their fellow trade unionists in a manner that serves the labour movement in general and the union in particular.

Labour Unions and the Labour Law

Article (13/b) of the Labour Law grants labour inspectors the right to inspect the records of labour unions, which is considered an interference in the internal affairs of the unions and a curtailment of their independence in managing the affairs of their members. Furthermore, the Federation of Trade Unions receives financial support from the State's general budget and from the Social Security Corporation; however, from the Federation's point of view, this financial support does not fulfil its intended purpose, which prompted the Federation to call repeatedly during this year (2006) for the ceiling of this support to be raised so that it may discharge its responsibilities towards workers by holding educational courses, issuing bulletins and magazines, activating the workers' studies and research centre, and paying the Federation's subscriptions to international organisations.

- The National Centre for Human Rights draws particular attention to the issue of the workers of Jordanian pharmaceutical factories, who number more than five thousand working in (25) factories. For many years, this group has been attempting to establish a branch of its own within the General Union of Chemical Industries Workers, owing to the specific nature of the problems faced by this category of workers and their considerable difference from those found in chemical detergent factories.

The National Centre recommends that their demands for the establishment of a branch of their own within the General Union of Chemical Industries be met, on the basis of the Union's statute.

Freedom of Association

The right to organise in unions remains prohibited for a category of citizens, namely public servants, and teachers remain covered by this prohibition on the basis of Decision No. (1) of 1994 of the High Council for the Interpretation of the Constitution, which states that the constitutional

provisions do not permit the enactment of a law for a teachers' association for public servants. This has prompted teachers to call for the establishment of a federation of their own instead of an association.

Professional Associations

The executive authority in general, and all security agencies in particular, continue to view union activities with a degree of suspicion, and the professional associations are frequently accused of contravening their laws or departing from the requirements of professional affairs, and of their officials being preoccupied with political work at the expense of professional affairs and the interests of their members. Measures restricting union activity by the security agencies and the Ministry of Interior followed one another this year, the most prominent of which was the prohibition of Friday prayers inside the premises of the professional associations on 22/7/2006, on the basis of the Public Assemblies Law, as part of the activities of the Jordanian Day of Rage declared by the professional associations in response to the Israeli aggression against Lebanon, to which they invited trade unionists and citizens in order to express their opinions. The security agencies also prevented the holding of the Eid Al-Fitr prayer through their heavy presence in front of the Professional Associations Complex and on the roads leading to it, which prevented citizens and members of the associations wishing to perform the said Friday prayer and the Eid Al-Fitr prayer from reaching it.

- During 2006, there were also repeated arrests and deprivations of liberty of a number of trade unionists by the security authorities, including trade unionist and deputy Ali Abu Al-Sukkar, Engineer Turki Al-Jawarneh and Engineer Tareq Abu Khalaf, as a result of expressing their political positions on the events taking place in the Arab region.

During 2006, the Jordan Bar Association struck off the roll more than (100) of its members who were non-practising lawyers, pursuant to a decision of the Association's Disciplinary Council, which examines between (60–70) disciplinary complaints filed against practising lawyers every week. The Jordan Medical Association, for its part, struck off (3,235) of its members who had not settled their financial obligations, after having sent them warnings. Under Article (15/c) of the Jordan Medical Association Law of 1972, any physician whose name is struck off the register of practitioners shall be deemed to be practising medicine unlawfully, and the Association's Council is bound by law to revoke the membership of a physician who is six months in arrears in meeting his obligations.

On the other hand, the draft Professional Associations Law submitted by the Government on 6/3/2005 remains pending before the Legal Committee of the House of Representatives, after its urgent status was removed, and no progress worth mentioning has been made on it.

Eighth: The Right to Form Political Parties

International human rights standards guarantee the right to form and join political parties, as provided for in Article (22) of the International Covenant on Civil and Political Rights. The Jordanian Constitution of 1952 also guarantees, in Article (16/1) thereof, the right to form and join political parties.

The year 2006 witnessed the formation of a joint committee composed of the Ministries of Interior and Political Development and five representatives of various Jordanian political parties, which prepared a preliminary draft of a bill amending the Political Parties Law issued in 1992.

The work of the committee was marked by an atmosphere of positive consensus, and agreement was reached on several articles, including the establishment of a political parties commission as the official reference body for dealing with political parties, whose membership would include judges, lawyers and political parties, in addition to the Ministers of Justice and Political Development, as well as raising the number of founding members of a party from (50) to (100) founding members. The draft amending bill also highlighted the role of political parties as Jordanian national institutions by enabling them to engage in political work and supporting them in achieving their objectives. This was clearly reflected in raising the ceiling of financial contributions by a Jordanian donor to a party from five thousand dinars to ten thousand dinars, and in exempting the party's movable and immovable property from tax.

The joint Government-party committee also agreed on the necessity for the Political Parties Law to include a provision requiring political parties to be supported from public treasury funds according to several criteria, including the participation of women in the ranks and leadership of the party and the enhancement of the role of young people in party life.

The committee agreed on two types of funding to be provided to political parties from the public treasury: the first is temporary funding lasting from (4) to (6) years, under which parties receive equal funding covering the expenses of the party's headquarters together with part of its administrative expenses; the second type of funding is determined on the basis of the party's strength and spread, the number of deputies the party brings into Parliament and the number of votes they obtain, in addition to the provision of one-off financial support to parties that announce their merger into a single party.

Notwithstanding the set of points that were agreed upon, a disagreement arose over the addition of an article to the draft new Political Parties Law prohibiting the formation of political parties on sectarian, ethnic, factional or geographical bases, or discrimination on grounds of gender, origin, religion or belief. Proponents of this view consider that it would be beneficial in curbing extremism, whereas other parties considered the addition of this article to be an attempt to strip party programmes of their ideological dimensions and political principles. In addition, in their view, this article contravenes the Jordanian Constitution, which provides that the official religion of the State is Islam, that the overwhelming majority of the Jordanian people are Muslims in faith and religion, and that the Jordanian people as a whole are Muslim in civilisation and culture.

- The National Centre for Human Rights, while supporting the enactment of a new law on political parties, stands firmly against the establishment of political parties on religious, sectarian, denominational, ethnic or geographical bases.

Despite the positive orientation of the Government through the formation of the joint committee that undertook to amend the Political Parties Law, and despite the existence of objective and subjective circumstances relating to the political parties themselves which have led to weak public interest in joining parties, to their weak contribution to analysing the Jordanian economic, social and political reality, and to their inability to translate their programmes into tangible practical

reality, the continued accusations of foreign allegiance levelled against them, in addition to measures of exclusion and restriction, have had a negative impact on the performance, role, standing and popular influence of the political parties.

However, the draft law is open to criticism for obliging a party to hold its general conference at least once every two years. This contradicts the established bylaws of certain parties, which set the interval between a party's general conference and the next conference at more than two years in order to give the party leadership sufficient time to implement its programme. Accordingly, we believe it preferable to leave the determination of the intervals between conferences to the parties themselves.

- Although the National Centre for Human Rights welcomes the inclusion, in the draft Political Parties Law submitted to Parliament (the National Assembly) in its extraordinary session, of a provision obliging the Government to fund political parties from the State Treasury, we consider it necessary that the mechanism for distributing such funding be specified in the Law itself, rather than being left to a Regulation issued by the Government.

It should also be noted that the draft Political Parties Law contains other positive aspects, the most important of which are the prohibition on interfering with any citizen, questioning him, holding him to account or infringing his constitutional rights by reason of his party affiliation, as well as permitting the use of the official media and the opening of public facilities to party activities.

- On the other hand, the year 2006 witnessed numerous instances of harassment and security pursuit of many party members, as the security agencies arrested a number of cadres and members of the Islamic Action Front Party in connection with what was termed the case of ("smuggling weapons to the Palestinian Hamas Movement"). Although the detainees were released, the detention of some of them lasted for more than five months without legal justification and without any charge being brought against them; they were also detained in inhuman conditions, having been placed in solitary confinement cells.

The arrests of members of the Islamic Action Front Party in connection with the Hamas case were not the only ones in 2006, as some members of the Party had previously been detained by the police for short periods in connection with the Party's call upon citizens to stop work for two hours in protest against the increase in fuel prices, and the distribution of promotional material calling for such action.

- The year 2006 also witnessed the detention and arrest of a number of members of certain leftist parties in connection with their participation in, and calls for, sit-ins and public events in support of the resistance in Palestine, Lebanon and Iraq. The National Centre for Human Rights also recorded that the security agencies placed under surveillance and besieged the home and clinic of the Secretary General of a leftist party, namely the Communist Workers' Party, and searched and turned away the patients visiting his clinic.
- During 2006, both the Minister of Interior and the Governor of the Capital refused to grant licences for numerous activities and rallies marking Land Day and in support of the resistance in Palestine, Lebanon and Iraq. The security forces also prevented certain rallies and sit-ins by force (the rally called for by the opposition parties and the professional

associations at the Professional Associations Complex in support of the Lebanese resistance in the face of the Israeli aggression).

- The National Centre for Human Rights also received complaints indicating that certain members of the Islamic Action Front Party were prevented from working and that their appointment was not approved by reason of their party affiliation, upon the direction of the General Intelligence Directorate (GID). Several complaints were received by the Centre indicating that the appointment of a number of holders of doctoral degrees at Jordanian universities was not approved by reason of their affiliation with the Islamic Action Front, at the request of the General Intelligence Directorate. The ban on appointment at times extended to their children, as in the case of the son of a member of the Executive Office of the Islamic Action Front Party, who ranked first in the competitive examination for appointment at the Petroleum Company in Aqaba, and whose appointment was blocked pursuant to General Intelligence Directorate letter No. 4/4/5790 dated 8/12/2006, as stated in the complaint.
- In 2006, the restrictions were not confined solely to members of the Islamic Action Front Party, but extended to members of other parties. The Centre received complaints from the Popular Unity Party indicating that some of its members had been dismissed from work by reason of their party affiliation upon the direction of the General Intelligence Directorate, and that the licences of five tour guides were not renewed by the Minister of Tourism on the basis of a letter from the Minister of Interior, after the opinion of the General Intelligence Directorate had been sought, by reason of their affiliation with the Popular Unity Party (Note: following the intervention of the National Centre for Human Rights with the General Intelligence Directorate regarding the renewal of the tour guides' licences, the General Intelligence Directorate lifted its reservation regarding four of them in the first stage, and following the Centre's intervention regarding the fifth, the ban on him was lifted). Complaints were also received by the Centre indicating that some members of the Political Bureau of the Popular Unity Party were subjected to delays at the border, and that some members of the Party were detained for several hours at the Al-Ghweiriyeh Security Centre in Zarqa Governorate for distributing statements issued by the Party concerning the increase in fuel prices. One of the Party's members was also summoned by the Zarqa Intelligence office and interrogated about his activity with the Party's Youth Office, and was asked to work with them; they set him specific questions about the Party and its activities to answer.

Ninth: The Right to Establish and Join Associations

The Universal Declaration of Human Rights provides in Article (20/1) that "Everyone has the right to freedom of peaceful assembly and association".

Article (22/1) of the International Covenant on Civil and Political Rights (ICCPR) provides for the right of everyone "to freedom of association with others, including the right to form and join trade unions for the protection of his interests".

The Jordanian Constitution of 1952 likewise affirms, in Article (16/2, 3), the right of Jordanians "to form associations and political parties, provided that their objects are lawful, their means

peaceful, and their by-laws not contrary to the provisions of the Constitution, and that they are regulated by law, particularly as regards their financial resources”.

- During 2006, (5) associations were dissolved for violating the by-laws of the Law on Societies and Social Bodies No. (33) of 1966, or for failing to achieve their general objectives, or for failing to regularise their status, or because they did not carry out the purposes set out in their by-laws, or ceased their activities for a period of six months, or fell short in performing them.
- The National Centre for Human Rights notes in this regard that there is a wide gap between the law on the establishment of associations, on the one hand, and the provisions of the relevant international conventions, on the other. The Law on Societies, in its structure and mechanisms, still falls short of the international standards contained in those conventions. In practice, the Centre observes that heavy restrictions and security interference are widely exercised over the activities of associations. It recommends a radical review of the Law on Societies in a manner consistent with international standards and contributing to the strengthening of the role and participation of civil society institutions in political, economic, social and cultural development in full freedom.

Economic, Social and Cultural Rights

First: The Right to Work

The right to work is linked to the inherent dignity of the human person; it affects other rights and their enjoyment and exercise. Moreover, the wage a person receives in return for his work plays an important role in guaranteeing him an adequate standard of decent living.

The provisions of Article (23) of the Jordanian Constitution concerning the right to work are consistent with the principles set out in the International Covenant on Economic, Social and Cultural Rights (ICESCR), specifically Article (7) thereof.

Although the Jordanian Constitution expressly provides that work is a right of all citizens and that the State shall provide it for Jordanians by directing and developing the national economy, there remain numerous causes and factors that adversely affect the enjoyment of this right, the most prominent of which are the following:

a. Exercise of the right to strike:

The National Centre for Human Rights considers that Articles (134) and (135) of the Labour Law restrict, in various ways, the right of workers to exercise the right to strike, and grant the Minister of Labour broad powers with regard to any dispute between workers and employers, which is inconsistent with the rules and principles set out in international conventions, in particular (Convention No. (87) of 1948 concerning Freedom of Association and Protection of the Right to Organise, and the Collective Bargaining Convention No. (154) of 1981).

Since the Jordanian Government has not yet ratified these two conventions, the National Centre for Human Rights recommends that the Jordanian Government ratify them and work to amend the Labour Law in line with their provisions.

- The year 2006 witnessed a number of strikes at a number of major companies in the Kingdom. The strikes came after the failure of contacts between employers and representatives of the labour unions, bearing in mind that the strikes occurred following the increase in energy prices and the ensuing sharp rise in transport fares and the prices of certain basic commodities. The strikes focused on demands for higher wages and improved working conditions.

b. Slow adjudication of labour cases before the Wage Authority and the courts:

Practice shows that litigation proceedings are lengthy, despite the express provision in the Labour Law that labour cases are urgent.

c. Child labour:

The National Centre for Human Rights makes the following observations:

1. Although the International Convention on the Rights of the Child was published in the Official Gazette on 16/10/2006, the draft Child Law has remained in the drawers of the House of Representatives for three years.

2. Despite Jordan's ratification of the international conventions regulating the conditions of child labour and setting the minimum age for employment, including the Worst Forms of Child Labour Convention, follow-up on the implementation of the legislation remains either non-existent or extremely weak.

3. A field study conducted in 2006 on the increase in the phenomenon of child labour found that poverty and the social environment are foremost among the causes of the increase in this phenomenon.

The study, which covered six governorates, also showed that 16% of children receive wages ranging between (10–50) Jordanian Dinars per month, and that working hours range between (10–12) hours per day, bearing in mind that the study did not cover children working in agriculture.

Note: The National Centre for Human Rights recorded the death of a migrant worker as a result of a heart condition following long working hours; it transpired that he was seventeen years of age.

d. Domestic workers:

The National Centre for Human Rights monitored the conditions of this category of migrant workers during 2006 and found the following:

- The conditions of this category remain unchanged, and the recommendations set out in the Centre's 2005 report have not been taken into consideration so as to change the reality of this category.
- The complaints received by the Centre indicate that most female domestic workers continue to be forced to work long hours and are denied their weekly rest day, and that they are subjected to cruel and inhuman treatment and sexual harassment, as well as other violations such as the withholding of passports and the failure to complete the legal formalities for obtaining their work and residence permits.
- The Ministry of Labour established a special directorate to follow up on the conditions of female domestic workers; however, no real change took place during 2006, nor was any survey conducted of this category of workers, who are not covered by the Labour Law.

e. Migrant workers in the Qualifying Industrial Zones:

During 2006, a team from the National Centre for Human Rights conducted a number of visits to the Qualifying Industrial Zones (QIZ) and the Aqaba Free Zone, and the Centre received a number of written and oral complaints. The findings of the monitoring of working conditions and workers may be summarised as follows:

A number of sit-ins took place in the Qualifying Industrial Zones during 2006, all of which focused on improving the workers' living conditions and the wages due to them, the delays in paying such wages on time, and at times their non-payment and the closure of factories. Officials in these establishments describe these strikes as "sit-ins" because they do not recognise that migrant workers are covered by the Labour Law; furthermore, migrant workers are not permitted to join labour unions.

The National Centre for Human Rights finds that depriving migrant workers of the right to join labour unions contravenes the standards of the International Labour Organization, which grant this right to all workers irrespective of their nationality.

Recruitment and employment of workers, and employment contracts:

- Workers are recruited through employment agencies in the sending countries. These agencies collect exorbitant sums of money from those selected, which are shared between the foreign employment agencies and the employers in Jordan after travel costs have been paid. This constitutes a financial burden on the worker, who works for many months to repay the amount, which in most cases is borrowed.
- It has become customary for the worker to be required to sign a preliminary employment contract in his own country stating a gross salary estimated at between (250–650) US Dollars, bearing in mind that upon arrival in Jordan the worker is required to sign a new contract with the employer setting his monthly wage at between (110–130) US Dollars per month.
- Most factory managements in the Qualifying Industrial Zones apply the rules set out in the Jordanian Labour Law to Jordanian workers while disregarding their application to migrant workers.
- Migrant workers are required to work (10) hours per day without being paid overtime for the additional working hours, bearing in mind that 70% of the factories in the Qualifying Zones require migrant workers to work up to (16) hours per day in return for a wage ranging between (25–50 piasters) for each overtime hour worked after the first ten hours.
- Most factories refuse to comply with the minimum wage, and the decision to raise the minimum wage to (110) Jordanian Dinars during 2006 was not applied to migrant workers until the beginning of 2007, which constitutes a breach of the principles of equality set out in international conventions.
- Some factories set the working week at six working days for Jordanian workers, as against seven working days for migrant workers. This practice was amended and migrant workers were granted a weekly rest day as of mid-2006.
- Three factories required migrant workers to work for 24 hours on Thursday in lieu of the weekly rest day which they had been compelled to respect.
- Some factories prepare two payrolls and require workers to sign both: the first in accordance with the terms of the signed employment contract, for submission to the Ministry of Labour, and the second reflecting the amounts actually paid to the workers. This has led to discontent among the workers and to their going on strike.
- Some factory owners sold their factories and left Jordan without paying the workers' wages for several months, which compelled the Ministry of Labour to intervene to find solutions to settle the workers' situation, solutions which were often reached at the workers' expense.
- Some factory managements refused to allow the representatives of the National Centre and labour inspectors to enter and inspect the living conditions in the migrant workers'

accommodation. Some workers stated that the sanitary conditions are extremely poor, and some of the accompanying labour inspectors stated that they had not inspected the living conditions in these areas.

- Workplaces do not enjoy a healthy environment in accordance with the relevant international standards; for example, textile factories, which are filled with dust and dirt, have no mechanism for ventilating the workplace.
- Workers in a number of factories stated that representatives of the Ministry of Health and the Ministry of Environment had never visited the work or accommodation sites.
- The managements of some factories do not complete the legal procedures for their workers to obtain residence and work permits, which exposes the worker to the threat of deportation at any moment under the Residence Law. Failure to complete these procedures also constitutes a breach of the signed employment contract and a violation of the laws and regulations.
- Passports are withheld by employers, notwithstanding that this is contrary to the law, thereby restricting the worker's freedom of movement in breach of international conventions.
- During the visit of the National Centre's team, many workers complained of ill-treatment and of being subjected at times to beating and verbal abuse by factory supervisors.
- Some female migrant workers submitted oral complaints of having been subjected to sexual harassment.
- Some workers stated that factory managements confine them "in the place of residence" as a punishment, do not allow them to leave it, and prevent them from working, in the event that they fail to comply with the instructions given to them, or protest against the harsh working conditions represented by long working hours and low wages, or threaten the management with going on strike. The National Centre recorded one case of confinement and, in turn, reported the incident to the Public Prosecution.

Measures taken by the Ministry of Labour:

- The Ministry of Labour began conducting inspection tours as of mid-2006 and closed some factories that were in violation of the laws and instructions. Although some cases were settled, only the equivalent of 30% of the factories comply with the principles and rules laid down by the Ministry.
- Inspections are confined to official working hours, and some inspections begin and end with a meeting with the management, without listening to the workers' complaints or even merely inspecting the conditions of the workplaces and accommodation. However, the Ministry of Labour arranged for inspections of workplaces to be conducted on certain days of the week as of June 2006.

f. Trafficking in persons

As a result of the rise and escalation of international migration and the accompanying exploitation of human beings over the last ten years, the United Nations General Assembly, in its Resolution

No. (53/111) issued on 9/12/1998, called upon Member States to participate in an international conference to combat trafficking in persons.

The international conference held in the city of Palermo adopted what is known as “the United Nations Convention against Transnational Organized Crime and the supplementary instrument – the Palermo Protocol – to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children”. The Convention entered into force in 2003. Although Jordan has signed the Convention, it has not ratified it to date; however, on 14/3/2006 it deposited its instrument of accession to the Protocol annexed to the aforementioned Convention (Note: it would have been more appropriate for the Jordanian Government to ratify the Convention first and then the Protocol second). The Protocol defines trafficking in persons as “the recruitment, transportation, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation”.

Accordingly, trafficking in persons includes the exploitation of persons’ position of vulnerability.

- During 2006, the National Centre for Human Rights received a number of complaints from certain domestic workers and workers in the Qualifying Economic Zones; most of these complaints concerned:
- Delay in paying wages to those entitled to them and non-compliance with the minimum wage; the withholding of migrant workers’ passports; the exploitation of migrant workers by forcing them to work long hours without pay for overtime; and the exploitation of children to work long hours for a meagre wage, and their exploitation in arduous work incompatible with childhood.

These violations, in their various forms of exploitation, cruelty and abuse, constitute trafficking in persons as defined by the international convention relating to trafficking in persons, pursuant to the United Nations Convention against Transnational Organized Crime and the supplementary instrument – the Palermo Protocol.

Recommendations

Proceeding from the mission of the National Centre for Human Rights to safeguard the rights of this category of workers and to bring an end to the violations against them, the Centre recommends the following:

1. Reaffirming the recommendations set out in the Centre’s 2005 report, in particular those relating to amending the Jordanian Labour Law so that its provisions apply to domestic workers and workers in the agricultural sector, and to linking the minimum wage to the rise in the cost of living.
2. Eliminating all forms of discrimination based on occupation or employment, in compliance with the Discrimination (Employment and Occupation) Convention No. (111) of 1958, ratified on 4/7/1963.

3. Taking the necessary measures to eliminate all forms of forced labour, in compliance with the Abolition of Forced Labour Convention No. (105) of 1957, ratified on 31/3/1958.
4. Taking effective measures to eliminate child labour, in compliance with the Minimum Age Convention No. (138) of 1973, ratified on 23/3/1998.
5. Making health insurance for workers mandatory irrespective of their nationality or sex, while ensuring that the numbers of doctors and nurses are proportionate to the number of workers in the factory.
6. Signing the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990.
7. Ensuring freedom of trade union organisation and effective recognition of the right to collective bargaining, and acceding to Convention No. (87) of 1948 concerning Freedom of Association and Protection of the Right to Organise, and the Collective Bargaining Convention No. (154) of 1981.
8. Activating the legal provisions in force in the Kingdom concerning the prohibition on withholding passports, pursuant to Article (18) of the Temporary Passports Law No. (5) of 2003, as amended.
9. Including among the duties of labour inspectors the investigation and detection of child labour and the submission of monthly reports to the Ministry of Labour in order to curb this phenomenon.
10. Prescribing specific and clear penalties against anyone who employs children under the age of sixteen, and applying strict penalties against anyone who employs children in hazardous work or work harmful to their health, or employs them at night in work unbefitting innocence and childhood, in compliance with the Worst Forms of Child Labour Convention No. (182) of 1999, ratified on 20/4/2000.

Second: The Right to Education

The right to education is closely linked to other human rights and is an essential condition for sustaining pluralism and the political freedoms that constitute the most important features of a democratic society.

The budget of the Ministry of Education is estimated at 10.28% of the State budget. Notwithstanding this high level of expenditure on education, it is noted that the number of rented schools reaches approximately (800) schools, in addition to the application of the double-shift system, as well as the shortfall in absorbing the annual increase in students owing to the small number of newly established schools.

Although basic education in public schools is compulsory and free of charge, with textbooks distributed to students free of charge, students make regular, modest school “donations”; these nevertheless constitute a burden on low-income and poor families, particularly where more than one child of the family is at school. In reality, these donations are almost compulsory, as students who fail to pay them are punished and at times denied attendance at classes, which constitutes a violation of the right to education.

Literacy programmes for school dropouts have been introduced through the preparation of reading materials, with (14) classes equipped in schools across the Kingdom attended by (210) students. It is noted that this number is small compared with the number of dropout students, which the Ministry estimates at (6800) students.

- A problem emerged in 2006 that significantly affected the enjoyment of the right to education in terms of its being free of charge and compulsory, namely the imposition of exceptional conditions for the admission of Arab and foreign students. The Ministry of Education issued Instructions concerning the admission of foreign students to schools, which made the admission of non-Jordanian students to public schools conditional upon fees of up to (20) Jordanian Dinars at the basic stage, (40) Jordanian Dinars in vocational education and (30) Jordanian Dinars at the secondary stage, in addition to the requirement of a residence permit and the availability of capacity.
- The issuance of these Instructions, notwithstanding all the appeals made through the memoranda sent to the Ministry of Education by the National Centre for Human Rights and the United Nations agencies and non-governmental organisations calling for them to be withdrawn, together with the insistence of the Ministry of Education on proceeding with their implementation, constitutes a violation of all international human rights standards relating to the right to education, in particular the Convention on the Rights of the Child (CRC) and the Memorandum of Understanding signed between the Jordanian Government and the Office of the United Nations High Commissioner for Refugees, since they constitute an act of discrimination against the foreign child and a violation of the International Covenant on Economic, Social and Cultural Rights (ICESCR), Article (13-2-a).
- The National Centre for Human Rights further draws attention to a growing phenomenon, namely school violence. The Ministry of Education conducted a survey study of this phenomenon, the results of which showed that the most common form of violence was violence among the students themselves, followed by violence committed by students against teachers, and then violence practised by teachers against students. It should be noted that the Ministry has established a hotline to receive complaints concerning school violence; however, we stress the need to accord this issue the necessary attention, which requires strengthening curricular and extracurricular programmes promoting a culture of human rights, democracy and a culture of peace.
- Since 1999, a school nutrition programme has been implemented, which includes the distribution of a meal to every student; there is also a medical record for each student. However, in 2006 the issue of spoiled milk distributed to students arose, as the Ministry received complaints from (7) schools concerning the unfitness of the milk packs distributed, which subsequently proved not to conform to the specifications.

While the National Centre for Human Rights stresses the importance of this nutrition programme for students, it considers it necessary to put in place a rigorous mechanism for monitoring the food products distributed to students. It also stresses the need to strengthen health programmes for students through periodic medical examinations and the provision of certain health supplies in schools.

- With the rise in fuel prices and in the cost of living in the Kingdom, the cost of education has increased. The effect of this has appeared in private education through increases in transportation fees charged to students and in school fees generally, which has placed a burden on students and their families in bearing the high cost of education.

As regards the Ministry's measures in the field of literacy, the number of adult education centres supervised by the Ministry, according to its statistics for the academic year 2005/2006, totalled (309) centres, of which (284) are for females and (25) for males, benefiting (3903) persons, of whom (3556) are females, while the number of male beneficiaries reached (347). The higher number of female beneficiaries is noted, which calls for increased efforts to educate males. It is also noted that the number of beneficiaries remains far below the total number of illiterate persons in the Kingdom, which may reach approximately half a million persons.

- Human rights education in school curricula: the Ministry of Education has accorded this issue importance, having begun several years ago to prepare a human rights matrix, despite the political obstacles encountered in its implementation. The Ministry, in cooperation with the National Centre for Human Rights, has also contributed to training its staff in techniques for integrating human rights concepts into school curricula. Through its continuous development of curricula, the Ministry has worked to integrate certain human rights concepts into some of its curricula, such as Islamic Education, Arabic Language and Social Education, in the first, second, fourth, fifth, eighth, ninth, tenth and eleventh grades, which constitutes an important step towards human rights education. The National Centre for Human Rights stresses the need to complete these efforts by integrating the remaining concepts into all grades, as certain concepts in the curricula remain inconsistent with human rights values.

Kindergartens

There are (1682) kindergartens in the Kingdom, of which (401) are public kindergartens established by the Ministry of Education, mostly in remote areas, while some areas still have no kindergartens. However, there are certain problems in private kindergarten education, as the services provided to children vary from one school to another, in addition to the low salaries of teachers, which at times fall below the minimum wage.

There is egregious exploitation practised by some private schools, which take advantage of the strong competition among applicants for the teaching profession, such that some of them are compelled to accept salaries not exceeding (50) Jordanian Dinars per month.

Higher Education

A total of (192042) male and female students are enrolled in Jordanian universities, of whom females constitute 50.6%. There are (22) universities in Jordan: (10) public universities, in which 72.3% of students study, and (12) private universities. The number of expatriate students of various nationalities is estimated at (23053) male and female students.

The Ministry of Higher Education and Scientific Research issued a strategy for education entitled "Towards Developing a National Strategy for Higher Education and Scientific Research for the

Years 2005 to 2010”. This is an important step in the development of higher education; however, we make the following observations thereon:

1. With regard to the University Admission pillar, some of its principles include taking into account the absorptive capacity of universities upon admission, in a manner commensurate with the capabilities of the universities and ensuring the quality of education. This principle tends towards restricting admission rather than expanding it; it would have been more appropriate to emphasise working to increase the number of beneficiaries of education.

Another principle is the unification of the minimum qualifying grade average for admission to Jordanian universities. Despite the importance of this principle, which would unify the minimum admission requirement between public and private universities, it does not address the disparity in admission criteria among public universities for the same specialisation, owing to the exceptions that have become the rule and that contravene the most basic human rights, in addition to the disparity in admission based on the parallel programme and others. It should be noted that this issue, which was referred to in the Centre’s two previous reports, was not addressed in the strategy, and no action has been taken in respect thereof.

2. As for the “Human Resources Development pillar – (c) Students”, there are important references to promoting diversity in students’ nationalities so as to ensure cultural, social and academic pluralism and to give the university an Arab, regional and international dimension; to strengthening academic, psychological and social counselling programmes in order to regulate student conduct and direct it towards tolerance, freedom of expression, respect for the opinions of others and the avoidance of fanaticism; and to reconsidering the content of the Military Science course so as to include training, qualification and community service. What is striking, however, is the absence of any reference in these items to the concepts of human rights and democracy for building a culture of human rights and peace, particularly as the phenomenon of university violence has been increasing recently.

3. As for the “University Financing” pillar, Item (7) of the measures states: “In principle, financially able students shall bear the cost of their university studies, while for financially unable students the State shall cover, wholly or partially, the cost of their studies (through the establishment of a fund in public higher education institutions for the disbursement of grants and loans to students). Universities shall also allocate financial resources to cover the full tuition fees of outstanding students.”

The National Centre for Human Rights considers that the policy of making students bear the cost of education is still being practised, and was indeed reaffirmed by the strategy until 2010, as students pay high sums for their education, while universities accept the payment of higher fees, which may reach three or four times the fees paid by a student admitted on the basis of free competition, in exchange for obtaining a university seat with a lower grade average, under the names of the parallel programme, the evening programme and others. Meanwhile, the policy of exceptions in admission is still widely practised, and may account for as much as two thirds of admissions.

All these measures relating to admission and the cost of education constitute a violation of international human rights standards, which affirm that higher education shall be made equally

accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education, as provided for in the International Covenant on Economic, Social and Cultural Rights, Article (13-2-c).

- The National Centre for Human Rights can only stress the need to eliminate all these discriminatory measures in the areas of admission criteria and university fees.

It further stresses the importance of allocating a human rights education course as a university requirement for all students, in order to disseminate a culture of human rights.

As regards the participation of students in the management of their own affairs, some universities still appoint half of the members of student councils as well as their presidents, which constitutes a flagrant breach of the right of students to participate in the management of their own affairs and an unjustified interference by the university administration, and is contrary to the standards of democracy and respect for human rights. The Centre stresses the need to amend these instructions so that representation is achieved solely through democratic elections.

Third: The Right to Social Insurance

International instruments and covenants affirm the right of the individual to social insurance and social security. Article (22) of the Universal Declaration of Human Rights provides that everyone, as a member of society, has the right to social security, and Article (9) of the International Covenant on Economic, Social and Cultural Rights provides: “The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.”

Although the Jordanian Constitution does not expressly provide for the right to social insurance, except for what is set out in Article (23) of the Constitution, which provides for special compensation to be prescribed for workers supporting families and in cases of dismissal, illness, disability and emergencies arising from work,

there are institutions working to secure this right, namely: the Social Security Corporation, the civil and military retirement funds, and the retirement funds of certain professional associations. These institutions provide a fixed income during periods in which the individual is temporarily or permanently unable to work, or upon reaching the legal age or upon death.

The Social Security Law No. (19) of 1978 (which was replaced by Law No. (19) of 2001) provides that the Corporation shall provide the following types of insurance: insurance against employment injuries and occupational diseases; old-age, disability and death insurance; insurance against temporary disability due to sickness and maternity; health insurance for the worker and eligible beneficiaries; family allowances; and unemployment insurance, provided that these types of insurance are applied in stages. To date, insurance against employment injuries and occupational diseases and old-age, disability and death insurance have been applied.

With the aim of covering the largest possible segment of citizens under the umbrella of social insurance, and pursuant to Article (7) of the Social Security Law, the Council of Ministers decided that it shall be compulsory in all establishments employing five or more workers.

- Thirty years after the promulgation of the Social Security Corporation Law, the National Centre recommends expanding the application of the types of insurance provided for in the Law, so as to enable the enjoyment of a greater degree of social insurance.
- It is also to the credit of the Social Security Corporation that it included in its strategic plan for the years 2005–2007 the coverage of Jordanian expatriate workers by social security; the number of insured expatriates as at 21/12/2006 totalled (670) subscribers.

The National Centre for Human Rights recommends the following:

- The necessity of covering workers employed in agricultural and forestry work and in herding, as well as seafarers and sea fishermen, by the provisions of the Social Security Law.
- The necessity of coordination between the Ministry of Industry and Trade and the Social Security Corporation regarding the number of registered establishments, in order to ensure that all establishments are subject to the provisions of social security.
- Commencing the application of the remaining types of insurance set out in Article (3) of the Social Security Law, or at least regulating health insurance for workers and eligible beneficiaries.
- Covering workers in establishments employing fewer than five workers by the provisions of the Social Security Law (for example, secretaries and nurses in lawyers' and doctors' offices).
- Amending Article (37) of the Social Security Law concerning the designation of the approved medical authority, by forming a joint committee of the Government and the Social Security Corporation for the purposes of approving the report relating to the termination of the employee's service upon the worker's injury or disability resulting from the injury.
- Amending Article (53/b) of the Law, which grants the male children of the insured person entitlements to the retirement or disability pension in the event of the insured person's death, so as to cover both males and females.
- The necessity of amending the text of Article (45/a) of the Social Security Law by abolishing the condition contained therein for the insured person's entitlement to the lump-sum compensation, which provides: "provided that his period of subscription is not less than twelve subscriptions".

Fourth: The Right to Health

This right is affirmed by both the Universal Declaration of Human Rights (25/1) and the International Covenant on Economic, Social and Cultural Rights (Article 12). The Temporary Public Health Law No. (54) of 2002, as amended, also affirms the importance of providing health care to individuals; however, it focuses on physical health and the treatment of diseases and does not give sufficient attention to mental health.

On this basis, the National Centre for Human Rights recommends the following:

- The necessity of regarding mental health as an essential part of health care services.
- Establishing mental health services for children under the age of 18, as such services are available to them only through psychiatric clinics.
- Increasing the number of centres concerned with mental health so as to cover all regions of the Kingdom.
- Tightening control over the sale of narcotic pills and drugs.
- Establishing appropriate inspection and oversight mechanisms to ensure respect for human rights in all mental health facilities.
- Increasing the qualified human resources to deal with this group of society.
- As regards Acquired Immune Deficiency Syndrome (AIDS), there is currently no international convention imposing explicit obligations on States in this field; however, owing to the close link between this epidemic and human rights issues, many declarations and guidelines addressing the response to this epidemic have been adopted. A United Nations programme concerned with HIV/AIDS has also been established with the aim of unifying efforts to combat this epidemic.

At the national level, following the discovery of the first case in (1986), the Ministry of Health set about combating this disease through its efforts in the fields of prevention and health care. The National AIDS Control Programme was established, aiming to limit the spread of the disease locally, to bring it under control and to mitigate the impact of infection on the patient and his or her contacts through the strategies adopted in this programme. In mid-1999, the Ministry also established the Voluntary Counselling and Testing Centre and the hotline for providing counselling to citizens, which offer special awareness services to young people, as well as to persons infected with the disease, whose cases are handled in complete confidentiality. The National AIDS Strategy for the years 2005–2009 was also issued, which aims to reduce the prevalence rate of the human immunodeficiency virus among the population and all at-risk population groups, as well as to raise awareness, provide education and reduce the stigma attached to infected persons.

According to epidemiological data and indicators, Jordan is considered one of the countries with low infection rates. Statistics indicate that, from the discovery of the first case until (2006), the cumulative number of infections was (492) cases, of which (171) were Jordanians and (321) non-Jordanians. It should be noted that this figure represents the cases detected and recorded in the records of the Ministry of Health, and the actual figure is expected to be higher.

Despite the efforts made to combat this disease, society still views this group in a discriminatory manner, which is contrary to human rights principles. Accordingly, the Centre recommends the following:

- Focusing on the media, through all its means, in raising awareness and providing education on the nature of the disease, its modes of transmission and its prevention, and effectively involving civil society organisations in awareness programmes.

- Increasing awareness and education campaigns among the various groups of society, particularly young people and inmates of Correction and Rehabilitation Centres, on sexually transmitted diseases and their risks to public health.

In the field of health insurance, certain positive developments were observed relating to the expansion of coverage, which came to include two new groups, namely pregnant women and older persons over (60) years of age.

According to the National Strategy of the Ministry of Health 2006–2010, (60%) of the Kingdom's population are covered by various types of health insurance. Nevertheless, 40% of the population remain outside the health insurance umbrella, specifically the age group from 7 to 18 years,¹ in addition to citizens residing in areas classified as poverty pockets in the Kingdom.² It is worth noting that the Health Insurance Directorate has begun implementing an expansion plan in two phases: the first, at the beginning of 2007, covering the age group (7–14), and the second, in the middle of next year, covering the age group (15–18).

The National Centre recommends expanding the health insurance umbrella and covering all groups of society by health insurance, with a view to achieving fair and comprehensive insurance.

Fifth: The Right to a Healthy Environment

Although the Jordanian Constitution contains no provision on the right to a healthy environment, Jordan took positive steps in this field during 2006. During that year, the Jordanian Environmental Protection Law No. (52) of 2006 was enacted, replacing the previous Temporary Law No. (1) of 2003. The Council of Ministers also adopted a number of environmental regulations in various fields, namely: the Regulation on the Management, Transport and Handling of Harmful and Hazardous Substances No. (24) of 2005; the Soil Protection Regulation No. (25) of 2005; the Regulation on the Protection of the Environment from Pollution in Emergency Situations No. (26) of 2005; the Solid Waste Management Regulation No. (27) of 2005; the Air Protection Regulation No. (28) of 2005; the Nature Reserves and National Parks Regulation No. (29) of 2005; the Environmental Impact Assessment Regulation No. (37) of 2005; and the Land Use Regulation issued by the Ministry of Municipal Affairs at the end of 2006.

- In the second half of 2006, the Ministry of Environment laid down environmental conditions and criteria for the establishment of industrial and free zones. In accordance with these conditions, suitable sites for the establishment of such zones are determined in a manner that ensures the limitation of negative impacts on the surrounding environment.
- The National Centre for Human Rights commends the announcement by His Excellency the Prime Minister in September 2006 of the Government's intention to relocate the Fuheis cement factory outside the area, and recommends that the Government continue to take the measures necessary to put this recommendation into effect.

¹ Press interview with the Director of the Civil Health Insurance Directorate, Dr. Ma'moun Mghayreh, Al-Arab Al-Yawm newspaper, dated 27/6/2006.

² "Expanding the Health Insurance Umbrella to Cover Poverty Pockets in the Kingdom", Jordan Media Centre, October 2005, website: <http://www.jordan.jo>

- An Environmental Police Department was established with effect from 14/6/2006. Since its establishment, it has been engaged in qualifying and training its personnel in the environmental and legal fields, in cooperation with governmental bodies and civil society organisations concerned with the environment. At the end of 2006, in cooperation with the Ministry of Environment, it also recorded dozens of environmental violations at certain establishments for failing to comply with the provisions of the Jordanian Environmental Protection Law.
- A new directorate named the “Directorate of Inspection and Law Enforcement” was established, which serves as the reference authority for inspecting the various establishments in the Kingdom to verify their compliance with the requirements of the Jordanian Environmental Protection Law of 2006. It works in coordination with the Environmental Police Department for the purposes of implementing decisions and applying penalties in accordance with the provisions of the Law.
- The Environmental Action Coordination Commission was formed, its membership comprising environmental non-governmental associations. During 2006, the Commission made efforts to prevent the establishment of a chlorine factory without an environmental impact assessment study being conducted for it; to investigate the circumstances surrounding the entry of iron imports from Ukraine and to verify that they were free of radioactive contamination; and, most recently, to oppose the establishment of investment projects in the Dibbeen Forest.
- At the end of 2006, the Greater Amman Municipality put into operation (16) cameras to monitor environmental and cleanliness violations in Amman.

With regard to waste and its management, the following was accomplished:

- The Greater Amman Municipality approved the establishment of a waste recycling plant in the Al-Ghabawi area, south-east of Amman, on an area of 35 dunums of Municipality land. A private-sector company will establish the plant.
- The biogas plant project, which utilises the gas generated at the Russeifa landfill, was expanded in order to increase the biogas production capacity from the buried and closed landfill, thereby generating a greater quantity of electricity and reducing emissions of methane and carbon dioxide so as to limit the phenomenon of global warming.
- A limited improvement occurred in the management of medical waste in hospitals, as the establishment of a waste incinerator is a requirement for the establishment of new hospitals. As for hospitals that have no incinerator, their waste is treated by sending it to large incinerators, such as the one at King Al-Mu’assis Hospital in Irbid.

Air Quality

- The Jordan Standards and Metrology Organisation took a number of decisions during 2006, most notably:
- The formation of Permanent Technical Committee No. (39) for Environmental Safety and Protection, with the aim of preparing and amending Jordanian standards in the field of the environment.

- A decision was also taken at the end of 2006 recommending that vehicles be required to use the device (catalytic converter), which purifies vehicle exhaust, and emphasising its use as of the beginning of 2007.
- The adoption of the Jordanian standard on (maximum permissible limits for air pollutants emitted from stationary sources).

However, 2006 recorded an increase in the rate of air pollution within cities, particularly Amman, owing to the large increase in the number of vehicles in the city and the poor quality of the fuel used, particularly diesel fuel.

The cleaning of building stone using the (sandblasting) method continues to cause dust pollution, which affects the public health of the population, particularly in Amman, owing to the large investments in the construction sector.

Radioactive Contamination and Hazardous Substances

- The Ministry of Health addressed the Jordan Atomic Energy Commission following the receipt of a letter from the Ministry of Foreign Affairs and from Jordan's Ambassador in Moscow, dated 5/1/2006, stating that metal products purchased from Ukraine at the end of 2005 were made from waste of the Chernobyl reactor and contained high levels of harmful radiation. The Environmental Action Coordination Commission and the Health and Environment Committee of the House of Representatives also took action, which led to the formation of a technical fact-finding committee on the contamination of imports with nuclear radiation, its membership comprising the Ministry of Health, the Ministry of Industry and Trade, the Ministry of Energy, the Ministry of Environment, the Atomic Energy Commission, the Royal Scientific Society and the Customs Department. The results of the tests carried out by the Jordan Atomic Energy Commission indicated that the imports were free of any nuclear radiation. It is worth mentioning that the Atomic Energy Commission is the official body authorised to test for radiation, as it possesses the necessary technical capabilities and laboratories for that purpose. It had previously occurred that this Commission issued a report stating that scrap metal imported from Iraq was free of radiation; however, international experts of the United Nations Environment Programme in Iraq subsequently confirmed that it contained radiation.
- On 7/8/2006, the Royal Scientific Society put into operation the Integrated Information System for the Management of Hazardous Chemicals. This project aims to link the Ministry of Environment, the Ministry of Health, the Ministry of Industry and Trade, the Ministry of Agriculture and the Customs Department through an integrated electronic information network for the management of hazardous chemicals, so as to provide a unified system for documenting and managing hazardous chemicals within the ministries participating in the project, in terms of work mechanisms, specific data, importers, consumers and storage sites.

Agricultural Pesticides

- To date, imported and locally produced grains and pulses have not been subjected to the analyses necessary to determine the level of pesticide residues therein, notwithstanding the effect they have on citizens' health.
- In 2006, the Ministry of Agriculture analysed (200) samples of agricultural products imported from (30) countries and found that (15) samples contained pesticide residues.
- It was found that there were residues of DDT pesticides in the breast milk of mothers in the northern governorates (Irbid, Al-Shouneh, Mafraq, Jerash and Ajloun), through the collection and analysis of (17) samples during the period (9/5/2006 – 9/8/2006). It was also found that most samples of animal products, namely eggs, red meat and poultry, contained pesticide residues.

Water and Sanitation Sector

- According to sources at the Ministry of Water and Irrigation, the proportion of the population served by sanitation rose during 2006 from 57% to 61%.
- The Khirbet As-Samra Treatment Plant was converted from a plant operating on a natural treatment system to a mechanical treatment system, which increased its efficiency, such that the treated water it produces now falls within the standard specifications and may be used safely in restricted agriculture.

Forest Resources and Biodiversity

- Encroachments on forest resources and woodlands increased owing to illegal logging for trade in timber following the rise in fuel prices.
- The idea of establishing an investment project comprising the construction of a hotel and a recreational complex in the Dibeen area provoked a large wave of objections, given that the project requires extensive construction and infrastructure that would cause widespread environmental damage and the felling of a large number of trees, and would throw the door wide open to investment in forest lands. In addition, permitting the establishment of this project contravenes the provisions of Article (28) of the Agriculture Law, which does not permit forest lands to be delegated to any person or entity, or to be allocated, sold or exchanged, for whatever reason.

The National Centre for Human Rights, while following this matter with the utmost concern, draws attention to the limited area occupied by forests in proportion to the total area of the Kingdom, and warns of the danger of establishing such projects in forests, which will result in the reduction of green spaces and threaten vegetation cover and biodiversity. Moreover, the implementation of this project in Dibeen places a large question mark over Jordan's role in confronting the threat of desertification and global warming, which has come to threaten the world and constitutes an imminent danger to the environment and to human life.

Environmental Awareness

- The Ministry of Environment issued licensing guidelines to avoid duplication and to guide investors, in addition to a guidance manual on licensing and the environmental impact assessment of the works of establishments for 2006.
- Environmental theatre was introduced as a new method of spreading environmental awareness in environmental fields such as waste recycling and the protection of biodiversity and forests.
- A manual entitled the “Manual of Environmental Violations” was issued, the implementation of which is undertaken by both the Ministry of Environment and the Environmental Police. It contains various types of environmental violations, together with the procedures and penalties applicable to them and their legal basis. It covers the following environmental fields: plant resources and hunting; the marine environment; water and sanitation; noise; waste; factories and establishments; vehicles; nature reserves and parks; agricultural production and public health; and pesticides.

Other Indicators

- This year, no environmental impact assessment study was conducted, in accordance with the provisions of the Jordanian Environment Law, for certain mega-projects for which an environmental impact assessment study must be conducted prior to their construction, particularly with regard to site alternatives. These projects will have negative environmental impacts on the surrounding environment and population and will increase pollution and traffic congestion. Among these projects is the construction of towers on the site of the Omrah Gardens in the already congested Um Uthaina area, at the expense of one of the large and important parks in the capital, notwithstanding the warnings of environmental organisations against these measures, which constitute a clear violation of the Jordanian Environment Law.

Sixth: The Right to an Adequate Standard of Living

The Universal Declaration of Human Rights recognised this right in Article (25), and it was likewise affirmed by Article (11) of the International Covenant on Economic, Social and Cultural Rights: “Everyone has the right to a decent or adequate standard of living for himself and his family, providing for their needs of food, clothing and housing, and to the continuous improvement of living conditions; linked to this right is freedom from hunger.”

In this regard, the National Centre for Human Rights makes the following observations:

1. The general poverty line per individual in Jordan stood at (504) Jordanian Dinars per annum, an increase of 28.6% over its level in 2002, which then stood at (392) Dinars (figures of the Department of Statistics, 2006).
2. The rise in global oil prices caused successive and unprecedented increases in the prices of goods, services and basic commodities such as water, electricity, food, clothing, transport fares, school fees and medicine prices.

3. The inadequacy and ineffectiveness of social assistance networks and their programmes, which are considered part of the government intervention policies aimed at protecting the poor, prompted the Government this year to establish the Coordinating Commission for Social Solidarity pursuant to Regulation No. (67) of 2006. The Commission aims to coordinate and integrate the efforts of the institutions working in the field of social solidarity, so as to prevent duplication and the waste of resources and capacities.
4. During 2006, the Ministry of Social Development adopted the Jordan Poverty Assessment Study for 2004, which is the latest specialised study determining the characteristics of the poor in Jordan. It indicates that pockets of poverty in the Kingdom are spread across (21) areas.
5. A database on poverty, the poor and pockets of poverty was also established at the National Aid Fund, and work is under way (to establish another database at the Ministry of Social Development). A formula for targeting the poor was also developed by the National Aid Fund in cooperation with the World Bank and with the participation of the Ministry of Social Development.
6. During 2006, the Ministry of Social Development also constructed a number of dwellings for poor families and maintained a number of others of various sizes: it built (98) dwellings averaging (34) square metres and (145) dwellings averaging (56) square metres, maintained and extended (12) dwellings, and purchased (23) further dwellings.
7. The number of beneficiaries of the Productive Families Projects Programme and the Local Credit Funds Programme reached (170) families, which obtained (170) productive project loans in a total amount of (252,350) Dinars. Three local credit project funds were also established, in Manshiyat Bani Hassan (Northern Region), Qura Bani Hashem (Central Region) and Al-Eis (Southern Region), in the amount of thirty thousand (30,000) Dinars.
8. The Ministry of Social Development provides institutional social care to approximately (250) orphaned children, supervises (1,050) orphaned children in non-governmental institutions, and cares for (350) juveniles who are convicted, detained or in need of care and protection. It also provides care to approximately (1,020) persons with disabilities, and continues to purchase institutional social care services for older persons from two associations, the White Family Association (Dar Al-Diyafa) and the Orthodox Charitable Society (Princess Muna Centre), for approximately (120) poor elderly men and women, at a cost of (120) Dinars per month for each elderly person.
9. The number of cases benefiting from the programmes of the National Aid Fund reached (73,000) cases during 2006, with total allocations amounting to (60) million Dinars.
10. The administration of the Fund revealed the existence of (400) cases in the Kingdom that had been receiving salaries from the Fund although the persons concerned were deceased. The Ministry of Social Development also stopped (29) thousand cases of double assistance, in order to avoid the duplication of assistance through more than one entity.
11. The Zakat Fund at the Ministry of Awqaf provides monthly salaries from the Fund to approximately (1,750) families and emergency cash assistance to seven thousand (7,000) persons in need, as well as in-kind assistance including charity parcels, dates, school bags, food parcels,

etc. The Fund also sponsors (832) orphans and supports (107) families by enabling them to obtain rehabilitative projects. (9) medical clinics are affiliated to the Fund, providing medical care in all specialisations to approximately (10) thousand persons in need.

Seventh: The Right to Adequate Housing

The right to adequate housing affects the other human rights recognised in the international instruments and the enjoyment of those rights. It particularly affects the right to health, as well as the right to work; likewise, the right to work, to a minimum wage and to social security all affect the enjoyment of the right to adequate housing.

The average size of the Jordanian household is (5.49). The results of the population census showed that the average area of a housing unit is (110) square metres, that approximately (6) out of every (10) occupied dwellings use kerosene or diesel as the main source of heating, and that the rate of rented dwellings is (20%) of all dwellings. This prompts us to refer once again to what was stated in our previous annual report for 2004 concerning the Landlords and Tenants Law No. (30) of 2000, which is regarded as one of the problems deferred until 2010, when the lease contracts concluded before 2000 expire. This will result in the eviction of many dwellings and the re-conclusion of contracts, with the consequent additional costs borne by citizens, which requires the State to adopt and implement a national programme of housing for poor families.

- The Housing and Urban Development Corporation, in its capacity as a strategic partner concerned with addressing the housing crisis in the Kingdom, is implementing numerous integrated housing projects of good specifications, to be completed within the next five years; these housing schemes cover 70% of the Kingdom's housing needs.
- A number of projects were completed by the Corporation during 2006, the most important of which are: (the Mafrq Expansion Project, the Na'ur Housing Project 1 + 2, the Al-Badr Housing Project – Irbid, the Shafa Badran Housing Project, and the infrastructure of the Al-Majd Residential City Housing Project – Zarqa).
- During 2006, (12) partnership agreements were signed with investors from the organised private sector for the construction of (6,580) apartments and (2,040) serviced plots of land for persons on low and limited incomes.

The National Centre for Human Rights recommends that the aforementioned Landlords and Tenants Law be reconsidered, on the basis that the right to housing is primarily a social issue. It also calls for the enactment of a just law that balances the rights of the landlord and the tenant and includes legal safeguards governing cases of eviction and rent increases.

It further recommends that attention be given to establishing new public housing projects by activating the role of the Housing Corporation, with priority given to persons on limited and low incomes among State employees and other citizens in the various governorates of the Kingdom. It also recommends connecting more residential areas to the sewerage network.

Eighth: The Right to Water

This right falls within the category of guarantees essential for securing an adequate standard of living, since it is one of the most fundamental conditions for survival and a prerequisite for the realisation of other human rights. The right to water cannot be separated from the right to the highest attainable standard of health and the right to adequate shelter and adequate food. The Committee on Economic, Social and Cultural Rights, in General Comment No. (15) of 2002, interpreted this to mean that the aforementioned rights cannot be realised without access to the right to water. The right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses.

Jordan suffers from an imbalance between the demand for water and the quantities of water available. According to the figures of the Ministry of Water and Irrigation, the per capita share of water in Jordan for all uses fell from (170) m³ per year in 2005 to (150) m³ in 2006, whereas the global water poverty line is (1,000) m³ of water per person per year, according to World Bank studies.

The additional natural population growth, the forced migrations to which the Kingdom has been subjected at various periods, economic and social development, and population and urban sprawl have led to a steady and sharp decline in the per capita share, until it reached this level.

The figures of the Subscribers' Directorate at the Ministry of Water and Irrigation indicate that water and sanitation tariffs are not unified across the Kingdom. Where the average consumption of a single household is (62) m³ of water per month, the amount billed for this quantity is (30.263) Dinars in the Capital Governorate, (20.984) Dinars in Zarqa Governorate, and (20.424) Dinars in the remaining governorates of the Kingdom and the Jordan Valley area.

The figures of the Ministry of Water and Irrigation also indicate that the number of unlicensed wells in the Kingdom had reached (1,386) wells as of (2006).

The continued encroachment by citizens on the sewerage networks, through the dumping of olive pomace (jift), the waste of stone-cutting saws and slaughterhouses, and vehicle oils (from lubrication stations) into these networks, and the arrival of such waste at the treatment plants, reduces their efficiency in treating wastewater and further aggravates the environmental problems in the Kingdom.

The National Centre for Human Rights recommends the following:

1. That the Ministry of Water and Irrigation work to exploit the maximum capacity of conventional and non-conventional water sources in order to reduce the deficit in water quantities and meet the needs of citizens. In this connection, the delay in implementing the Disi Water Conveyance Project for more than ten years to date is a highly negative indicator of the performance of the ministries concerned, particularly as this project is considered one of the most important strategic projects in the Kingdom. There are numerous questions regarding the real reasons behind the faltering of this project, notwithstanding its importance and despite the change of governments and of numerous Ministers of Water.
2. Intensifying the laboratory tests conducted by the Ministry of Health on drinking water.

3. Replacing and rehabilitating damaged water networks, in order to improve the water supply process and reduce the proportion of lost water, in both its technical and administrative aspects.

4. Amending the text of Article (59/A/2) of the Temporary Public Health Law No. (54) of 2002, so that the ceiling of the minimum penalty becomes imprisonment from one month to three months, and incorporating it into the text of Paragraph (B) of the same aforementioned Article, so that the penalty is commensurate with the offence committed.

Ninth: Women's Rights

Jordan has ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), but has entered reservations to Articles (9/2, 15/4 and 16/c, d, g) of the Convention.

The National Centre for Human Rights and non-governmental organisations have received numerous complaints from Jordanian women married to non-Jordanians, demanding that they be granted the right to pass their nationality on to their children. Non-governmental organisations are likewise calling for the withdrawal of the reservation to Article (9/2) of the Convention, in conformity with the principles set forth in the relevant international conventions and with the principles of justice and human rights.

As for Article (15/4), concerning the right relating to freedom of movement and the choice of residence and domicile, some scholars of Islamic jurisprudence in Jordan hold that a woman has the right to movement and to choose her residence, which is consistent with the provisions of Islamic Sharia, particularly as the wife is entitled to stipulate this in the marriage contract (Article 19 of the Personal Status Law No. 61 of 1976).

In light of the above, the National Centre for Human Rights considers that there are no longer any justifications for the reservation to Paragraph (4) of Article (15) of CEDAW, and recommends that this reservation be withdrawn.

CEDAW has still not completed the ratification procedures in accordance with the provisions of Article (33) of the Jordanian Constitution. The Jordanian coalition composed of the Humanitarian Forum for Women's Rights, the National Centre for Human Rights and the Law Group for Human Rights "Mizan" has launched a national campaign for the approval of this Convention by Parliament and its publication in the Official Gazette, in line with the efforts of Jordanian women's bodies and sectors and the orientations of the international community, especially following Jordan's election in 2006 as a member of the Human Rights Council.

A low level of women's participation in party activity was observed. Of the thirty-four parties currently in existence, women's participation in the founding bodies of parties reached one half in only one party, namely the Al-Ahrar Party, in whose founding (53) women took part out of a total of (105) founders, whereas the average rate of women's founding participation across all Jordanian parties did not exceed (10–15%). Moreover, it is non-existent in three political parties (the Jordanian Arab Socialist Ba'ath Party, the Progressive Arab Ba'ath Party, and the Jordanian Arab New Dawn Party). This contradicts the Political Development Strategy and Plan of Action and the National Strategy for Women, both of which aim to activate women's political participation and increase their empowerment. Females constitute only approximately 7% of the

total founding members of Jordanian parties, with women having participated in the founding bodies of (31) parties out of the total of (34) parties in Jordan.

- The draft Municipalities Law referred by the Government to Parliament provided for the allocation of 20% of municipal council seats to women, while preserving their right to compete for the remaining seats, thereby guaranteeing their strong and effective participation in this sector, which forms the foundation of local democracy.
- The Jordanian National Commission for Women prepared a proposed draft Alimony Fund Law aimed at alleviating the suffering of those entitled to alimony, namely wives, divorcees, widows and parents, and guaranteeing the enforcement of alimony judgments which cannot be executed owing to the absence of the person against whom judgment was given, the unknown whereabouts of his place of residence, or the absence of funds against which the alimony judgment may be enforced.
- Article (11) of the proposed draft also provided for granting the Fund the power to have recourse against the person against whom judgment was given and to recover the amount of alimony and the fines which the Fund paid on his behalf.
- The National Centre for Human Rights recommends the following:
 - Working as speedily as possible to complete the constitutional procedures for the ratification of CEDAW and its publication in the Official Gazette.
 - Amending national legislation, particularly the Nationality Law, to bring it into conformity with the provisions of CEDAW, and withdrawing the reservation that prevents Jordanian women from exercising their right to pass their nationality on to their children.
 - Working to enact a special law on domestic violence.

Tenth: The Rights of the Child

The Royal Decree was issued approving the Law Ratifying the Convention on the Rights of the Child No. (50) of 2006, which was published in the Official Gazette on 16/10/2006. The Law was approved together with the reservations that the Jordanian Government had entered to Article (14), concerning the right to freedom of thought, conscience and religion, and to Articles (20 and 21), concerning adoption.

Jordan also submitted its third international report on the situation of the rights of the child for the period 1998–2005 to the Committee on the Rights of the Child pursuant to Article (44) of the CRC. The report included information on all the measures and procedures taken by the Government, including the amendments made to national legislation, as well as the policies, programmes and strategies relating to the implementation of the Convention.

In April 2006, the National Centre for Human Rights, in partnership with non-governmental organisations, prepared the supporting report to Jordan's third report under the CRC. The supporting report set out the priority of ratifying the CRC within its legislative stages; the adoption of the draft Jordanian Child Rights Law of 2004 pending before Parliament; and a discussion of the situation of children at risk, namely: (those exposed to abuse, working children, begging children, children in conflict with the law, children with disabilities, and refugee children). The

report addressed the priorities raised according to a methodology based on describing the reality on the ground and substantiating it with facts.

Furthermore, the Royal Decree was issued approving Council of Ministers Resolution No. (2212) dated 29/8/2006, which provides for the ratification of the two Optional Protocols to the CRC on the involvement of children in armed conflict, and on the sale of children, child prostitution and child pornography. This approval came after the National Centre for Human Rights had addressed the Minister of Foreign Affairs regarding the ratification of the two aforementioned Protocols, on the grounds that they do not prejudice the rights of Jordanian citizens but rather constitute a reinforcement of those rights. Jordan had signed these two Protocols, which entered into force on 6/9/2000.

The draft Child Rights Law was referred to Parliament after its approval by the Council of Ministers on 27/5/2004; however, it has not been discussed by Parliament to date.

The National Centre for Human Rights, in its own name and on behalf of civil society institutions, addressed the Prime Minister on 14/3/2006 to give the draft law priority in Parliament for its study and adoption. The National Centre for Human Rights recommends that the draft be adopted in its final form without delay.

- The National Centre for Human Rights conducted field visits to (11) out of (24) childcare institutions. These visits aimed to examine the conditions of the children in terms of health, social, psychological and educational aspects, and to identify the problems and difficulties they face, through meetings with the administrations of these institutions.

The visiting team found that conditions in childcare institutions vary from one institution to another. The institutions meet most of the children's basic needs, such as food, drink and clothing, but they lack purposeful educational and social programmes and individual plans for the care of children and for meeting their psychological, social, recreational and educational needs.

- A statistical report of the Ministry of Social Development issued in 2006 showed that 80% of the children in childcare institutions come from broken families, 15% are children born out of wedlock, and 5% are orphans.
- Upon the directives of Her Majesty Queen Rania Al-Abdullah, a committee was formed to prepare a draft Regulation for the Licensing of Residential Childcare Homes. The draft included numerous articles concerning the establishment of specific definitions of the supervising authorities and of the residential home, its function, the entities permitted to obtain a licence, the conditions of licensing, admission to care homes, and other technical, administrative and professional matters. The committee has completed the preparation of the draft Regulation and submitted it to the Legislation and Opinion Bureau.
- It was found that there is a noticeable demand for the fostering of children of unknown parentage who are present in childcare institutions. The Ministry of Social Development, as the authority empowered to do so, grants the right of fostering to couples who are unable to have children, and gives priority to Jordanians residing in Jordan, as this enables the Ministry to follow up on these children even after approval has been granted for their fostering.

- The National Centre for Human Rights recommends the following:

1. Developing the performance of personnel in childcare institutions in the field of counselling, and developing programmes for the rehabilitation and reintegration of children into their communities.
2. Including all children in care homes in health insurance coverage.

Children in Detention

The premises on which juvenile justice and protection and prevention policies are founded stem from a growing awareness that depriving children in conflict with the law of their liberty is often unnecessary or may lead to counter-productive results for them. It is therefore necessary to adopt the standards of the rights of the child and the guarantees of a fair trial for juveniles, which have come to move towards a new system of dealing with crime, in which the community, the victim and the offender play active roles. Reconciling the needs of the victim and the offender with the needs of the community lies at the heart of the objectives of what is known as restorative justice, as a method complementary to and reinforcing criminal justice, which centres on the idea of repairing the effects of the crime and distributing the burden of responsibility, in that problems of delinquency are dealt with as being not the responsibility of the official institutions alone, but rather must involve civil society organisations through the implementation of preventive counselling programmes suitable for use as non-custodial penalties.

During 2006, (230) juveniles were diverted from complex judicial proceedings to rehabilitative counselling programmes, or the matter was settled by reconciliation between the juveniles in dispute and/or compensation for the damage in cases warranting it, through the implementation of the Restorative Justice for Juveniles Project, which is being implemented by a number of official institutions and civil society organisations as a pilot project aimed at reducing recourse to deprivation of liberty.

The fact that the number of children held in juvenile centres and homes for long periods of time has remained within the same numerical range over the last five years is the clearest evidence of a preference for non-institutional treatment over placement in correctional institutions. In the years 2001, 2002, 2003, 2004 and 2005, the number of children held was (5295), (6139), (6115), (5777) and (5474) juveniles respectively. Perhaps the high rate of repeat offenders among them is the strongest evidence of the need to adopt a new approach and an advanced concept of criminal justice.

The number of male juvenile delinquents admitted to and benefiting from the services of juvenile centres reached (3221) juveniles, and the total number of repeat offenders reached (413) juveniles, i.e. a rate of (13%). As for girls, the number of female delinquents reached (53) girls, while the number of girls in need of protection and care reached (153) girls, and the total number of female repeat offenders reached (15), i.e. a rate of (28%).

- The prohibition of torture and cruel treatment is a fundamental concept enshrined in Article (5) of the Universal Declaration of Human Rights and Article (7) of the International Covenant on Civil and Political Rights.

Despite the existence of a genuine desire to treat detained children humanely, there are certain abuses and violations at the individual level that reflect the need of those dealing directly with juveniles to know the international obligations and national legislation that focus on the protection of juveniles deprived of their liberty.

Certain abuses and violations were monitored, as follows:

1. The National Centre for Human Rights received (23) complaints from children who had been subjected to torture to compel them to confess to the offences attributed to them and/or had been subjected to ill-treatment by personnel at detention centres. His Excellency the Minister of Interior and His Excellency the Director of Public Security were addressed on 31/8/2006 with a view to looking into these abuses and remedying them in conformity with national legislation and international standards.

2. Detained girls receive a lower level of protection, care and assistance than male juveniles. The repeated incidents witnessed at Al-Khansaa Centre for detained girls played a direct role in the adoption of a strategic plan by the Ministry of Social Development together with its direct partners dealing with juveniles, namely the National Centre for Human Rights and the Public Security Directorate / Family Protection Department, in addition to civil society organisations working in the field. The plan aims to improve the conditions of girls and to provide them with better services on a par with their male counterparts.

3. Although Article (99) of the Criminal Procedure Code No. (9) of 1961 has empowered the judicial police to issue arrest warrants for the temporary holding of a juvenile for a period not exceeding (24) hours, it has been observed that the period prescribed by law is not adhered to and that juveniles are held for longer periods as administrative detainees, which also contravenes the provisions of the Juveniles Law, Article (4) of which restricts the power to detain them to the judiciary alone. According to the official records of the security centre, the number of juveniles detained by administrative decision in Al-Zuhour lock-up alone during the first half of 2006 reached (38) juveniles. We addressed the Ministry of Interior and the Public Security Directorate with a view to looking into these abuses.

4. Juveniles in conflict with the law suffer from security records not being removed from their files, as they are regarded as having prior records, which constitutes a breach of the law and an express violation of the text of Article (6) of the Juveniles Law. A citizen complained to the National Centre for Human Rights that these records had not been deleted from his security file (10) years after a judgment of acquittal had been issued in his favour and in favour of others in respect of an offence that had been attributed to them when they were juveniles. In its reply to our letter addressed to the Public Security Directorate, it emerged that criminal records in respect of which the accused has been acquitted cannot be deleted, since the automated computer system does not have this feature, and that such records are dealt with for statistical purposes.

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

1. Considering the gradual and comprehensive transition to a specialised juvenile judiciary as one of the priorities to be worked on in the coming stage.

2. Seeking to establish a specialised department to follow up on children in conflict with the law, within a joint working mechanism among the relevant bodies such as the Judicial Council, the Public Security Directorate, the Ministry of Social Development, the Ministry of Health and the Ministry of Education, in application of international standards and in activation of the text of Article (9) of the Juveniles Law, which provides that: “Social defence offices may be established, to include specialists in forensic medicine and in psychological and social counselling, and the judge may seek the assistance of any body where the interest of the juvenile and the requirements of justice so require.” It should be noted that this Article has not been activated at all; if applied, it would form the nucleus of a specialised juvenile administration, which would help open new horizons for a better future for children.

3. Expediting the completion of the remaining legal and administrative procedures necessary to amend the Juveniles Law No. (24) of 1968.

4. The need to treat the reports of the probation officer with due seriousness, starting with the author of the report, so that it is comprehensive and objective and includes practical recommendations by the probation officer that contribute to changing and correcting the juvenile’s behaviour, and ending with the judges giving the contents of such report the consideration it deserves.

Child Beggars

The Jordanian legislature classified beggars under the Jordanian Juveniles Law No. (24) of 1968, as amended, as falling within the category of children in need of protection and care, in harmony with the international standards that call for children’s rights. The text of Article (31) of the Law emphasises the preventive aspect with regard to these children, and moves them from the category of perpetrators or offenders to that of victims of special circumstances that lead them to beg in pursuit of quick gain, which necessitates the intervention of the State and society and, consequently, their protection from themselves and from others.

Legal Framework for Begging

- The Juveniles Law No. 24 of 1968, as amended (Article 31/10).
- The Juvenile Probation Law No. 37 of 2006 (Articles (2) and (4)).
- The Penal Code No. 16 of 1960, as amended (Article 389).

Places of Detention for Beggars

- The Reception Centre for Child Beggars for all regions of the Kingdom / in Zarqa, for the age group 7–12 years / males.
- Abu Dhar Al-Ghifari Centre for the Reception of Adult Beggars / in the Umm Al-Asakir area, for males and females.

Follow-up Procedures

The probation officer conducts an inquiry and prepares a social study of the child’s family. If it is established that the child has a family capable of caring for him and raising him properly, the officer submits his report to the juvenile judge, who in turn rules for the child’s release and return

to his family. If, however, the child is a repeat offender and it is established that his condition is one of vagrancy and habitual begging and that his family is disintegrated or cannot be entrusted with his care, the judge rules that he be sent to one of the centres specialised in the protection and care of juveniles.

Where it is established that the child's situation with regard to his family has improved, his guardian or any of his first- or second-degree relatives submits an application to the Social Development Directorate, according to the territorial jurisdiction of the probation officer, who studies the situation and submits a report to the judge describing the actual state of affairs, on the basis of which the child is released.

The number of beggars during 2006 reached (710) children: (424) males and (286) females.

It should be noted that the number of beggars in the previous year reached (1011) children: (836) males and (175) females.

It is observed that the proportion of child beggars decreased by (30%), which supports the view that good follow-up and the sharing of responsibility by the bodies dealing with this category of children are effective. However, it is observed that the proportion of female beggars has increased compared with previous years, which may be attributed to the nature of our Arab societies, which sympathise with girls in particular, thus constituting an obstacle to curbing this phenomenon.

Findings and Recommendations

- The problem of begging has social, material and legal dimensions. The social dimension lies in the notion of begging as a profession and in becoming accustomed to practising this social scourge, among the most important means of addressing which may be media awareness campaigns on the magnitude and dimensions of this problem, in addition to holding educational courses of a counselling nature and examining how to combat begging and transform it from a means of eliciting pity and compassion into an objective aimed at reforming the behaviour of children and of those who exploit them.
- The material dimension lies in the problem of poverty, which will not be solved through begging; rather, it is a problem to be taken up by the State through national strategic plans.
- As for the criminal legal dimension, the Penal Code No. 16 of 1960, in Article 389, punishes repeat beggars with imprisonment for a period of not less than one year; however, the text of this Article is not activated in the courts so as to serve as a penal and social deterrent. Although the bail required in the case of beggars is a financial bail with relatively high fees, it has constituted only a minor deterrent relative to the number of cases and of repeat offences, which shows the extent to which these children and their families benefit from begging.

Recently, begging has been prohibited for children, on pain of criminal liability, pursuant to the Juvenile Probation Law No. (37) of 2006.

The National Centre for Human Rights considers that the activation by the courts of the provisions relating to begging may lend a more serious dimension to dealing with this social scourge.

Eleventh: The Rights of Persons with Disabilities

On 13/12/2006, the United Nations General Assembly adopted the first international human rights convention to be agreed upon in the twenty-first century that grants comprehensive rights and freedoms to persons with disabilities around the world. There was a problem with the text relating to the provisions on legal capacity in the draft convention, as the footnote to Article (12) of the draft convention provided for capacity to hold rights (acquisition of rights) rather than capacity to exercise rights (capacity to act), which would diminish the rights of persons with disabilities with regard to the performance of legal acts. However, the representatives of the participating States, including Jordan, remedied this matter and corrected the above-mentioned text, whereas most Arab States entered reservations thereto.

In harmony with this trend, the Ministry of Political Development, in cooperation with the Ministry of Social Development, encouraged the bodies concerned with following up disability affairs in official institutions and civil society organisations to form a committee to amend and/or draft a new law to replace the Law on the Welfare of Disabled Persons No. (12) of 1993, as amended. A committee was indeed formed, in which representatives of all official bodies and civil society organisations participated, including the National Centre for Human Rights. The committee submitted a draft Law on the Rights of Persons with Disabilities, and this coincided with the National Disability Strategy, which is concerned with providing sustainable solutions to the problems of this category of citizens and which was prepared at the command of His Majesty King Abdullah II, may God protect him.

Main Amendments Proposed in the Draft Law

1. Changing the title of the current law from the Law on the Welfare of Disabled Persons No. (12) of 1993, as amended, to the Law on the Rights of Persons with Disabilities, in line with modern global trends aimed at ensuring the full enjoyment and exercise by persons with disabilities of fundamental rights and freedoms, and the shift from the charity-based approach to the rights-based approach.
2. Introducing new pillars inspired by the international convention, namely: the pillar of public life and political participation, the pillar of family life, the pillar of community-based rehabilitation, and the pillar of the right to litigation.
3. Amending the text of Article (6) relating to the formation of the National Council for the Welfare of Disabled Persons, chaired by the Minister of Social Development, and replacing it with the establishment of a Higher Council for the Affairs of Persons with Disabilities enjoying legal personality and financial and administrative independence.

The National Centre for Human Rights recommends the following:

1. Seeking ratification of the International Convention on the Rights of Persons with Disabilities, and taking the initiative to make Jordan one of the first States to sign and ratify this Convention.
2. Training personnel from the various sectors of society, such as judges, teachers and police, on the rights of persons with disabilities, so as to ensure positive engagement with them within the framework of development inclusive of all groups of society.

Twelfth: Cultural Rights

International standards contain provisions that clearly address cultural rights, most notably the Universal Declaration of Human Rights (Article 27) and the International Covenant on Economic, Social and Cultural Rights (Article 15).

The Jordanian Constitution contains no express provision on cultural rights; however, they may be implicitly inferred from the text of Article (15/1) of the Constitution, which provides that “The State shall guarantee freedom of opinion, and every Jordanian shall freely express his opinion by speech, in writing, by means of photographic representation and other forms of expression, provided that he does not exceed the limits of the law.”

Pursuant to the Culture Promotion Law No. (36) of 2006, the Ministry of Culture is responsible for formulating the general policies for cultural work; developing cultural work by supporting cultural bodies and institutions; providing the appropriate conditions for unleashing creative and artistic energies; fostering, showcasing and disseminating intellectual, cultural and artistic creativity; establishing cultural and art centres and museums; honouring men and women of letters, writers and artists and encouraging talent; and entrenching the democratic concept with all that it represents in terms of commitment to human rights and freedom of expression and opinion.

It is observed that the Ministry’s budget for 2006 was modest, which limits its ability to support publishing and encourage creativity. Although a Culture Support Fund has been established, the regulation governing this fund is still at the Prime Ministry pending completion of the applicable legislative procedures.

The Ministry of Culture has drawn up a cultural development plan for the years (2006–2008) comprising (31) cultural programmes and projects, which the Ministry has begun to implement. Among the most prominent challenges facing cultural development in Jordan, as mentioned in the national plan, are: (scarcity of resources; weak cultural sector infrastructure in most governorates and its concentration in the capital; the weakness of the Ministry of Culture’s staff (approximately 50% of whom have less than secondary education); centralised decision-making in the Ministry’s organisational structure; the limited support provided by the Ministry to cultural bodies and to creativity and creative persons; and weak coordination among the bodies responsible for cultural development (official bodies, civil society institutions and the private sector)).

The Ministry of Culture also grants awards to intellectuals in recognition of their work under what are known as the State Merit and Incentive Awards. In 2005 these awards were not distributed, whereas in 2006 (6) merit awards were granted, (5) of them to individuals and one to the Faculty of Agriculture at the University of Jordan, and (6) incentive awards, (5) of them to individuals and one to a non-governmental institution. The number of publications issued by the Ministry of Culture reached (30) books in 2005 and (20) books in 2006, while the number of partially supported publications reached (50) books in 2005 and (40) books in 2006.

At the end of 2003, all the culture directorates in the governorates, numbering (11) directorates, were closed. This year, 2006, (4) directorates were reopened, and the reopening of the remaining directorates will be completed in 2007.

There are numerous non-governmental cultural institutions in Jordan established by individuals to organise their cultural and creative activities pursuant to the Societies Law No. (33) of 1966; they operate independently and under the auspices of the Ministry of Culture.

With regard to the right to the protection and enjoyment of scientific and intellectual creativity, Jordan has ratified two international conventions that entered into force in 2004, namely the WIPO Copyright Treaty and the WIPO Performances and Phonograms Treaty.

On 31/5/2005, the Amending Law No. (9) of 2005 was issued. Among the most important amendments introduced by this law was the increase of penalties, whether custodial or fines, for anyone who commits acts constituting offences under this law, which has contributed to the protection of copyright. Furthermore, (296) cases of infringement of intellectual property rights were referred to the judiciary by the Copyright Protection Office during 2005, and (290) cases up to 27/11/2006.

The Minister of Culture also formed a coordinating committee for the enforcement of the Copyright Law and for combating forms of infringement of and encroachment upon the rights of producers, creators and citizens. This committee submitted its recommendations to the Prime Minister, who circulated them to the relevant bodies.

It is worth noting that the National Library Department, in cooperation with the Jordanian Intellectual Property Association and the King Abdullah Centre for Intellectual Property, conducted an awareness campaign on the protection of intellectual property rights aimed at raising society's general awareness of the importance of intellectual property rights and their positive impact on the national economy. An inspection campaign was also organised targeting shops, kiosks and stalls dealing in the sale of discs, compact discs and tapes, to verify the conformity of such materials with the laws and regulations in force under the Copyright Law.

Corruption

Corruption in its various forms and manifestations is one of the most prominent violations affecting all civil and political rights on the one hand, and economic, social and cultural rights on the other. It threatens all people, especially the poor, as it exacerbates poverty by diverting resources earmarked for poverty alleviation into the pockets of dishonest officials and persons of influence. It also reduces tax revenues and customs duties, increases the costs of contracts and lowers quality, limits investment and weakens the operation of companies, causes development to be delayed and to regress, and further causes crime to escalate and intensify.

- The United Nations Convention against Corruption of 2004 (published in the Official Gazette under its Ratification Law No. 28 of 2004 on 1/8/2004) provides, in Article (1) thereof, for strengthening measures to prevent and combat corruption more efficiently and effectively, supporting international cooperation and technical assistance in the prevention of and fight against corruption, including asset recovery, and promoting integrity, accountability and proper management of public affairs and public property.
- Figures obtained from the Technical Office of the Judicial Council indicate that the number of various corruption cases followed up between 2003 and 2005 exceeded one thousand (1000) cases, that the number of persons referred to the judiciary as a result of

those cases exceeded (350) persons, and that many of these cases are still pending before the judiciary and have not yet been decided.

- The 2005 Transparency International report indicates that Jordan ranked (37th) globally. However, in 2006 it fell back three places, ranking (40th) globally, as cases of corruption are widespread in both the public and private sectors.
- A public opinion survey on the state of corruption in Jordan conducted by the Good Governance Centre for Studies in March 2006 indicated that the institutions most engaged in corruption are the ministries and government departments in general, followed by the municipalities and the Greater Amman Municipality. As regards the degree of corruption by administrative level, the administrative level most engaged in corruption is senior management, as stated by 54% of respondents, followed by middle management, with lower management the least. As regards the degree to which certain factors influence the increase in corrupt practices, 71.6% of respondents consider weak oversight and accountability to be among the factors most influential in increasing corrupt practices, followed by weak religious and moral restraint at 68%, and then weak anti-corruption laws at 68.2%.
- Finally, the adoption of the Anti-Corruption Commission Law and the Financial Disclosure Law in 2006 is regarded as a serious national effort to confront the phenomenon of corruption, and it is hoped that practical implementation will confirm this direction.

The National Centre for Human Rights recommends the following:

1. Taking the initiative to amend the laws governing State administration and the management of public funds so as to criminalise acts of corruption, including the offences of illicit enrichment and money laundering, in accordance with the standards contained in the United Nations Convention against Corruption.
2. Supporting the independence and unity of the judiciary so as to ensure that corruption cases are dealt with within its legal jurisdiction.
3. Mainstreaming transparency in the performance of all State institutions.
4. Amending the Audit Bureau Law and strengthening its independence so that the Bureau becomes fully linked to the House of Representatives, and ensuring that governments deal with the periodic report of the Audit Bureau with great seriousness and transparency.
5. Unleashing public freedoms, foremost among them freedom of opinion and expression and access to information, together with the freedom of the press and media that supports them, so as to ensure the transparent disclosure of instances of corruption, the containment of corrupt persons, and the upholding of the values of integrity and the rule of law.