



Fourth Annual Report on the State of Human Rights in the Hashemite Kingdom of Jordan 2007

The National Centre for Human Rights

Disclaimer

AI Translation Notice: This English version was produced using artificial intelligence (AI) technology and has not undergone subsequent human review, linguistic editing, or verification against the original Arabic text.

In case of any discrepancy, misstatement, omission or error appearing herein, the Arabic version shall prevail as the authoritative version.

Table of Contents

Section	Page (Arabic original)
Introduction	1
Civil and Political Rights	
First: The Right to Life and Physical Integrity	5
Second: The Right to Liberty and Security of Person	15
Third: Human Rights in the Administration of Justice	21
Fourth: The Right to Nationality, Residence and Asylum	31
Fifth: The Right to Vote and Stand for Election, and the Legislative Performance of Parliament (the National Assembly)	36
Sixth: The Right to Freedom of Opinion and Expression and Freedom of the Press and Media	40
Seventh: The Right to Form and Join Trade Unions	49
Eighth: The Right to Form Political Parties	53
Ninth: The Right to Establish Associations	57
Economic, Social and Cultural Rights	
First: The Right to Work	59
Second: The Right to Education	70
Third: Cultural Rights	78
Fourth: Social Security	80
Fifth: The Right to Health	84
Sixth: The Right to a Healthy Environment	92
Seventh: The Right to Adequate Housing	103
Eighth: Women's Rights	104
Ninth: Children's Rights	107
Tenth: The Rights of Persons with Disabilities	110
Eleventh: The Rights of Older Persons	112
Twelfth: Beggars	113
Annex No. (1): Total Number of Complaints Received by the Centre, Classified by the Rights Allegedly Violated	114
Annex No. (2): Total Number of Requests for Assistance Received by the Centre, Classified by the Rights Allegedly Violated	115

Introduction

The annual reports on the state of human rights in Jordan issued by the National Centre for Human Rights (NCHR) are among the Centre's most important publications. As was the case with the three preceding annual reports, the National Centre for Human Rights hereby issues its Fourth Annual Report on the State of Human Rights in Jordan during 2007, in which it assesses that situation and highlights its strengths and shortcomings in the light of, on the one hand, the international human rights standards set forth in the international conventions and, on the other hand, the provisions of the Jordanian Constitution and national legislation.

The report draws on three principal sources, namely:

- Complaints lodged by citizens and residents in Jordan, and the follow-up of such complaints with the competent authorities from the date on which they are notified of the complaint until a reply thereto is received.
- Organised and unannounced field visits to places where violations of any human right in Jordan occur, including interviews with inmates and detainees in Correction and Rehabilitation Centres (CRCs) and places of detention, as well as visits to juvenile centres in the Kingdom.
- Monitoring, analysing and following up information published by the daily and weekly newspapers and by other media concerning any abuses or violations affecting any human right in Jordan, whether committed by a governmental or a non-governmental party.

The Centre adopts a scientific methodology in preparing its reports, based essentially on the internationally recognised mechanism for preparing annual reports on the state of human rights; in preparing this report, however, it has sought to develop that methodology so as to suit the state of human rights in Jordan and to reflect the cumulative experience gained by the Centre over the preceding years.

This report is divided into two principal parts: the first addresses civil and political rights in their various categories, while the second addresses economic, social and cultural rights in their various forms. It also includes an annex on the complaints and requests for assistance received by the Centre during 2007, which have been classified according to the right allegedly violated, on the one hand, and the outcome of follow-up, on the other.

As has been customary in the three preceding reports, the Centre has been keen to recall the international standards relating to each human right and to review the most important relevant national legislative provisions. The report highlights the positive developments in respect of each right that have been reflected in the lives of people in Jordan; it equally highlights the various violations to which these rights have been subjected, whether as a result of the absence or inadequacy of national legislation, of decisions issued by the administration, or of acts committed by public officials and by non-governmental parties.

In addition to its critical reading of the reality of human rights in Jordan, in both its positive and negative aspects, the report identifies the facts, determines responsibilities, and proposes the legislation, policies and measures that the Centre believes will contribute to changing the current state of human rights for the better.

Finally, the Centre's report sets out the recommendations it has reached in respect of each right. The Centre hopes that its recommendations will receive the attention they deserve and will find their way to implementation in practice, in a manner that embodies the protection of human rights and promotes a human rights culture in Jordanian society.

- During 2007, significant developments and events took place that affected, in one way or another, civil and political rights. The most prominent positive legislative developments were the following:

1. The amendment of Article (208) of the Penal Code, which is closely connected with the right to life and physical integrity, whereby the definition of torture contained in the Convention against Torture (CAT), which Jordan had previously ratified and published in the Official Gazette, was adopted; the penalty of imprisonment for the perpetrator of an act of torture was raised from three months to six months; and it was further provided that the court may not apply discretionary mitigating circumstances, nor may it suspend the execution of the sentence imposed.

2. With regard to the right to freedom of opinion and expression, the Law on the Right of Access to Information was enacted, and the Press and Publications Law was amended so as to provide that a journalist may not be detained for publication offences and to prohibit interference in journalistic work; it also affirmed the lifting of prior censorship of publications, in application of Article (15) of the Constitution. The Law, however, retained the requirement of a prior licence before the issuance of publications, as well as the permissibility of Government ownership of shares in newspapers, which were regarded as shortcomings of the Law.

3. The Municipalities Law was also amended, providing for the election of mayors instead of their appointment, and allocating (20%) of the seats of council members to women.

4. With regard to the right to form and join associations, the Centre notes with appreciation the Government's decision, in response to the demands of civil society and leaders of social work, as well as the demands of the National Centre for Human Rights, to withdraw the 2007 draft Associations Law. The Centre looks forward to a new draft law that is consistent with the provisions of the Constitution and international standards, and that contributes positively to promoting the right to participation and activating the role of associations and civil society institutions within the framework of respect for the right of assembly.

- With regard to the right to liberty and security of person, there was a tangible improvement in the conditions of Correction and Rehabilitation Centres, and a qualitative change in the administrations of those Centres as of the last quarter of 2007. Inmates' complaints decreased during that period, and many administrative problems relating to inmates' rights were resolved, in addition to an improvement in the prison environment.
- On the other hand, among the most prominent negative developments during 2007 was the continued application of the Crime Prevention Law without any attempt to place controls on the decisions of administrative governors in this field, despite the Centre's repeated recommendations that this Law be repealed. The year 2007 witnessed an excessive and arbitrary use of the power of administrative detention, which affected large numbers of Jordanian citizens and foreigners compared with previous years, constituting a clear infringement of their rights.

- With regard to the right to nationality, 2007 witnessed the continued issuance of decisions withdrawing passports and civil status cards and cancelling the national numbers of many citizens, on the basis of the Instructions on the Decision of Legal and Administrative Disengagement from the West Bank. This resulted in such persons being stripped of their nationality in practice, contrary to the provisions of the Constitution, which stipulate that the granting and loss of nationality shall be regulated by law, and not on the basis of instructions.
- With regard to the right to life and physical integrity, the human losses resulting from road traffic accidents escalated, reaching, in 2007 alone, (979) deaths and (17,028) injuries, while the total number of traffic accidents was approximately (111,221). These figures reflect the inadequacy of the legislation and its poor implementation and the fragility of the measures taken to address this problem; they also reflect the extent of disregard for people's lives resulting from non-compliance with the law. There is no doubt that the need has become pressing for an integrated strategy that puts an end to this haemorrhage and addresses traffic problems in all their aspects.
- The new Political Parties Law, issued in April 2007, aggravated the crisis of mistrust that had become entrenched between the Government and the political parties. Rather than the Law serving as a strong lever for political pluralism, rescuing party life from its decline and driving the democratic process forward, its provisions contained obstacles that limit the parties' ability to operate, expand and participate effectively.
- The municipal elections, followed by the parliamentary elections, then registered a significant setback in terms of democratic development and the desired political reform.
- The National Centre for Human Rights considers that the laws on elections, political parties and public meetings, the laws on associations and publications, and other legislation regulating civil and political rights and public freedoms constitute an integrated and interconnected whole, which must be viewed and reviewed within a clear vision, as one of the most important components of any project of political and social reform, and must be dealt with free from selectivity and on an equal footing in terms of priority.
- With regard to economic, social and cultural rights, the Centre draws attention to the gravity of the continued negative treatment of the rights of Jordanian and foreign workers, particularly those working in the Qualifying Industrial Zones and female domestic workers, and to the reluctance of the competent authorities to address in depth the problems they face, especially problems relating to wages, adequate housing and health insurance, and stresses the need to find effective solutions to them.
- The Centre reiterates its previous recommendations on the need to put an end to the practices of certain offices for the recruitment and employment of foreign workers, some of which reach a level that may be described as trafficking in persons and forced labour, and calls for the inclusion in the Labour Law of provisions addressing the rights of migrant workers, in order to prevent their problems from reflecting negatively on the Kingdom's record in this field.
- The National Centre for Human Rights views with grave concern the situation of child labour; it affirms that this situation is worsening, and draws attention to the fact that the

conditions surrounding the working environment of children contravene the provisions of national laws as well as the provisions of the relevant international conventions.

- Proceeding from the role of the National Centre for Human Rights in promoting and protecting the rights of Jordanian and foreign workers in accordance with the provisions of the Constitution and international conventions, the Centre recommends that priority be given to the application and implementation of the provisions of the fundamental conventions referred to in the Declaration on Fundamental Principles and Rights at Work issued by the International Labour Organization in 1998, which has been endorsed by all member States of the International Labour Organization, including Jordan.
- The Centre further recommends that the necessary political and material support be provided for institutionalising and organising a permanent and effective social and civil dialogue, in order to understand and confront the national challenges in the various fields of labour.

In conclusion, this report is the outcome of the efforts of all the staff of the National Centre for Human Rights over a full year, and of the fruitful cooperation of the various institutions and individuals who did not hesitate to respond accurately to the Centre's enquiries. On this occasion, the Centre emphasises the need for concerted national efforts aimed at entrenching the principles of human rights and establishing the rule of law in the Kingdom.

God is the Arbiter of Success.

Ahmad Obeidat

Chairman of the Board of Trustees

Civil and Political Rights

First: The Right to Life and Physical Integrity

This right, which is guaranteed by numerous international and regional conventions, is the most sublime of the fundamental human rights;¹ it is the most precious thing a human being possesses and the source of all his or her rights to dignity, liberty and security. Accordingly, the National Centre for Human Rights accorded this right considerable attention in its three preceding periodic reports, which studied and analysed the factors affecting its enjoyment and included a set of recommendations capable of promoting this right, the most important of which were the following:

1. Reducing the legal provisions punishable by the death penalty to the minimum possible, so that this penalty is imposed only for the most serious and gravest felonies, within legislative controls and judicial safeguards that ensure its limitation and its proper application by the criminal courts.
2. Moving towards the specialisation of the criminal judiciary and creating the appropriate conditions for the success of this approach. The Centre recommends that both the Ministry of Justice and the Judicial Council adopt this idea and work towards its realisation as quickly as possible.
3. Calling upon the Public Security Directorate (PSD) to activate the controls on the use of force and firearms; and the need to conduct impartial and fair investigations into incidents resulting in the loss of life, and to refer anyone proven to have failed to abide by the law to the competent judicial authorities to receive just punishment.
4. Adopting a national strategy to address the causes of the steady increase in road traffic accidents and the resulting tragedies that claim the lives of hundreds of innocent people every year. This strategy should rest on a number of pillars, the most important of which are: enacting stringent legislation; adopting awareness programmes to disseminate a traffic culture among members of Jordanian society; the competent authorities addressing the defects in roads and in the departure points of public transport; taking measures that ensure the roadworthiness of vehicles operating on all roads of the Kingdom; reviewing the curricula and methods of the tests to which applicants for the issuance or renewal of driving licences are subjected; and curbing favouritism (*wasta*) in obtaining such licences.
5. Adopting a clear national strategy to combat the scourge of narcotic drugs, in the implementation of which official and civil efforts are integrated and in which the media play an active role.
6. Activating the oversight role of the Ministry of Labour, the Civil Defence Directorate and the Ministry of Public Works over labour, industrial and commercial establishments and construction

¹ For further details, see: Article (3) of the Universal Declaration of Human Rights; Article (6) of the International Covenant on Civil and Political Rights; Article (2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms; Article (4) of the African Charter on Human and Peoples' Rights; Article (4) of the American Convention on Human Rights; and Article (5) of the Arab Charter on Human Rights.

projects, in order to ensure their compliance with the public safety rules applicable to each establishment.

- While the National Centre for Human Rights affirms the importance of these recommendations, it points out that during 2007 they received no official attention whatsoever, and that no positive development worth mentioning took place in respect of them.

Proceeding from the Centre's conviction of the need to promote the human right to life and physical integrity, it is necessary to reiterate the most important causes and factors that negatively affect this right, namely:

1) Cruel Punishment, Foremost Among Which Is the Death Penalty

The year 2007 did not witness any legislative development towards reducing the provisions punishable by death. It did, however, witness activity against this penalty by civil society institutions: in April 2007, following the special symposium held on 26/3/2007 entitled "The Death Penalty: Challenges and Alternatives", a "National Coalition Calling for the Abolition of the Death Penalty" was established; and July 2007 witnessed a regional symposium against the death penalty in the Arab world.²

As regards the practice of the courts, death sentences were handed down in 2007 against (14) persons.³ The information available to the Centre indicates that no death sentence has been executed in the Kingdom since May 2006, and that there are (39) persons sentenced to death who are still awaiting the execution of these sentences. It is noteworthy that some of these convicts have spent more than (30) years in prison, which inflicts psychological, physical and mental harm upon them.

- In the absence of any orientation towards abolishing the death penalty, the National Centre for Human Rights recommends that the Government and Parliament adopt a clear policy aimed at a genuine and substantial reduction of the provisions punishable by the death penalty; that all cases of persons against whom final judgments imposing the death penalty have been issued be examined; and that consideration be given to the possibility of bringing some of them within the scope of the provisions of laws that replace the death penalty with other penalties.

2) Incidents Affecting the Right to Life and Physical Integrity

During 2007, the National Centre for Human Rights monitored numerous incidents affecting this right, the most prominent of which were the following:

² The symposium was organised by Penal Reform International and the Amman Centre for Human Rights Studies, with the support of the European Commission. The symposium approved the formation of a regional coalition against the death penalty, composed of the national coalitions in eight Arab States, namely: Jordan, Palestine, Lebanon, Yemen, Egypt, Tunisia, Algeria and Morocco. This coalition aims to achieve an Arab society free of the death penalty, built on the human rights principles of tolerance, respect for human dignity and the right to life as a fundamental principle, and also to advance that society in keeping with its ancient Arab civilisation.

³ This statistic is up to 31/12/2007.

a. **Traffic accidents:** Statistics issued by the Public Security Directorate indicate that the number of deaths resulting from traffic accidents over the past decade reached (7,084), while the number of injured exceeded (175) thousand. Traffic accidents thus constitute the second leading cause of death after heart disease, which prompted His Majesty the King, in May 2007, to call upon the Government to develop a comprehensive national road safety strategy, to be reinforced by an executive and time-bound programme defining the roles and duties of the institutions concerned and including a mechanism for following up and evaluating this strategy. His Majesty stressed the need to activate the role of the Higher Council for Road Safety by virtue of a law specifying the tasks and duties it shall perform in cooperation with other authorities. The following table shows the number of traffic accidents, deaths and injuries during the years 2004–2007:⁴

Year	Number of Accidents	Number of Deaths	Number of Injuries
2004	70,266	818	16,727
2005	83,129	790	17,579
2006	98,049	885	18,030
2007	111,221	979	17,028

Studies conducted by the Public Security Directorate have identified the human factor as the greatest cause of traffic accidents, accounting for (99.4%), while road defects accounted for (0.2%) and vehicle defects for (0.4%).

- The National Centre for Human Rights recommends that the required strategy be developed as quickly as possible, with a focus on raising people's awareness (drivers and pedestrians) of the importance of complying with proper traffic rules. It further recommends that the Traffic Law be amended to include deterrent penalties that contribute to curbing drivers' wrongful behaviour, including:
 1. Disqualifying persons who pose a danger to public safety from driving for periods commensurate with the gravity of the violations committed.
 2. Reviewing the conditions for granting driving licences, so that specific requirements are laid down for each category.
 - While the National Centre for Human Rights stresses the gravity of accidents caused by vehicles in general and public transport buses in particular, it recommends the following:
 1. Tightening the requirements for granting bus driving licences.
 2. Organising awareness and training programmes specifically for bus drivers.
 3. Investigating the real reasons for their commission of violations, such as long working hours, employers' demands that drivers generate high returns, and the absence of any body to champion the issues of this group and their labour rights and social security.
 4. Regulating the movement of goods transport vehicles on public roads in cities within specific hours.

⁴ The table was prepared by the National Centre for Human Rights on the basis of data from the Public Security Directorate; it should be noted that the 2007 statistics show the number of accidents up to 31/12/2007.

- The Centre also recommends the establishment of legal and social mechanisms to address the issues and problems of traffic accidents, beginning with the amendment of the Compulsory Insurance Regulation, which does not provide adequate insurance coverage for a driver involved in a traffic accident or for the passengers of the vehicle.

Likewise, the official and private health insurance regulations, which currently do not provide health care to persons injured in traffic accidents, must be amended, as this has led some hospitals to refrain from providing the necessary first aid and treatment to such injured persons. Moreover, tribal reconciliation (*sulh asha'iri*) may cause many victims of traffic accidents to lose their rights, as the victims' families are pressured into waiving their legal rights and settling for the compensation paid by insurance companies, which does not in the first place cover the victims' material needs. It should be noted that the Jordanian legal system contains no provisions guaranteeing the right to rehabilitation of victims of traffic accidents, particularly persons who sustain a permanent disability that prevents them from leading their lives and working normally.

b. Narcotic drugs: The following table shows the number of cases seized by the Anti-Narcotics Department for the years 2004–2007:⁵

Year	Number of Cases	Trafficking	Possession and Use	Miscellaneous
2004	1,691	339	1,317	35
2005	2,041	344	1,639	58
2006	1,973	331	1,599	43
2007	2,204	549	1,597	58

The following table also shows the number of users and traffickers for the years 2004–2007:⁶

Year	Number of Persons	Traffickers	Possession and Use
2004	2,514	349	2,158
2005	4,792	746	4,027
2006	3,158	581	2,577
2007	3,707	833	2,874

It is evident from the above figures that 2007 witnessed an increase in the number of drug cases compared with 2006, which prompts the Centre to reiterate the need to adopt a comprehensive national strategy, in the implementation of which official and civil efforts are combined and in which the media play an effective role in combating this scourge.

c. Deaths of persons in the course of the performance of their duties by the security services:

The statistics of the Public Security Directorate indicate that (57) persons died or were injured at police departments during 2007, while the information available to the Centre indicates that (17) inmates died inside Correction and Rehabilitation Centres, including two cases of suicide at Qafqafa Correction Centre. The deaths of (16) of them were deemed natural in the light of forensic

⁵ The table was prepared by the National Centre for Human Rights on the basis of data from the Public Security Directorate; it should be noted that the 2007 statistics are up to 31/12/2007.

⁶ The table was prepared by the National Centre for Human Rights on the basis of data from the Public Security Directorate; it should be noted that the 2007 statistics are up to 31/12/2007.

medical reports and the decisions of the investigation committees formed (with the exception of the circumstances of the death of one inmate in Aqaba Prison, where the investigation board formed decided to refer the accused members of the staff of that prison for trial before the Police Court on charges of beating leading to death, abuse of authority and dereliction of duty).

- The Centre believes that there are three other deaths (in addition to the circumstances of the death of the Aqaba Prison inmate) that should have been investigated more thoroughly, namely:
- The death of the inmate (A.T.) in Swaqa Prison in August 2007, which was surrounded by certain suspicions according to the testimony of prisoners at that Centre; however, the forensic medical report stated that the death was natural, and the investigation committee formed into the circumstances of the death of the said inmate also reached the same conclusion.
- The deaths of the two inmates who committed suicide in Qafqafa Prison.⁷
- Although the Centre has repeatedly addressed the Public Security Directorate regarding such incidents over the past four years in order to ascertain the causes of death and identify those responsible for these violations, the Centre has been unable to access the results of the investigations conducted in their regard. This leads us to emphasise the need for the Public Security Directorate to activate the controls on the use of force and firearms. The Centre further reaffirms its previous recommendations on the need to conduct impartial and fair investigations into these incidents, to refer anyone proven to have failed to abide by the law to the competent judicial authorities to receive just punishment, and to publicise such punishment among all Public Security personnel.

d. Crime: The statistics issued by the Public Security Directorate for the years 2004–2007 indicate that these crimes were as follows:⁸

Year	Murder	Attempted Murder	Grievous Bodily Harm
2004	99	236	473
2005	67	219	536
2006	68	219	610
2007	98	321	646

The above table shows the magnitude of the danger posed by these crimes to the right of individuals to life and personal integrity, in addition to the material and moral harm inflicted on the victims of these crimes.

- The Centre observes that Jordanian legislation contains no provision on the right of victims of crime, particularly crimes of assault and of causing permanent disability, to rehabilitation so as to enable them to lead their lives normally, and recommends that this legislative gap be remedied.

⁷ The first suicide occurred on 14/4/2007, and the second occurred on 14/8/2007.

⁸ The table was prepared by the National Centre for Human Rights on the basis of data from the Public Security Directorate; it should be noted that the 2007 statistics show the numbers of crimes up to 31/12/2007.

- The Centre also considers that rising rates of poverty and unemployment amid deteriorating economic conditions, continuing price increases and the absence of effective remedies for these problems will have a major and direct impact on the type and nature of crimes and on an increase in their numbers in the coming years.

e. Poisoning incidents: The year 2007 witnessed four cases of mass poisoning caused by the consumption of spoiled food, in Russeifa, Madaba, Baqa'a and Sakib. The number of persons affected reached (2,000), and the poisoning in Baqa'a Camp resulted in the death of one citizen aged (23) years.

In June 2007, the Public Security Directorate announced the death of (17) citizens during the four months preceding that announcement as a result of these "addicts" drinking a counterfeit substitute for ethyl alcohol ("spirit"), a toxic substance sold illegally. The Public Security Directorate confirmed that the citizens had purchased this substance from certain shops and street vendors, where it is sold in plastic containers as a substitute for the original substance, which is sold in pharmacies as a sterile medical solution for external use. Likewise, in August 2007 a girl who had not yet reached the age of two died after ingesting a substance that her father had bought from a street vendor; it later emerged that this substance was extremely hazardous and is normally used for cleaning water tanks.

- While the National Centre for Human Rights follows these cases with grave concern, it stresses the responsibility of both the Ministry of Health and the Ministry of Industry and Trade for regulating and controlling the sale of medical substances and cleaning materials outside the shops officially licensed to sell them, and it emphasises the role of the media in raising citizens' awareness and urging them to purchase such products from the shops licensed to sell them.

3) Exposure to Torture and Cruel, Inhuman or Degrading Treatment

The most prominent development in the field of combating torture was the amendment of the text of Article (208) of the Penal Code through the enactment of Provisional Law No. (49) of 2007, which introduced the following provisions:

- Adoption of the definition of torture set out in Article 1 of the Convention against Torture of 1984.
- Raising the minimum penalty from three months to six months.
- Providing that the court may not apply discretionary mitigating circumstances.
- Providing that the court may not suspend the execution of the sentence imposed.
- It should be noted that the National Centre for Human Rights had recommended, during 2007, that the text of Article (208) of the Penal Code be amended, and had submitted a proposed text for the amendment of Article (208).
- With regard to the amendment made to Article (208) of the Penal Code, the Centre wishes to clarify the following:

1. The amendment constitutes a positive step in the field of combating torture; however, it is not fully consistent with the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

2. The amendment does not meet what the Centre had called for, particularly with regard to the necessity that the regular judiciary have jurisdiction to investigate this type of crime.

3. The amendment does not provide for the right of victims of torture to direct compensation from the State where torture is committed by a public official, nor does it provide that crimes of torture shall not be subject to a statute of limitations or that they shall not be covered by amnesty provisions.

- The Centre recommends that a further legislative amendment be made to guarantee the inclusion of the foregoing provisions.
- On the other hand, the Centre observed positive measures taken by the Government and the security agencies within the framework of prohibiting torture and curbing its practice, namely:

1. The establishment by the Ministry of Justice of a mechanism for handling complaints submitted by inmates of Correction and Rehabilitation Centres and security centres; oversight by the Public Prosecution of these centres; the organisation of periodic visits by public prosecutors to these centres; and the documentation of complaints at the Office of the Attorney General. However, the Centre has no information on the extent of the follow-up and effectiveness of these measures.

2. The holding of training courses for judges by the Judicial Institute, through which the importance of combating torture in prisons was emphasised by raising awareness of the harm resulting from the practice of torture.

3. The circulation by the Director of Public Security of the Convention against Torture, on 19/11/2006, to all Public Security personnel, urging superiors to make its provisions understood by their subordinates, stressing the necessity of complying with its provisions and not violating them, and drawing attention to the dangers and harm resulting from such violations.

4. The inclusion of the Convention against Torture in the foundational and training curricula, lectures and promotion examinations to which Public Security personnel are subject, with the aim of instilling its provisions, rules and concepts in their minds and conduct.

5. The intensification of the visits made by the Office of Grievances and Human Rights, in coordination with the National Centre for Human Rights, to places of custody and detention in order to identify wrongful practices and violations to which inmates may be subjected, and the preparation of the necessary reports to ensure the accountability of anyone proven to have violated the dignity of a citizen or infringed his rights and freedoms.

6. The placement of complaint boxes for inmates in Correction Centres, under the direct supervision of the Office of Grievances and Human Rights.

7. The establishment of a security radio station (FM) with the aim of achieving media openness and transparency within the Public Security apparatus by receiving complaints, broadcasting them live on air and finding appropriate solutions.

- The Centre has learned from a responsible source in the General Intelligence Directorate that instructions have been issued to its personnel prohibiting the physical, verbal and psychological abuse of any detainee or person attending the Directorate, and the source further stated that the penalties for those violating these instructions have been made more severe.
- As regards the actual resort to torture and cruel treatment, the Centre observed, through its unannounced visits and the complaints it has received since the beginning of 2007, the continued ill-treatment of some prisoners by some prison personnel, and the continued complaints by inmates belonging to unlawful organisations of the ill-treatment to which they are subjected by some of the security personnel responsible for guarding them. However, the Centre noted, during the last quarter of 2007, a marked decline in the number of such complaints, and also noted the attention given by the Public Security Directorate to following up those complaints, referring the accused whose guilt is established to trial, and taking the necessary measures to address those complaints and remove their effects. The Centre, for its part, appreciates this development and calls for further serious measures to address complaints.
- During 2007, the Centre received (45) complaints and reports against the various security centres and departments of the Public Security Directorate; a preliminary investigation was conducted into them and the relevant authorities were addressed in their regard.
- The number of complaints submitted to the Public Security Directorate relating to assault and ill-treatment during 2007 amounted to approximately (405), of which (87) complaints were received by the Office of Grievances and Human Rights; (42) of these complaints remain under follow-up, and the results of the investigation into them had not reached us as at the time of preparing this report. In addition, (318) complaints were submitted to the Legal Affairs Department of the Public Security Directorate, of which (57) complaints were referred to the Police Court, while the remainder are still under follow-up.
- In light of this situation, the National Centre for Human Rights observes the following:
 1. The follow-up of complaints is still extremely slow, and the proportion of complaints in respect of which action has been initiated remains low.
 2. The results of the investigations conducted into those violations and infractions remain very limited and modest, and do not carry the seriousness necessary to deter violators.
 - Consequently, the National Centre for Human Rights considers that efforts to combat torture in Jordan remain hesitant, and that the national measures taken to guarantee the right to physical integrity and freedom from torture remain modest and suffer from many shortcomings in light of the inadequacy of national legislation, which, in most cases, results in the perpetrators of the crime of torture escaping deterrent punishment.
 - Accordingly, the Centre recommends that a number of legislative, executive and preventive measures be taken to combat torture and other forms of ill-treatment, the most important of which are:

1. The Jordanian Government should recognise the competence of the Committee against Torture referred to in Articles (21) and (22) of the Convention against Torture of 1984, the Convention having been published in the Official Gazette on 15/6/2006.
2. Accession to the Optional Protocol to the Convention against Torture, and recognition of the competence of the Committee against Torture to receive individual complaints concerning violations of the rights contained in the said Protocol (Article 41).
3. The establishment of specialised centres for the rehabilitation of victims of torture.
4. The establishment of a national fund for the compensation of victims of torture.
5. The adoption and implementation of training programmes for law enforcement officials, and the activation of the role of physicians, both as individuals and as institutions, in combating torture.
6. The introduction of a system of regular medical examinations for all persons held in detention, and the maintenance of regular registers in places of detention containing names, addresses, detention warrants, visits, transfers, etc.
7. Express provision for the jurisdiction of the regular courts to hear crimes of torture, for the right of victims of torture to direct compensation from the State where the crime of torture is committed by a public official, and for such crimes not to be subject to a statute of limitations.
8. The introduction of legal amendments requiring the director of a Correction and Rehabilitation Centre or a detention centre to preserve the safety of detainees and not to subject them to any form of torture, and holding him responsible for the crime of torture where the person who committed the crime cannot be identified.
9. The abolition of the penalty of solitary confinement provided for in Article (38) of the Correction and Rehabilitation Centres Law No. (9) of 2004.
10. The adoption of plans and programmes to raise awareness of the gravity of acts of torture and of the legal obligations arising from its practice, and to raise the awareness of personnel in all agencies of their rights and duties.

Second: The Right to Liberty and Security of Person

International conventions guarantee the right of every human being to liberty and security of person,⁹ and the Constitution affirms this right in Article (8) thereof.¹⁰ The Criminal Procedure Code specifies the cases in which judicial police officers may arrest a defendant and deprive him of his liberty, and lays down a set of formal controls and restrictions that must be observed during the arrest.

⁹ See Article (9) of the International Covenant on Civil and Political Rights.

¹⁰ The Article provides that: “No person may be detained or imprisoned except in accordance with the provisions of the law.”

1) Deprivation of Liberty

The Crime Prevention Law of 1954 continues to constitute an infringement of this right, as administrative governors continued during 2007 to expand their use of administrative control powers on the grounds of necessity and the maintenance of security and public order, without providing legal guarantees or observing the legal procedures regulated by the Crime Prevention Law itself when issuing an administrative detention order. This constitutes an abuse of the law by those responsible for its enforcement, and is also a violation of international legal standards and of the legal rules that regulate the procedures for enforcing the provisions of this Law.

The number of persons placed in administrative detention during the period 1/1–31/10/2007 amounted to approximately (12,178), of whom (10,214) were Jordanian citizens and (1,964) were of other nationalities.

It was also noted, as a clear development this year, that the number of women in administrative detention increased, reaching (81) women detained in connection with various cases.

- It is evident that administrative detention as currently practised, in the absence of genuine controls over it, contributes significantly to creating a range of legal and practical problems, most notably the problem of prison overcrowding and the psychological, social and economic effects resulting from it, in addition to burdening the State Treasury with financial costs without genuine justification,¹¹ and it opens the door to further violations of the rights of the individuals subjected to this measure.
- Although the National Centre for Human Rights has raised the issue of administrative detention in all of its previous reports over the past four years, no action has yet been taken to repeal the Crime Prevention Law or to address the problems caused by administrative detention. The Centre anticipates that the acts of the individuals subjected to this measure will escalate if no genuine and effective steps are taken to curb it.
- This year, the Centre draws attention to a number of observations and practices affecting the right to liberty and security of person, and hopes that they will be taken into consideration and that an end will be put to these violations, the most prominent of which are:

1. The continued policy of administrative governors of arbitrarily removing administrative detainees to areas far from their families' place of residence, without notifying their families when such a measure is taken.

2. The resort by some security departments to referring the cases of wanted persons with prior records to the judiciary successively, one after another, pending the execution of the prison sentence in each case separately.

¹¹ At the time of the National Centre for Human Rights' visit on 18/7/2007, the number of administrative detainees in the Juweideh Correction and Rehabilitation Centre (Men) amounted to approximately (313) detainees, of whom (32) were foreign detainees. The periods of administrative detention of (291) detainees ranged between one week and four months, and the reason for the continuation of detention was, in most cases, the inability to furnish the required bail. As for the (32) foreign detainees, some of them had been in detention for three years owing to their inability to furnish bail, or pending the completion of deportation procedures or a decision on the detainee's case.

3. The continued resort by security departments to depriving persons of their liberty by means of “return requests”.

4. The continued phenomenon of administrative governors and some security departments failing to respect judicial decisions of acquittal and non-liability, and detaining some persons after their release despite the issuance of judicial decisions, which calls the principle of the rule of law into serious question and allows administrative governors and the police to contravene the law and violate the rights of individuals without any accountability.

5. The continued phenomenon, during 2007, of administrative detainees resorting to hunger strikes in protest against administrative control orders issued by administrative governors.

2) Temporary Places of Detention

a. Temporary Places of Detention at the Public Security Directorate¹²

During 2007, the Public Security Directorate established model temporary places of detention (for example: the Tareq Security Centre, the Sweileh Security Centre and the Rehab–Mafraq Security Centre...) in accordance with the relevant international and national standards.

- While the National Centre for Human Rights welcomes this step, most temporary detention centres still suffer from a number of shortcomings and irregularities that lead to the violation of the rights of detained persons, which were set out in detail in the Centre’s report on the conditions of Correction and Rehabilitation Centres and temporary places of detention dated 19/12/2007.¹³ The National Centre for Human Rights hopes that the Public Security Directorate will continue to develop the detention centres within police departments, establish new model centres, and pursue a positive and deterrent policy towards those who violate the law, in line with the declared official orientations in this field.

Deaths in Temporary Places of Detention:

The National Centre for Human Rights recorded (5) deaths in temporary places of detention during 2007, including one case of suicide at the Al-Bayader Security Centre – Amman. The other four deaths were considered natural in light of the forensic medicine reports and the decisions of the investigation committees formed. It should be noted that the circumstances of the death of a detainee on 5/4/2007 in the holding cell of the Al-Ghweiriyeh Security Centre – Zarqa remain under investigation.

- The National Centre for Human Rights records that some of the decisions and procedures of the security committees formed to investigate these cases require review, and that the

¹² Places of detention include: the holding cells of police directorates and security centres, foreigners’ detention centres, and places of detention in the Criminal Investigation Department, the Preventive Security Department, the Anti-Narcotics and Counterfeiting Department and the Family Protection Department.

¹³ For further information, see the Fifth Periodic Report on the Conditions of Correction and Rehabilitation Centres and Temporary Places of Detention in the Kingdom for 2007: http://www.nchr.org.jo/ar/pages.php?menu_id=&local_type=5&local_id=23&local_details=1&local_details1=&localsite_branchname=NCHR

forensic medicine reports issued in their regard require clarity and precision. In most cases, the Centre is unable to obtain them directly from their source, which constitutes a violation of Article (8) of the Centre's Law, which obliges the relevant authorities to provide the Centre, without delay or deferral, with any information, data or statistics it deems necessary for the achievement of its objectives.

b. Temporary Places of Detention at the General Intelligence Directorate

During 2007, the Centre's team made three visits to the places of detention belonging to the General Intelligence Directorate,¹⁴ with the aim of reviewing the legal status of detainees and ascertaining the characteristics of the prison environment, the quality of treatment and the level of health care and mental health services. The team also met the detainees in private in order to hear their demands and complaints.

- The number of detainees was (15) persons at the first visit, (22) persons at the second visit and (12) persons at the third, with periods of detention ranging between one week and three years.¹⁵ All of the detainees interviewed had been detained pursuant to detention warrants issued by the Public Prosecutor of the State Security Court.

The Centre's team that conducted the visits received (3) complaints concerning ill-treatment and beatings inside the General Intelligence detention centre, and the Directorate was addressed regarding those complaints at the time. The complaints of the detainees held by the General Intelligence Directorate may be summarised as follows:

1. The isolation in which they live in solitary cells.
 2. The length of the periods of detention, which range from one week to seven months.
 3. Detainees not being permitted to make telephone calls to their families.
 4. Detainees not being permitted to meet their visitors in private during visits.
- The Centre also received (28) complaints against the General Intelligence Directorate during 2007, of which (13) complaints were resolved with a satisfactory outcome, (8) complaints are under follow-up, two (2) complaints were outside the Centre's mandate, (3) complaints were closed owing to the absence of a violation, and in two (2) complaints no satisfactory outcome was reached, as the persons concerned were deported from Jordan.
 - On the other hand, the Centre records the responsiveness of the General Intelligence Directorate to a number of observations and recommendations aimed at improving the conditions of the detainees it holds: the number of books in the library was increased; detainees were provided with daily newspapers, pens and paper; the weekly visiting period

¹⁴ The visits to the places of detention belonging to the General Intelligence Directorate took place on 10/4/2007, 13/8/2007 and 25/10/2007.

¹⁵ Mohammad Issam Al-Otaibi had been in detention for more than three years. The National Centre for Human Rights had addressed His Excellency the Prime Minister and the Director of Intelligence regarding his case on 4/3/2008, and the Centre recently learned that he was released on 12/3/2008.

was extended to half an hour instead of a quarter of an hour; the period of exposure to sunlight was likewise extended to half an hour daily; and a dental clinic was established.

- The Centre clarifies that all visits made to the detention centre of the General Intelligence Directorate during past years took place by prior arrangement with the relevant officials in that Directorate, and the Centre seeks to carry out unannounced visits similar to those made to other detention centres in the Kingdom.

3) Correction and Rehabilitation Centres

During 2007, (53) unannounced visits were made to Correction and Rehabilitation Centres. The visiting team observed an improvement in the conditions of the Correction and Rehabilitation Centres affiliated to the Public Security Directorate in terms of the treatment of inmates and the initiative taken to resolve a number of the problems from which prisons suffer, which had been pointed out in the Fifth Periodic Report on the Conditions of Correction and Rehabilitation Centres and Temporary Places of Detention for 2007, issued on 19/12/2007. The Centre attributes this improvement, among other reasons, to the appointment of qualified directors to the Correction and Rehabilitation Centres.

- On the other hand, 2007 witnessed a number of incidents, the most prominent of which were:
 - a. An increase in the frequency of riots inside prisons: Birin Prison witnessed a riot that resulted in the injury of more than (35) inmates on 10/3/2007, and Swaqa Prison witnessed a riot that resulted in the injury of (360) inmates on 26/8/2007. Instances of inmates becoming agitated, harming themselves and going on hunger strike occur in protest against the prevailing conditions inside prisons and the failure of the relevant authorities to listen to their complaints, in addition to the absence of any means of conveying their grievances to the officials concerned outside the prison walls.
 - In this context, the Centre recommends that greater attention be given to the issue of prison riots, as what happened at Swaqa Prison on 26/8/2007 was an inevitable consequence of the deterioration of the humanitarian conditions of the inmates in that prison. Their being subjected to beatings and humiliation with electric cables and sticks, together with the shaving of their heads and beards and the use of provocative language by the director, officers and personnel of the said Centre, constituted a real setback to the reform plans that the Public Security Directorate had previously announced.¹⁶
 - b. An increase in the number of hunger strikes carried out by inmates during 2007, which reached (867) strikes. These are attributable, on the whole, to the failure to decide on the inmate's case despite the length of the judicial or administrative detention of some of them, or the failure to release him on bail, or his transfer to another centre, which makes it more difficult to contact or visit him, provide him with legal assistance or give him satisfactory health care.

¹⁶ For further details, see: the Report on Correction and Rehabilitation Centres and Temporary Places of Detention for 2007.

As for the strikes by inmates belonging to unlawful organisations, they are attributable to ill-treatment and beatings by the personnel responsible for guarding them, or to the deterioration of their living conditions inside the prison and their deprivation of some of their rights as prisoners.

- Only during the last quarter of 2007, and as a result of these strikes, did signs of positive measures begin to emerge: the Public Security Directorate responded to the lawful demands of the strikers, and an improvement in their living conditions was observed. The Centre attributes the causes of these strikes generally, in addition to the reasons set out above, to the misuse by administrative governors of their powers of administrative detention and the prolonged duration of judicial detention, and the problems resulting from both.
- The Centre also recommends that Juweideh Prison (Men) be closed as soon as possible owing to the deterioration of the prison's infrastructure and its impact on the conditions of inmates.
- The National Centre for Human Rights considers that achieving the objective of correction and rehabilitation requires embarking on the development of a national plan for prison reform; activating the role of the Higher Committee for Correction and Rehabilitation to ensure that the relevant ministries (Education, Health and Social Development) perform their duties in prisons as provided for in the Correction and Rehabilitation Centres Law; and working to find a solution to the problem of prison overcrowding by enacting legislation on alternative non-custodial measures and activating the legislative provision on the suspension of the execution of sentences (Article 54 *bis* of the Penal Code).
- While the National Centre for Human Rights reiterates its call for the recommendations set out in its reports on prisons to be studied and adopted, it considers that the continued denial and non-acknowledgement of the observations of international and national institutions, and the failure of some officials to give them due attention, does not negate these observations, does not withstand the facts, and does not help change prison conditions for the better; on the contrary, it further complicates matters at both the domestic and international levels.

Third: Human Rights in the Administration of Justice

A fair judiciary constitutes the first and last line of defence of human rights and freedoms. The International Covenant on Civil and Political Rights (ICCPR) provides for this right in Article (14/1), and it is likewise guaranteed by the Jordanian Constitution in Articles (97 and 101).

The Communication Strategy of the Judicial Council, in its first phase (2006–2007) and second phase (2007–2009), constituted a fundamental basis for raising public awareness of the performance of the Jordanian judiciary. Its most prominent objectives included the following:

- Strengthening the integrity and independence of the judiciary, whereby the organisational structure of the Judicial Council and of the administrative bodies affiliated to it was prepared and developed; however, the implementation of this structure requires a Regulation issued by the Council of Ministers or an amendment to the Independence of the Judiciary Law and the Civil Service Regulation.

- Reducing recourse to the courts, whereby, during 2007, a plan of action was developed for the application of mediation and other alternative methods of dispute resolution outside the courts; a group of judges was trained in mediation; and the implementation of a programme to raise the awareness of citizens and lawyers of alternative means of settling disputes without recourse to the courts was commenced.
- Developing the human resources of judges and their auxiliary staff, whereby a number of judges were sent on missions to learn the English and French languages, and directors were appointed for some courts with the aim of relieving judges of pressure in respect of the administrative work of the courts.

Work is currently under way to develop civil case management through the preparation of a timetable setting the trial hearings from the referral of a case to the trial judge until the issuance of the judgment, as well as the development of an information system relating to monthly statistics on completed cases and linked to performance indicators.

- The Ministry of Justice implemented a media campaign to introduce the judicial system, with the aim of disseminating a general understanding of reform and development and of the role of the judiciary in strengthening the principle of the rule of law.

Notwithstanding the measures contained in that Strategy, no fundamental, tangible development has so far been observed on the ground, and a number of problems continue to impede the litigation process and to affect the course of justice, the most prominent of which are the following:

1. The continued subjection of the financial and administrative decisions of the judicial authority and the courts to the convictions of the Government and its financial priorities and, in many cases, to the wishes of Ministers of Justice.
2. The shortage of judicial auxiliary staff, particularly typists.
3. The inefficiency of some process servers and their failure to perform their duties as required, which causes delays in judicial notifications, considerably impedes the work of the courts, and results in the loss of litigants' rights.
4. The need for greater professionalism in the appointment of judges and in qualifying them, both academically and practically, to discharge their duties, as a result of an objective examination of a number of cases of judicial appointment.
5. The slowness of litigation procedures, despite all the efforts made in recent years to address this phenomenon,¹⁷ particularly in light of the continuous increase in the number of cases pending before the courts, especially the Court of Cassation, where some cases remain pending for more than a year even though it examines most cases¹⁸ on the papers (by way of scrutiny).

¹⁷ The appointment of a larger number of judges, the provision of a number of training and development programmes, and other measures.

¹⁸ Particularly in criminal cases, which wait for months before taking their turn in the registers and then remain for further months with the judges until they are released; by contrast, the Court of Cassation issued its decision in one case forty-eight hours after the case reached it.

6. The continued application of certain laws that violate the fundamental principles governing the work of the judiciary, such as the principle of the independence of the judiciary and equality before the law, through the stipulation of certain conditions where an action is brought against the Government, as is the case, for example, in the Government Lawsuits Law, the Customs Law and the Municipalities Law. The Government Lawsuits Law requires the plaintiff to deposit the amount claimed in the court treasury or to provide a guarantor before filing an action against the Government; the Municipalities Law requires, for an objection to a decision of the mayor concerning the entitlement of the municipality to any sums of money, that the person liable pay the amount or provide security in respect thereof; and the same applies to the Customs Law, which provides that no action against the Treasury shall be heard before the customs courts unless the plaintiff deposits a cash security or a bank guarantee equivalent to (25%) of the amount claimed from him. This calls for a review of these laws and the repeal of all provisions that deprive citizens of their right of recourse to the judiciary, or that impose certain conditions on the exercise of this right where the dispute is with a governmental body, as well as ensuring the equality of all persons, whether natural or legal, before the law in all procedures and conditions.

7. Investigations conducted by the security agencies continue to face a crisis of credibility among all concerned, including judges and lawyers, whereas this problem could be resolved by permitting lawyers to be present with suspects and accused persons at security centres, and by activating the application of the provisions of the Jordan Bar Association Law relating to this matter.

8. The restrictions imposed on the work of lawyers during the signing of powers of attorney inside Correction and Rehabilitation Centres (CRCs) and security detention facilities, as well as lawyers not being permitted to meet the detainee inside the prison in order to have him sign the power of attorney and to certify his signature, since the Instructions prohibit the lawyer from taking the signature, which is instead taken by a member of the security personnel. This may give rise to the problem of the lawyer certifying the detainee's signature without verifying its authenticity, which constitutes a legal violation. Trainee lawyers are also prevented from carrying out the task of having powers of attorney signed inside CRCs, as had been the case in previous years. In addition, a detainee is not granted the right to contact his lawyer and to appoint him to follow up his case while he is held in the detention facility, which disrupts and impedes the work of lawyers and deprives the accused of the opportunity to defend himself from the outset of his case.

9. The Prevention of Terrorism Law, the Crime Prevention Law and the Economic Crimes Law contain provisions that derogate from human rights and conflict with the provisions of the Constitution and the general principles of the administration of justice. For example, the Economic Crimes Law of 1993 granted the Public Prosecution or the court the right to impose a precautionary attachment on the property of the ascendants, descendants and spouse of a person who commits an economic crime, by prohibiting any disposal of such property and barring any of them from travel, which contravenes the principle of the personal nature of prosecution. In addition, this Law empowered the Prime Minister to refer any of the crimes provided for therein to the State Security Court.

- The National Centre for Human Rights (NCHR) considers that these laws contain exceptions and transgressions that undermine the principle of achieving justice and constitute a continuing encroachment on the jurisdiction of the regular judiciary, which

holds general jurisdiction. The Centre recommends the repeal or amendment of the provisions of these laws in conformity with national and international standards of fair trial.

10. The amendment of the Compulsory Insurance Regulation against Civil Liability Arising from the Use of Vehicles of 2001, since this Regulation set a maximum limit on the amount of compensation for which insurance companies are liable towards the injured party (the insured) as a result of traffic accidents, irrespective of the amount of compensation awarded by the courts, which is frequently far higher than the amount set by insurance companies, and it obliged the driver and owner of the vehicle to pay any amount in excess of that ceiling.

11. The necessity of reviewing the Owners and Tenants Law and its amendments No. (11) of 1994, since the amendments to the Law operate in the interest of the owner and fail to observe a balance between the rights of the owner and those of the tenant. In view of the serious economic, social and humanitarian problems that the application of this Law as of 31/12/2010 will give rise to, there has become a pressing need to review it in order to prevent its negative repercussions on a broad segment of the population.¹⁹

12. The lack of harmonisation of national legislation with the international human rights conventions; Jordan's ratification of numerous international conventions that have been published in the Official Gazette requires a review of the relevant national legislation and its harmonisation with these conventions.

13. Information relating to criminal trials has revealed a clear shortcoming, in a number of cases, in compliance with the basic standards of fair trial, with particular reference to the following cases:

a. The trial of civilians before special courts, namely the "State Security Court", whose judges are predominantly military, which undermines the principle of the independence of judges and derogates from the guarantees of a fair trial.²⁰ Furthermore, the continued application of the State Security Court Law constitutes an encroachment on the jurisdiction of the regular judiciary, which holds general jurisdiction, now that the State Security Court has become a permanent court.

b. The misuse of judicial detention as a measure of investigation and trial in criminal matters. Calls for its reform have intensified so that it does not turn into a penalty in its own right that contravenes the presumption of innocence. The Centre has recommended, in more than one report, the establishment of strict controls on detention and the payment of compensation in cases of its misuse, or of its prolonged duration where the matter ends with the acquittal of the detainee of the charges for which he was detained.

¹⁹ On 21/1/2008, the National Centre for Human Rights sent to the Ministry of Justice its proposals concerning the Owners and Tenants Law, comprising solutions that take into account social security and justice.

²⁰ In this regard, it should be noted that the State Security Court frequently refuses to summon certain witnesses, particularly holders of senior political positions in the State, on the pretext that their testimony is not productive as evidence, notwithstanding the existence of legal provisions granting the accused the right to rebut the evidence of the Prosecution by all means of proof, which derogates from the guarantees of a fair trial.

c. The continued application of the Crime Prevention Law and the increasing numbers of persons held in administrative detention on the basis of security recommendations that may be unjustified in most cases.

Personal Status Courts

Personal status courts in Jordan are of two types: the Sharia courts and the councils of the other religious denominations.²¹

- The National Centre for Human Rights observed positive developments in the performance and capacities of Sharia judges and administrative staff; during 2007, (107) Sharia judges were trained at the Judicial Institute on the provisions of the new Sharia Execution Law, and (117) employees of the Chief Justice Department (Department of the Qadi Al-Qudah) were trained in the work of execution officers.
- However, NCHR, on the other hand, monitored a number of obstacles affecting the litigation process in the Sharia courts, the most prominent of which are the following:
 1. The shortage of judges, particularly in the major cities (Amman, Irbid and Zarqa), where more than (40) cases a day are brought before a single judge, which negatively affects the quality of the decisions he issues and, consequently, the fairness of judgments.
 2. The shortage of judicial auxiliary staff (clerks, process servers and accountants), since only one clerk is assigned to each judge.
 3. The inflation of the powers of the Chief Justice Department at the expense of the powers of the presidents of the Sharia courts.
 4. The outdated nature of the legal provisions relating to notifications, contained in the Sharia Procedure Law No. 31 of 1959, which delays the adjudication of cases and affects the judgments issued therein, thus requiring their amendment in a manner that facilitates the speedy adjudication of cases pending before these courts.
 5. The lack of legal provisions addressing emerging issues (such as the establishment of paternity by genetic testing, divorce by electronic messages, etc.), which requires the introduction of legal amendments that accommodate these new developments.
 6. The absence of a Sharia Court of Cassation to examine cases decided by the Sharia courts of appeal; the existence of such a court would constitute a guarantee of the soundness of judgments and would be consistent with the international standards of fair trial, which require that litigation be conducted at more than one level.
 7. The absence of a Sharia Public Prosecution to follow up judgments relating to public order, in order to relieve the pressure on judges and to determine which cases warrant appeal and which do not; at present, all cases relating to the Sharia public right are appealed automatically, which increases the burden on the courts and prolongs trials.

²¹ Namely: the ecclesiastical courts of the Greek Orthodox denomination, the Greek Catholic (Melkite) denomination, the Latin denomination, the Armenian denomination, and the Arab Episcopal Evangelical denomination.

- On this occasion, the National Centre for Human Rights reaffirms its previous recommendation on the necessity of establishing an Alimony Fund²² to address the special cases that arise when a woman without a provider obtains a judgment for alimony and its collection proves impossible for any reason, so that the woman may obtain the amount of alimony from the Fund, and the Fund in turn may have recourse against the person against whom the alimony judgment was rendered and recover the amount by the method of collecting public (state) funds, taking into account the necessity of establishing controls and criminal penalties for anyone proven to have acted fraudulently in order to benefit from the Fund's monies without need, or in the event of collusion between the two parties to that end. The Fund is to be financed from the State Treasury, and we recommend the imposition of additional fees on every divorce registered in the Sharia courts, to accrue to the State Treasury and to form part of the financing of the Alimony Fund.
- As regards the ecclesiastical courts, the National Centre for Human Rights monitored a number of obstacles affecting the litigation process in the ecclesiastical courts, the most prominent of which are the following:
 1. High court fees, the amount of which varies from one court to another according to denomination, which in some cases impedes access to these courts by citizens of limited financial means.
 2. The prohibition on issuing a certificate of inheritance (succession deed) except after the production of an income tax clearance, particularly where the deceased has cases pending before the Tax Court, since the family of the deceased cannot pursue the case without the certificate of inheritance, and the court does not issue the certificate except after the production of the clearance.
- In light of the situation of the courts in general, the National Centre for Human Rights recommends the following:
 1. Developing a plan of action, to be implemented in phases, for the adoption of the principle of specialised chambers, organising the courts on the basis of specialisation in the examination of cases, qualifying judges to examine emerging matters such as intellectual property, insurance and maritime transport cases, and sending judges on missions and training courses in the area of specialisation in which they will work; as well as training them in computer skills in order to improve the quality of the decisions issued and to expedite litigation procedures, in addition to equipping each court with a law library containing the legal references and periodicals that the judge needs in the performance of his work.
 2. Activating the Mediation Law and identifying the courts in which mediation departments are to be established in order to reduce the demand on the courts.
 3. Reviewing the conditions for sending court clerks to the Judicial Institute to raise their competence, by releasing them on a full-time basis to attend a one-year training course at the Judicial Institute, and preparing a curriculum plan under which the participants are subject to the same conditions as those to which students of the Diploma in Judicial Studies are subject.

²² The National Centre for Human Rights made this recommendation in its First Report (2003, 2004), issued on 31/5/2005.

4. Reviewing the criteria for the appointment of judges, and the necessity of subjecting them to psychological and academic tests prior to appointment, and designing continuous qualification and training programmes for judges of all grades, as well as for judicial auxiliary staff.
5. Establishing administrative courts whose judgments may be challenged before the High Court of Justice, in the interest of justice.
6. Strengthening the financial and administrative independence of the Judicial Council and making it the sole body entrusted with supervising the affairs of the judiciary.
7. Introducing a legislative amendment aimed at making the appointment of lawyers at the investigation stage mandatory, in order to curb violations of the rights of accused persons, since the presence of a lawyer constitutes a further guarantee during the investigation process.
8. Forming a committee to be entrusted with reviewing national legislation, within an agreed programme, in order to harmonise it with the international conventions ratified by Jordan and published in the Official Gazette, to comprise representatives of the Ministry of Justice, the Legislation and Opinion Bureau and the Jordan Bar Association, and representatives of the faculties of law in the universities and of civil society organisations.
9. The necessity of establishing legislative mechanisms that guarantee the application of the law in a manner that achieves equality and justice for litigants in all circumstances and at all levels of the courts, and introducing legal provisions permitting a retrial (review) in certain circumstances specified by law after the issuance of a final judicial judgment, so as to ensure the attainment of the highest degree of justice.

Juvenile Justice

The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the “Beijing Rules”) constitute the comprehensive framework for juvenile justice, and the provisions of Articles (37 and 40) of the Convention on the Rights of the Child (CRC) have become an integral part of the legislative system in Jordan since this Convention was published in the Official Gazette on 16/10/2006.

- The National Centre for Human Rights emphasises, at the outset, the necessity of having a specialised judicial body to examine juvenile cases in accordance with Rule (14) of the “Beijing Rules” and Article (40) of the Convention on the Rights of the Child, respectively. The Centre considers, on the other hand, that the juvenile magistrates’ courts in Amman, Irbid and Zarqa are not specialised, for the following reasons:

1. They are courts that are specialised as to location and subject matter, since they examine the charges brought against juveniles only in the cases pending before them, and they do not examine all juvenile cases, nor are juvenile cases pending in the districts belonging to the same governorate referred to them.
2. The juvenile judges in the Irbid and Zarqa courts are not assigned to work in them on a full-time basis; magistrates take turns, in the afternoon period, to examine juvenile cases, which constitutes an additional burden on judges in the performance of their duties and negatively affects the quality of the judgments issued.

3. The Courts of First Instance, in their capacity as juvenile courts, have jurisdiction to adjudicate felonies according to the penalty ceiling applicable to juvenile delinquents; as for crimes committed by juveniles jointly with adults, they are examined before the courts competent to try adults, with due regard to the procedures followed in respect of juveniles.

- The National Centre for Human Rights considers that there are certain practices that conflict with the international standards in this regard, the most prominent of which are the following:

1. Non-application of the principle of confidentiality of juvenile trials: Article (10) of the Juveniles Law provides that the trial shall be held in camera; however, owing to the absence of specialised juvenile courts, this principle is applied only to a very limited extent.

2. Non-application of the principle of separating juvenile girls from adult women during the period of preliminary police investigations (temporary holding in detention facilities), since they are placed in the women's detention facility located at the Juwaideh Correction and Rehabilitation Centre for Women; the danger of their presence with adult women in the same place is noted, even if only for a short period of time.

- In light of this situation, the National Centre for Human Rights recommends the following:

1. Establishing a specialised juvenile judiciary with jurisdiction over all stages of their trial, which guarantees that they are tried separately from adults in jointly committed crimes.

2. Moving towards the application of criminal mediation in juvenile cases.

3. Refraining from detaining juveniles for ordinary offences, such as fights in schools or in the streets, working to settle disputes through reconciliation, and focusing on social solutions to the wrongdoing committed by minors.

NCHR's Assessment of the Penal Treatment of Juveniles

The penal treatment of juveniles aims to direct them towards the objectives sought from the execution of the penalty, namely the rehabilitation of juveniles and their reintegration into society. In this field, the Centre records a number of positive observations, the most prominent of which are the following:

1. The Jordanian Penal Code No. (16) of 1996 did not impose upon juveniles the same criminal responsibility it imposes upon adults, considering them to lack legal capacity; accordingly, the penalties for juveniles differ in both quantity and type. For example, the death penalty and life imprisonment with hard labour are not applied to children in Jordan, and the maximum custodial penalty ranges between (4–12) years upon the commission of a felony punishable by death or life imprisonment with hard labour.

2. The Juveniles Law left the minimum limit of the penalty open under the text of Article (19/d/5), which allows the judge to hand down judgments imposing the lowest custodial penalty if he finds in the circumstances of the crime what warrants this. It is worth noting that the maximum custodial penalty imposed by the Zarqa Juvenile Magistrates' Court up to 30/6/2006 was three months, in each of the crimes of breach of trust, theft committed jointly, and grievous bodily harm.

3. The placement of juvenile delinquents in special institutions²³ supervised administratively and in terms of care by the Ministry of Social Development, which reflects a conscious political will to correct the behaviour of juveniles in accordance with international standards.

- On the other hand, the National Centre for Human Rights monitored a number of negative aspects recorded against the penal institutions for juveniles, the most prominent of which are the following:

1. Failure to follow international classification standards; the institutions that execute custodial penalties against juvenile delinquents hold both convicted juveniles and juveniles detained pending trial, which constitutes a breach of international standards with regard to the principle of the presumption of innocence, since persons detained pending trial are innocent until proven guilty by a final decision of a competent court, and they are therefore entitled to special treatment appropriate to their temporary status.

2. The unsuitability of the physical environment of detention in terms of the design of the place accommodating children in conflict with the law, in a manner consistent with the purpose of their presence in these centres. (Reference is made here to the qualitative leap in the level of care and services provided to the girls held at the Al-Khansa Centre, which was moved to another building with a better environment than before, enabling the girls to engage in the activities and programmes offered to them in a better manner.)

3. The juveniles held at the Abdullah bin Omar Centre for the Education and Rehabilitation of Juveniles in Ma'an Governorate were subjected to severe beating by members of the Special Police when one of the inmates attempted to escape from the Centre. The incident, which occurred on 6/8/2007, resulted in serious injuries among the juveniles. This requires the existence of a specialised juvenile police force in order to provide better treatment for children in conflict with the law, particularly as the Convention on the Rights of the Child prohibits subjecting any child to torture or other cruel, inhuman or degrading treatment.

- In this context, the National Centre for Human Rights recommends the following:

1. Introducing the concept of restorative justice into the Juveniles Law as a specific provision, and affirming the comprehensive concept of the modern philosophy of punishment, which focuses on the violation of human relationships rather than on the mere breach of the law, so that the victim has an important role in the process of redressing the harm.

2. Requiring that the juvenile be followed up by a probation officer from the outset of the legal proceedings, in completion of the guarantees of a fair trial and in order to enlighten the public prosecutor concerned as to the condition and behaviour of the juvenile before taking a decision of indictment for a misdemeanour or a felony.

3. Requiring legal representation as a fundamental right of the juvenile, particularly in serious misdemeanours and felonies.

²³ They number nine (9) institutions, of which four (4) are institutions for male juvenile delinquents, two (2) are for children in need of protection and care, one (1) centre is for girls, accommodating both delinquent girls and those in need of protection and care, in addition to two (2) centres for beggars.

4. Holding continuous training courses for those dealing directly with detained children (police and staff of juvenile centres) on the rights of the child, methods of dealing with juvenile delinquents, and methods of crime prevention in accordance with international standards.

Fourth: The Right to Nationality, Residence and Asylum

a- The Right to Nationality

Nationality constitutes a fundamental pillar of an individual's life from the legal, political and social perspectives, and a guarantee of his or her enjoyment of all other, non-political, rights of citizenship, such as the right to work, to education and to social security. International conventions have enshrined this right, but have left its regulation to the constitutions and laws of the States Parties thereto.

Although the Jordanian Constitution provides in Article (5) that nationality shall be determined by law, and although the Government published the conventions concerned with this right in the Official Gazette in 2006,²⁴ which means that their provisions have become part of the Jordanian legal system, the legislative situation and the practical application of the right to nationality underwent no change or progress in 2007, and this right continues to face numerous factors and influences that infringe upon it, the most prominent of which are the following:

1. Decisions of the governmental administration concerning the withdrawal of the identity documents of holders of Jordanian nationality in a manner that infringes this right and precludes its enjoyment, without regard to the constitutionality or unconstitutionality of such decisions.

- The National Centre for Human Rights considers that the withdrawal of these documents, and the consequent stripping of citizens of their nationality without a prior judicial ruling, constitutes an arbitrary act and a fundamental violation of a right that is the very basis for the enjoyment of all other rights in the country.

2. The High Court of Justice continues to regard the decision to withdraw official identity documents relating to the right to nationality, on the basis of the decision on legal and administrative disengagement from the West Bank, as an act of State sovereignty; this does not encourage citizens to bring actions before it concerning deprivation of nationality, the number of actions brought before it during 2007 amounting to only nine.

²⁴ Jordan published the following international conventions in the Official Gazette: a. The International Covenant on Civil and Political Rights, which provides in Article 16: "Everyone shall have the right to recognition everywhere as a person before the law"; b. The International Convention on the Elimination of All Forms of Racial Discrimination (1969), which called upon its States Parties to eliminate all forms of discrimination, including that directed against foreigners seeking asylum or nationality; c. The Convention on the Rights of the Child (1989), which enshrined this right in Articles (2) and (7); however, the Jordanian Government entered a reservation to Article (9) of the Convention on the Elimination of All Forms of Discrimination against Women, which grants women an equal right with men to confer their nationality on their children.

3. The Nationality Law has not been harmonised with the international conventions and standards ratified by Jordan, more than fifty years having elapsed since its promulgation;²⁵ it must therefore be amended so as to conform to those standards.

- During 2007, NCHR received (64) complaints relating to the right to nationality and the right to obtain identity documents. The most prominent violations contained in these complaints were the following:

1) The withdrawal of official documents (passports, civil status cards and national numbers) from numerous individuals on the basis of the decision on legal and administrative disengagement issued in 1988; these cases included the withdrawal of official documents from individuals married to Jordanian women, who have children and a permanent place of residence.

2) The withdrawal of the personal documents of persons born in Jordan, who have resided there for more than (30) years and served in the Jordanian Armed Forces, as a result of which their children lost the identity documents necessary to establish their identity and were deprived of the right to education.

3) The recovery of passports from numerous citizens when they approached the Civil Status Department to renew their official documents, which in practice results in the loss of their nationality.

- The National Centre for Human Rights considers that the withdrawal of official documents in the manner set out above, besides constituting a flagrant violation of the Constitution, entails negative consequences, the most important of which may be stated as follows:

a- The forfeiture of an important human right of many persons, notwithstanding that they have established a close and genuine connection with the State.

b- Restriction of the freedom of movement of persons whose identity documents have been withdrawn, as such persons become unable to move within the territory of the State because they are exposed to questioning by the security agencies when moving about; this may result in their detention under the Crime Prevention Law for an indefinite period and possibly without any trial.

c- Deprivation of the person of work and of earning a livelihood, as he or she cannot apply to any employer owing to the lack of the necessary official documents, which results in psychological and moral harm; some of these persons may resort to unlawful means of earning their livelihood.

- While the National Centre for Human Rights acknowledges the right of the State to regulate its affairs, foremost among which are matters of nationality, it emphasises that this must be done in conformity with the law, since Article (18) of the Nationality Law enumerates the cases in which nationality may be lost, and these do not include a Jordanian's acquisition of another nationality.
- In light of this situation, the Centre reaffirms the recommendations contained in its reports over the past three years, the most important of which are the following:

²⁵ The Jordanian Nationality Law was promulgated in 1954.

1. To give effect to Article (5) of the Jordanian Constitution, such that nationality is neither granted to nor withdrawn from any person except in accordance with the provisions of the law; what is regulated by law may not be repealed or amended except by law, and what the legislature regulates by this instrument may not be regulated by a lower legislative instrument. Consequently, Jordanian nationality may not be regulated by a decision or by Instructions.
2. To withdraw Jordan's reservation to Article (9) of the Convention on the Elimination of All Forms of Discrimination against Women, and to amend the Nationality Law No. (6) of 1954, as amended, so as to grant women an equal right with men to confer their nationality on their children.
3. To form a committee of the competent authorities to examine urgent humanitarian cases relating to the withdrawal of documents from citizens and the consequences thereof, and to work towards finding equitable solutions for these citizens.

b- The Right to Residence and Freedom of Movement

This right falls within the civil rights that every individual in any territory must enjoy. Jordan has ratified the International Covenant on Civil and Political Rights, which has become part of national law, and the right is set out in Article (13) of the Covenant.²⁶

The Residence and Foreigners' Affairs Law No. (24) of (1973), as amended, was enacted to regulate the status of Arab and foreign persons residing in Jordan. However, a number of observations may be recorded regarding this Law and the conditions of residence of foreigners in Jordan, the most important of which are:

- 1) In Article (37) thereof, the Law grants the Ministry of Interior absolute authority to accept or reject a foreigner's application for a residence permit, or to cancel the residence permit granted to him or her and require him or her to leave the Kingdom, without stating reasons.
- 2) The security agencies deport foreigners, particularly those who have overstayed the period of residence granted to them; they are held in administrative detention pending the issuance of a decision exempting them from, or requiring them to pay, the fines incurred, which in many cases often takes a long period amounting to months, thereby infringing their right to personal liberty.
- 3) Administrative governors issue deportation decisions against foreigners without granting them time to defend themselves or even to settle their financial and social affairs, which constitutes a violation of the right to a fair trial.
 - During 2007, the National Centre for Human Rights received (144) complaints relating to the right to residence and freedom of movement, among them the refusal by the Ministry of Interior to grant the wives of Jordanians the annual residence permit, in addition to the

²⁶ This Article provides: "An alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority."

deportation by the security agencies of foreigners married to Jordanian women where a judicial ruling has been issued against any of them, irrespective of the nature of the charge.

- In light of this situation, the National Centre for Human Rights recommends that legislative amendments be made to the Residence and Foreigners' Affairs Law, to include the following:

1. To amend Article (37) of the Residence and Foreigners' Affairs Law, which grants administrative governors and other executive officials the power to issue deportation decisions, such that no deportation decision is issued unless it is reasoned, so as to extend the oversight of the High Court of Justice over such decisions; and to amend the Residence and Foreigners' Affairs Law such that a person is granted, prior to deportation, a specified period within which to defend himself or herself before the judicial authorities, thereby giving effect to the principles of the right to a fair trial.

2. Where a deportation decision is issued, after the foregoing guarantees have been provided, the person must be granted a specified period to settle his or her financial and social affairs before the decision is enforced against him or her.

3. Not to deport the husband of a Jordanian woman or the wife of a Jordanian man by administrative decisions, in order to ensure the stability of family and living conditions.

c- The Situation of Asylum

Jordan has not acceded to the 1951 United Nations Convention relating to the Status of Refugees. Jordan signed a memorandum and a letter of understanding with the Office of the United Nations High Commissioner for Refugees (UNHCR) in 1997–1998, and the work of the High Commissioner in Jordan is based on that memorandum, Article (5) of which provides as follows: “The granting of asylum is first and foremost a humanitarian and peaceful act; accordingly, the two parties have agreed to ensure that asylum-seekers and refugees are treated in accordance with recognised international standards and that the refugee is granted a legal status as follows: the Office of the High Commissioner shall work to find a durable solution for the recognised refugee, either through voluntary repatriation to his or her country of origin or through resettlement in a third country, provided that the temporary stay does not exceed six months.”

- During 2007, the National Centre for Human Rights received (31) complaints, from which it became apparent that the most important problems faced by refugees in Jordan are: the problem of residence and its lawfulness; the expiry of the validity of their personal documents; and the failure of the Office of the UN High Commissioner for Refugees to decide on asylum applications submitted to it within the period agreed with the Jordanian Government, namely six months, which unsettles asylum-seekers and leaves them with a sense of instability. A further problem is the failure to notify the Office of the UN High Commissioner for Refugees when a person who has obtained refugee status or has applied for asylum is arrested.

The Ministry of Interior had rejected the proposal of the Office of the UN High Commissioner for Refugees to examine the asylum applications of Iraqis in the Kingdom, owing to the marked

increase in their number, and the Ministry maintains its previous position, which reflects the Government's non-acceptance of a temporary protection regime.

- In light of this situation, the National Centre for Human Rights recommends the following:

1) To establish and adopt a clear and specific national mechanism for addressing refugee issues, since the absence of a national asylum law leads to a continuing conflict of interests between the Jordanian official authorities and the UN High Commissioner for Refugees, which is reflected negatively in Jordan's relations with United Nations organisations.

2) The official authorities must notify the UN High Commissioner for Refugees, as speedily as possible, when asylum-seekers are detained for violating the Residence Law, instead of detaining them for long periods, particularly since Jordan's official obligation entails the principle of non-refoulement or non-expulsion, as provided in Article (2) of the Memorandum of Understanding signed between the Jordanian Government and the High Commissioner.

3) The Ministry of Interior should issue Instructions to the competent security agencies requiring them to inform the High Commissioner whenever persons who have entered Jordan unlawfully for the purpose of seeking asylum are arrested, as provided in Article (3) of the same Memorandum, before any deportation or expulsion decision is taken against them.

4) Human rights organisations and research centres should participate in the training courses held, as well as in the preparation of studies and research on asylum issues, and the competent authorities should give due attention to the recommendations emanating from their findings.

Fifth: The Right to Vote and to Stand for Election, and the Legislative Performance of Parliament

1. The Right to Vote and to Stand for Election

The Jordanian Constitution has specified the period within which parliamentary elections must be held, namely the four months preceding the expiry of the term of the House.²⁷ The Government complied with holding the parliamentary elections pursuant to Article (34) of the Constitution;²⁸ however, it held the parliamentary elections on 20/11/2007 under the provisions of Provisional Law No. (34) of 2001, as amended.

The National Centre for Human Rights reaffirms the recommendation contained in its previous reports on the need to expedite the enactment of a modern parliamentary elections law, since the Elections Law has remained a provisional law since its promulgation and was not debated by the Fourteenth House of Representatives in any of its four ordinary sessions, which raises a question as to its constitutionality in light of the provisions of Article (94) of the Constitution. It is noteworthy that the Royal Letter of Designation entrusted the previous Government²⁹ with the

²⁷ Specifically, the period from 18/2/2007 to 18/6/2007, as provided in Article (68/2) of the Jordanian Constitution.

²⁸ Article (32) provides that "The King shall issue orders for the holding of elections to the House of Representatives in accordance with the provisions of the law".

²⁹ The Government of H.E. Dr. Marouf Al-Bakhit, 27/11/2005–22/11/2007.

task of drafting a “modern and democratic” elections law, and the Government, upon obtaining the confidence of the previous House of Representatives, undertook to work towards submitting a new draft elections law; however, it failed to do so and left the provisional Elections Law unchanged.

a- Municipal Elections

The municipal elections were held on 31/7/2007 under a new Municipalities Law. Law No. (14) of 2007 contained certain positive amendments compared with the former law, the most prominent of which are:

- Lowering the voting age to (18) years instead of (19) years, which enabled more than (150) thousand citizens to participate in the electoral process.
- The election of mayors instead of their appointment, as was the practice under the previous law, with the exception of the Council of the Greater Amman Municipality.
- Allocating approximately (20%) of the seats of members of municipal councils to women.
- As a result of the monitoring of the electoral process carried out by the National Centre for Human Rights, the Centre recorded a number of irregularities that accompanied the electoral process.³⁰ The Centre considers that these irregularities had a direct negative impact on the integrity and fairness of the municipal elections according to national and international standards, and constituted a flagrant breach of the fundamental principles enshrined in the Constitution, namely the universality of suffrage, the secrecy of the ballot, the integrity of the electoral process, and the punishment of those who tamper with the will of voters. The Centre’s special report on these elections contained details of all the violations that occurred during the electoral process.³¹

b- Parliamentary Elections

The parliamentary elections were held on 20/11/2007 under the provisions of Provisional Law No. (34) of 2001, notwithstanding that the Prime Minister had undertaken before the House of Representatives, after his Government obtained the confidence of the House, to work towards submitting a new draft elections law.

The National Centre for Human Rights formed an independent national team to monitor the elections, in which representatives of a number of civil society institutions and Jordanian human rights organisations participated. The number of observers trained amounted to only (150), whereas the number of ballot boxes in Jordan amounted to (3995); this was due to the Government’s refusal to permit the larger number of observers proposed by the Centre as necessary to monitor all ballot boxes in cooperation with civil society institutions.

On 6/1/2007, the National Centre for Human Rights issued its special report on monitoring the conduct of the electoral process and the results of the monitoring exercise. The report contained

³⁰ The National Centre for Human Rights received numerous complaints, documented numerous testimonies and observations, and monitored what was reported by some newspapers.

³¹ For further details, see: the Centre’s report on the municipal elections published on the Centre’s website on 11/9/2007.

a summary of the complaints received by the Centre concerning the various stages of the electoral process, and the most prominent observations reached by the report³² were:

1- The wholesale transfer of the names of thousands of voters from certain electoral districts to other districts without legal controls or factual justification, which had a clear effect in inflating the number of voters in some districts at the expense of others, at a rate exceeding by dozens of times the natural rate of increase in the number of registered voters in those districts between 2003 and 2007.

- The transfer of voters' names, in the manner indicated in the report, constituted a clear breach of the requirements of genuine representation, forfeited the right of the residents of the electoral district to choose their candidates, and constituted a violation of an important basis on which democratic electoral systems throughout the world, including the Jordanian electoral system, are founded, namely the principle of representativeness.
- The National Centre for Human Rights considers that the procedures through which the voter lists were published and withheld from certain candidates involve clear discrimination between candidates, and conflict with the right of access to information and with the fundamental guarantees that must be in place for the holding of free and fair elections.

2- The electoral process was marked by the phenomenon of vote-buying by certain candidates, which is a crime punishable by law, whether committed by selling or by buying.

- The Centre did not observe any seriousness in the official measures to prosecute the perpetrators of these crimes, despite the prevalence of this phenomenon in most electoral districts, particularly in the capital, Amman.

3- The National Centre for Human Rights recorded a number of violations of the Elections Law itself, covering most stages of the electoral process, which were regarded as a breach of the international and constitutional standards for the integrity and secrecy of elections, the most prominent of which was the so-called open "illiterate" voting, to which the special report on the elections referred at the time.

4- On the other hand, the Centre noted that the Ministry of Interior organised and facilitated voting by persons with disabilities, (243) centres having been equipped for this purpose.

5- The Centre did not record any serious security incidents during the electoral process threatening public order and security or threatening the human right to life and physical integrity.

- Consequently, the National Centre for Human Rights reaffirms what it indicated in its special report on the parliamentary elections, namely that the scale of the irregularities that accompanied the electoral process in most of its stages cast doubt on the integrity of the elections and diminished their credibility, breached the secrecy of the electoral process, and placed a large question mark over the extent to which a number of the procedures followed conformed with the international and constitutional standards for free and fair elections. The Centre also reiterates all the recommendations set out in its special report

³² For further details, see: the National Centre for Human Rights' report on the conduct of the 2007 parliamentary elections.

on the parliamentary elections issued on 6/1/2007, and recommends that the Government review the Elections Law, examine the shortcomings indicated in the Centre's report and others, and work to close the loopholes therein.

2. The Legislative Performance of Parliament

During 2007, Parliament passed (59) laws, among which were a number of laws that infringe upon human rights, namely: the Political Parties Law, the Municipalities Law, the Press and Publications Law, and the Law on Guaranteeing the Right of Access to Information.

Notwithstanding the enactment of this volume of laws, regarding which the House made numerous observations, some of them negative, many other important draft laws have not yet been passed, despite having been placed on the agenda of the House of Representatives, such as the Draft Ombudsman Bureau Law³³ of 2006 and the Draft Child Rights Law.

- In an unprecedented step in the history of the House of Representatives, (75) deputies submitted, during 2007, a petition containing a proposed draft law for the establishment of a teachers' union. The most important justifying reasons for the draft were: raising the academic, cultural and social standing of teachers; developing and advancing the mission of education and preserving its ethics and traditions; and uniting teachers and safeguarding their rights and dignity. However, the proposal was not followed up and was not debated by the House.
- The term of the Fourteenth Parliament (June 2003 to August 2007) witnessed the passing of a group of laws that provoked extensive debate among public opinion and specialists, such as the Audit Bureau Law, in particular Article (4/c) thereof, which permits the Council of Ministers to designate any entity whose financial records the Audit Bureau is to be tasked with auditing. Some deputies raised a point regarding the constitutionality of that Article; however, the House of Representatives did not support this view.

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

Freedom of the press is a fundamental pillar for building democracy, the public's channel to knowledge and its instrument of oversight. Accordingly, the International Covenant on Civil and Political Rights contains an explicit and specific provision on the right to freedom of opinion and expression, freedom of the press and media, and the circulation of information, in Article (19) thereof.³⁴

³³ The Ombudsman Bureau Law was passed by the House of Representatives and the Senate during the 2008 ordinary parliamentary session.

³⁴ Article (19) of the International Covenant on Civil and Political Rights provides that: Everyone shall have the right to hold opinions without interference. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice. The exercise of the rights provided for in paragraph (2) of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: a. For respect of the rights or reputations of others; b. For the protection of national security or of public order, or of public health or morals.

The Jordanian Constitution likewise provides, in Article (15) thereof, that the State shall guarantee freedom of opinion and expression and freedom of the press and media, and obliges the State, through its various authorities, to take positive action and to refrain from negative acts that diminish these freedoms.³⁵

- The year 2007 witnessed a series of measures and violations that infringed the freedom of press and media work in Jordan, the most prominent of which were:³⁶

1- Physical Assault

- A journalist from *Al-Rai* newspaper was beaten by members of the Public Security Directorate while covering the distribution of sacrificial (Adahi) meat in the Ain Al-Basha area on 2/2/2007.
- A television cameraman and a news correspondent working for ATV television were beaten by members of the Public Security Directorate in order to prevent them from covering a sit-in by bus drivers at the Middle East Complex in the Capital Governorate on 7/4/2007.
- Two (2) journalists were beaten by livestock breeders in the Al-Jiza area while covering their sit-in in protest against the rise in fodder prices on 31/8/2007.
- The file concerning the assault on press photographers beneath the dome of the House of Representatives remains open. That assault occurred on 11/12/2006, when a number of deputies beat the photographers and smashed their cameras, and this incident has not been settled to date.

2. Detention:

- The detention of a journalist from *Al-Ra'i* newspaper for two days by the Magistrate of the Ain Al-Basha Criminal Court, on the basis of a complaint lodged by a member of the Ain Al-Basha Security Centre on 5/2/2007.
- The detention of three journalists from the newspapers *Al-Ghad*, *Ad-Dustour* and *Al-Ra'i* for several hours by the Public Security Directorate, with the aim of preventing them from covering the pursuit of wanted members of Al-Qaeda in Irbid on 10/1/2007.
- The detention of a television cameraman and a news correspondent working for ATV television for several hours by the Public Security Directorate, with the aim of preventing them from covering the sit-in by public transport bus drivers in Amman on 7/4/2007.
- The detention of a journalist for several hours, with the aim of preventing him from covering the municipal elections on 31/7/2007.

³⁵ Article (15) of the Jordanian Constitution provides: a. The State shall guarantee freedom of opinion, and every Jordanian may 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. b. The press and printing shall be free within the limits of the law. c. Newspapers shall not be suspended, nor their licences revoked, except in accordance with the provisions of the law. d. In the event of the declaration of martial law or a state of emergency, the law may impose limited censorship on newspapers, publications, books and broadcasts in matters relating to public safety and national defence purposes. e. The law shall regulate the manner of oversight of the resources of newspapers.

³⁶ The facts recorded are based on what was published in the daily and weekly newspapers monitored during 2007.

- The detention of three journalists from the newspapers *Ad-Dustour* and *Al-Ghad* for several hours in Karak Governorate, with the aim of preventing them from covering a tribal brawl on 21/8/2007.

3. Dismissal from employment:

- The dismissal of two (2) journalists working at *Al-Ghad* newspaper by its management on 4/6/2007.
- The dismissal of a media professional from the Jordan Radio and Television Corporation pursuant to a decision of the Director General of the Corporation on 26/9/2007.

4. Prosecution:

- The Press and Publications Department's institution of proceedings before the Court of First Instance against the editor-in-chief of the weekly *Al-Majd* newspaper on a charge of offending the State and the national constants, as a result of the publication of a political article entitled "The Expiry of the Validity of Carbon-Copy and Cardboard Governments", on 4/10/2007. It is worth noting that the Court of First Instance acquitted *Al-Majd* newspaper in this case and found its editor-in-chief not liable.
- The Press and Publications Department's institution, on 4/10/2007, of proceedings before the Court of First Instance against the editor-in-chief of the weekly *As-Sabeel* newspaper on a charge of offending the State and the national constants, as a result of the publication of a poem criticising the severe beating of Deputy Ali Al-Otoun by unknown persons; no decision has been issued in this case to date.
- The institution by certain officials of legal proceedings against newspapers and writers for criticising the manner in which they manage the ministries and institutions for which they are responsible.
- The National Centre for Human Rights points out that many of the cases previously brought before the judiciary against daily and weekly newspapers are still pending before the courts, which keeps press workers constantly frequenting courtrooms, and for long periods.

5. Unofficial threats:

- The threatening of the correspondent of the weekly *Al-Jazeera* newspaper by an official at Al-Ibrahimiyya School in order to prevent her from publishing a news item about the transfer to hospital of two students who had fallen ill, on 3/10/2007.
- The attack on the car of the managing editor of the weekly *Al-Ikhbariyya* newspaper by unknown persons on 27/7/2007.
- The threatening of the correspondent of *Al-Ra'i* newspaper in the city of Salt by the brother of a candidate in the parliamentary elections, in connection with the publication of a news item about a brawl among members of his tribe, on 19/11/2007.

6. Prevention from attending public events:

- The House of Representatives' refusal to allow correspondents of the daily newspapers to cover the proceedings of the Forty-Ninth Session of the Council of the Arab Inter-Parliamentary Union on 19/2/2007.
- The prevention of a number of journalists from entering the Traffic Department in the city of Irbid to cover news of accidents and cases on 2/5/2007, despite the fact that those journalists held the card designated for covering security incidents.
- The management of Al-Hussein Cultural Centre's prevention of certain journalists from attending the ceremony honouring the stars of the television series *Bab Al-Hara* on 12/11/2007.
- The Islamic Action Front Party's prevention of the correspondent of *Al-Ra'i* newspaper from covering the Party's activities and press conferences on 27/12/2007.

7. Administrative obstacles:

- The Audio-Visual Media Commission's taking of measures that prevented the ATV satellite channel from broadcasting on the scheduled date at the beginning of August 2007.
- The refusal to grant the "Amman Net" radio station a licence to establish a non-political community radio station in Zarqa Governorate, noting that no licence had been refused since the promulgation of the Audio-Visual Media Law, which permitted the private sector to establish private radio stations. The Government declined to state the reasons for the refusal decision it took at its session held on 23/11/2007, relying on Article (18/b) of the Audio-Visual Media Law, which provides that "the Council of Ministers shall have the right to refuse to grant broadcasting licences to any party whatsoever without stating the reasons".

8. Prior censorship:

- A printing press's refusal to print one issue of the weekly *Al-Majd* newspaper on 1/5/2007, owing to the newspaper's carrying a political news item on "a plan to strengthen the Palestinian President to confront Hamas", which was described as harmful to relations with an Arab State.
- The confiscation of a tape belonging to the *Al-Jazeera* satellite channel by the security services at Queen Alia International Airport on 18/4/2007.
- The taking of steps to subject electronic journalism to the Press and Publications Law on the basis of an opinion issued by the Legislation Bureau at the Prime Ministry, in which it deemed electronic news websites to be publications falling within the definition of the Press and Publications Law. The directives of His Majesty King Abdullah II to the Government prevented this censorship from taking place.
- It is worth mentioning that the text of Article (15) of the Constitution is abundantly clear as regards the impermissibility of imposing prior censorship except in the event of the declaration of martial law or a state of emergency.
- The National Centre for Human Rights considers that prior censorship, before being an infringement of the freedom of the press, is an infringement of the public's right to know.

9. Difficulty in obtaining information:

- The refusal of certain officials to answer journalists' enquiries about public issues in the institutions they manage, the most prominent instances of which were:
 - The continuation of administrative procedures in the Senate that result in information being withheld from the press, such as preventing journalists from attending meetings of the standing committees in the absence of any clarification or statement on the course of deliberations and the work of the committees, including not informing journalists of the agenda of the Senate and its various committees.
 - The refusal of a director general at the Ministry of Finance to answer the enquiries of the *Al-Ghad* newspaper correspondent when he requested information relating to the General Budget on 18/1/2007.
 - The refusal of the media spokesperson of the Ministry of Culture to respond to journalists' enquiries and to provide them with information on 14/3/2007.
 - The prevention of *Ad-Dustour* newspaper correspondents from photographing the Jerash treatment plant following citizens' complaints about the spread of foul odours in the area on 14/8/2007.
- While these worrying violations occurred in the field of press and media freedom, the National Centre for Human Rights records the following positive developments witnessed in 2007 at the legislative level, the most prominent of which are:

a. The amendment of the Press and Publications Law of 2007, which included provisions that enhance press and media freedoms, as follows:

1. The Law introduced new provisions that assist the journalist in performing his duties, by providing for a specific mechanism for obtaining information. It obliged all official bodies and public institutions to facilitate the journalist's task and to afford him the opportunity to examine their programmes, projects and plans, the Law providing that the competent body shall supply the journalist with such information or news with the necessary speed in accordance with the nature of the news or information requested if it is of an urgent news character, and within a period not exceeding two weeks if it is not of such character.

2. The Law regulated the journalist's right to attend official and civil public events, unless they are closed or confidential by virtue of the laws, regulations or instructions in force pertaining to the body concerned.

3. It prohibited interference in journalistic work, compelling a journalist to disclose his sources of information, or depriving him of performing his work or of writing or publishing without a legitimate reason or justification, without prejudice to the customarily recognised authority of the editor-in-chief to decide whether or not to publish.

4. The Law provided, under Article (30/f) thereof, that a journalist may not be detained for offences committed by means of publications.

5. The lifting of prior censorship on publications, in implementation of Article (15) of the Constitution, which does not permit the imposition of censorship in ordinary circumstances.

6. The affirmation of the jurisdiction of the Court of First Instance to hear offences committed by means of publications, and the prohibition of the suspension of a newspaper except by the judiciary and under clear and transparent conditions relating to its violation of the licensing conditions.

7. The subjection of press institutions to the Companies Law as regards capital.

- In addition, the Centre recorded a number of observations, the most important of which are:
 - No newspaper was closed, whether permanently or temporarily.
 - No journalist was barred from practising the profession by the Jordan Press Association, which is the competent authority in this regard.
 - The Jordan Press Association received no complaints from journalists indicating that any of them had been summoned by the security services in connection with their journalistic work.
 - No foreign journalist was prevented from entering the country, nor was any foreign journalist expelled from the country.
 - The Jordan Press Association received no complaints from journalists indicating that any of them had been subjected to pressure to disclose their news sources.
 - The Jordan Press Association received no complaints concerning the confiscation of equipment and documents, and no major cases in this regard were recorded.
- On the other hand, the National Centre for Human Rights records a number of shortcomings in the Press and Publications Law, the most important of which are:

1. The retention of the requirement of a prior licence before the issuance of publications; by way of comparison, the issuance of publications does not require any prior licence in (46) States subject to the jurisdiction of the European Court of Human Rights.

2. The Law retained the permissibility of Government ownership of shares in newspapers, which encourages the Government and permits it to interfere in the editorial policies of newspapers, particularly those in which it owns shares.

- The Social Security Corporation still retains its shares in the two largest daily newspapers (*Al-Ra'i* and *Ad-Dustour*), which leads to Government interference in the work of both of these newspapers.

3. The Government's resort to copying certain articles of the Penal Code and adding them to the Press and Publications Law instead of repealing them; these included the imposition, for certain

violations, of financial fines unprecedented in the history of the Jordanian press, reaching (20) thousand dinars.³⁷

4. The Press and Publications Law still grants the Director General of the Press and Publications Department the right to suspend the entry of publications issued abroad, to prevent their distribution and to limit temporarily the number of copies permitted to be distributed, provided that the Director of Press and Publications applies to the court, as a matter of urgency, for the issuance of an interim decision prohibiting their entry or distribution or limiting the number of copies distributed, pending the issuance of a final decision in this regard.

5. The Press and Publications Law granted the Director of the Press and Publications Department the power of prior approval over publications imported by government institutions, universities and scientific research centres, such that no publications may be brought in for these institutions except after the prior approval of the Director, and they must be placed in special locations for use in scientific research. This constitutes a restriction on the freedom of scientific research and deprives scientific institutions of the right of recourse to the judiciary.

b. The enactment of the Law on Guaranteeing the Right of Access to Information of 2007. The most important provisions contained in the Law, which are regarded as provisions that contribute to enhancing press and media freedoms, are the following:

1. The Law entrusted government departments, whatever their functions, with responsibility for disclosing information and responding to citizens' requests for access to information according to a specific mechanism. It also provided that the Director General of the National Library Department shall be the Information Commissioner, performing a coordinating function that facilitates the performance of this task by government departments, in addition to the establishment of an Information Council with a view to contributing to the regulation and supervision of the proper application of the procedures relating to the disclosure of information.

2. The Law permitted the applicant for access to information to challenge the decision rejecting his request, or the failure to respond to it, before the High Court of Justice within (30) days from the day following the expiry of the period granted under this Law for responding to the request or refusing to respond to it. At the same time, however, the applicant has the right to submit a complaint to the Information Commissioner where the official refuses to provide the requested information.

³⁷ Article (38): The publication of any of the following shall be prohibited: a. Anything that contains contempt, slander or defamation of, or offence against, any of the religions whose freedom is guaranteed by the Constitution. b. Anything that contains an attack on or offence against the prophets, whether by writing, drawing, image, symbol or any other means. c. Anything that constitutes an insult to religious feeling or belief, or incites sectarian or racial strife. d. Anything that offends the dignity and personal freedoms of individuals, or that contains false information or rumours concerning them. Article 46: c. If a periodical publication publishes anything in violation of any of the provisions of Article (39) of this Law, it shall be punished by a fine of not less than three thousand dinars and not more than five thousand dinars, and this shall not preclude the criminal prosecution of the person responsible in accordance with the provisions of the laws in force. d. Whoever violates the provisions of Paragraphs (a), (b) and (c) of Article (38) of this Law shall be punished by a fine of not less than ten thousand dinars and not more than twenty thousand dinars. e. Whoever violates the provisions of Paragraph (d) of Article (38) of this Law shall be punished by a fine of not less than five hundred dinars and not more than one thousand dinars.

3. The Law provided that the information and documents available to government departments must be indexed, organised and classified within a specified period of time, which will provide an opportunity to facilitate access to them, in addition to their being kept in a professional and organised manner.

4. The Law provided for the issuance of a regulation permitting the disclosure of protected documents identified pursuant to its provisions, provided that thirty years have elapsed since their being kept.

- While the National Centre for Human Rights commends the enactment of the “Law on Guaranteeing the Right of Access to Information” and regards it as a qualitative leap in the realisation of the right of the citizen – and of the journalist – to access information as a right guaranteed by law and not as a grant or an act of tolerance on the part of the Government and its institutions,
- it nevertheless records the following shortcomings in the Law:

1. The lack of independence of the Information Council, since most of its members are from the executive authority, with the exception of the Commissioner of the National Centre for Human Rights. The Council is chaired by the Minister of Culture, and its membership includes the Secretary General of the Ministry of Interior, the Director of National Guidance in the Armed Forces, and others.³⁸

2. The absence of a clear mechanism for classifying the government documents that may be exempted from disclosure.

- In order to realise the citizen’s right to know and to access information, the National Centre for Human Rights stresses the need to introduce fundamental amendments to the “Law on the Protection of State Secrets and Documents No. 50 of 1971”. Without this, the Law on Guaranteeing the Right of Access to Information will not have sufficient effectiveness, particularly since the Law on the Protection of State Secrets and Documents constitutes a complete system of secrecy and is incompatible with the principle of “maximum disclosure” of information. Under this Law, State documents and secrets are classified into four grades: top secret, secret, restricted, and all other official documents not covered by the provisions of this Law are deemed “ordinary documents”. The official must preserve ordinary documents and protect them from tampering or loss, and their contents may not be disclosed to persons other than those concerned unless their publication is authorised.
- The Centre points out that international standards permit the restriction of freedom of expression for the protection of the national security of the State; however, they require what is known as the “three-part test” to be applied when a restriction is imposed, namely that the restriction be prescribed by law, necessary in a democratic society, and necessary to protect an interest of the society more deserving of protection. The “Johannesburg

³⁸ The Council shall be composed of the Information Commissioner, who shall be Vice-Chairman, and the following members: 1- the Secretary General of the Ministry of Justice; 2- the Secretary General of the Ministry of Interior; 3- the Secretary General of the Higher Media Council; 4- the Director General of the Department of Statistics; 5- the Director General of the National Information Technology Centre; 6- the Director of Morale Guidance in the Armed Forces; 7- the Commissioner General for Human Rights.

Principles”, for example, provide a formula that ensures a balance between the right of the State to keep information confidential and the right of society to know.³⁹

- In this regard, it should be noted that the Higher Media Council submitted to the Prime Ministry a draft amendment to the Law on the Protection of State Secrets and Documents. The National Centre for Human Rights stresses the need to introduce the necessary amendments to this Law that would complete the system of the right of access to information.
- Furthermore, the Centre stresses that the global trend is moving towards the abolition of custodial penalties in defamation and slander cases in matters of press and publications, and towards confining such cases to compensation.⁴⁰
- The Centre considers that the time has come to amend the Penal Code with regard to defamation and slander, to abolish custodial penalties and to replace them with compensation commensurate with each case.
- While the Centre stresses the importance of bringing about a qualitative leap in the legislation relating to freedom of opinion and expression and to the press and media, it reiterates the most important recommendations contained in its 2006 report, and recommends the following:

1. Holding training courses and workshops for government officials on the right to know and the Access to Information Law, in order to facilitate the flow of information from government bodies to the media and citizens, and to promote a culture of openness and transparency.
2. Amending the Law on the Protection of State Secrets and Documents No. (50) of 1971 so as to bring it into conformity with Article (19) of the International Covenant on Civil and Political Rights.
3. Abolishing all forms of prior censorship of newspapers.
4. Abolishing Government or public sector ownership of newspaper shares.
5. Activating and implementing the Instructions on special procedures for regulating and facilitating the work of journalists and media professionals in emergency circumstances and on special occasions, drawn up by the quadripartite committee composed of the Higher Media Council, the Jordan Media Centre, the Jordan Press Association and the Public Security Directorate, such as the appointment of liaison officers between the Public Security Directorate and media professionals at the scenes of events, and the operation of hotlines between them.

³⁹ See the Johannesburg Principles on National Security, Freedom of Expression and Access to Information, issued on 1/10/1995: www.article19.org/pdfs/standards/joburgprinciples.pdf/

⁴⁰ The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression states in his report submitted to the Commission on Human Rights in 2002: “The bringing of criminal charges against journalists and individuals in connection with defamation, and the possibility of their imprisonment and the imposition of exorbitant fines on them, undermines the right to freedom of opinion and expression and strips it of its content ... and sentencing those who commit libel or defamation to imprisonment clearly constitutes a disproportionate punishment.”

Seventh: The Right to Form and Join Trade Unions

The Jordanian Constitution of 1952, in Articles (16/2) and (23/2/f), guarantees the freedom of trade union organisation within the limits of the law. The number of Jordanian unions reached (62) unions as at the end of 2007, divided into four groups, namely:

1. Professional associations, numbering (14) associations. Some of them have offices in the Professional Associations Complex, numbering (6) associations, including the Jordan Bar Association, the Jordan Engineers Association and the Jordan Medical Association; others, however, have no offices in this Complex, numbering (8) associations, including the Jordan Press Association, the Jordanian Artists Association and the Jordanian Writers Association.⁴¹

2. Labour unions, numbering (17) unions, all of which fall under the umbrella of the General Federation of Jordanian Trade Unions, including the General Union of Land Transport and Mechanics Workers, the General Union of Port and Clearance Workers, and the General Union of Mining Workers.

3. Business owners' associations, numbering (29) associations, including the General Association of Jewellery and Gold Owners, the General Association of Bakery Owners, and the General Association of Electrical and Electronics Traders.

- The number of members of the unions, of all types, reached (348,861) members in 2007, while the number of active members who have paid all their financial obligations and are entitled to participate in meetings of the general assembly and to elect and vote reached (206,808), i.e. (59%) of the total number of members. The number of active female members in all the unions reached (21,892), i.e. (6%) of the overall total, which reflects the weakness of women's participation in union membership and activities.
- It is observed that the multiplicity of legal frames of reference for the trade union movement has led to differences in the legal status of unions, in the degree of their independence and freedom of decision-making, and likewise in the degree of flexibility in the establishment, amendment and dissolution of each of them. Whereas professional associations were established by law, the establishment of labour unions and business owners' associations was based on decisions and regulations issued by the Council of Ministers, or on decisions issued, in most cases, by the Minister of Labour.⁴²
- The National Centre for Human Rights considers that there is a legal and judicial understanding that a union is a body enjoying legal personality, and that a legal person can

⁴¹ The professional associations that have offices in the Professional Associations Complex are: the Jordan Medical Association, the Jordan Engineers Association, the Jordan Bar Association, the Jordan Pharmacists Association, the Jordan Dental Association and the Jordan Agricultural Engineers Association. The professional associations that have no offices in the Professional Associations Complex are: the Jordan Press Association, the Artists Association, the Contractors Association, the Nurses Association, the Geologists Association, the Veterinarians Association, the Certified Public Accountants Association and the Writers Association.

⁴² For example, any amendment or change to the structure and objectives of professional associations requires an amendment to the law, which necessitates the approval of Parliament (the National Assembly) in both its chambers, the House of Representatives and the Senate, whereas the amendment of the licence, or of any of its conditions, for labour unions or the business owners' group requires only the issuance of an amending decision by the Minister of Labour.

never be created by regulation but only by law. Accordingly, the Centre considers that the establishment of unions by law – and not by regulation – is an indicator guaranteeing their independence in decision-making and keeping them away from the control of the government administration.

- During 2007, the councils of unions issued successive decisions striking off a number of their members. For example, the Council of the Jordan Bar Association decided to strike off (174) trainee and practising lawyers from the Association's registers for failing to pay their financial obligations for more than a year and discontinuing their training and practice of the profession, in addition to most of them holding positions incompatible with the requirements of full-time practice of the profession.

The Council of the Jordan Agricultural Engineers Association also decided to strike off (127) members from the Association's registers – permanently – after granting them a two-year grace period without their regularising their status.

The Jordan Medical Association likewise threatened to strike off (1,555) doctors who had not paid their financial obligations to the Association for periods ranging between one year and two and a half years; where a doctor's membership of the Association is struck off, his practice of the medical profession becomes, by operation of law, a violation of the law.

- In 2007, the professional associations were occupied with general national and pan-Arab issues; they organised numerous rallies, lectures and seminars that shed light on the associations' positions on various issues, such as resisting normalisation with Israel, public freedoms, and Jordanian prisoners in Israeli prisons and in American prisons in Iraq.

The association councils were also occupied with the demands of their members working in the public and private sectors, the most prominent of which were: demands to raise the technical allowance, the mechanism for calculating the basic salary, raising the overtime allowance, and adjusting the pension of engineers, agricultural engineers, doctors, dentists, pharmacists, nurses and others.

- On 14/8/2007, hundreds of doctors working in government hospitals staged a symbolic 15-minute sit-in, in response to the Association's call, in protest at the continuing assaults on them while at work and as an expression of the seriousness of the Jordan Medical Association in dealing with this grave issue. They demanded that an assault on doctors and medical staff not be treated as a mere brawl, but rather as an assault on a public employee in the course of performing his official duty. The year 2007 witnessed (17) incidents of assault on doctors in the course of performing their official duties.
- As for the labour unions, a number of them were preoccupied with demanding improvements in the living conditions of workers, focusing on the issues of health insurance, an increase in the cost-of-living allowance, the annual increment, and the payment of a work-hardship allowance to those who need it.
- The Executive Bureau of the General Federation of Trade Unions decided to form union committees at worksites employing more than (20) workers, to undertake the tasks of organising union activity and negotiating with employers in the interest of the workers. A total of (45) committees have been formed to date.

- The National Centre for Human Rights noted that Sharia lawyers do not enjoy the right to organise in unions, since there is no union of their own. In this regard, the Centre recommends that action be taken to facilitate the procedures for establishing a professional association specific to this category of lawyers, or that the necessary amendments be made to the Bar Association Law so as to allow them to join the Association.
- The unions, of all kinds, almost unanimously agree that their objectives are: developing the profession; defending and representing members; serving the community; building relations with other institutions; and contributing to upholding the higher ideals (freedom, justice and equality). Notwithstanding the existence of numerous laws and regulations setting out the objectives and purposes for which the unions were established and the mechanism by which their business is conducted, many of them still lack a clear mission and vision for their work. Moreover, their statutes frequently contain broad objectives that are difficult to achieve in practice, in addition to their lack of the concept of strategic planning and the absence of databases, which, where they exist, are not up to date.
- The Centre notes the weakness of the services provided by the unions to develop the competence of their members, as there are only seven continuing-education programmes run by seven unions, which reflects how modest the education and continuing-education efforts offered by the unions to their members are. It also notes the shortage in the number of magazines and educational bulletins issued by the unions.
- The unions adhere to the principle of election in choosing the president (Naqib) and the union council; during 2007, elections were held in the Bar Association, the Jordan Medical Association and the Jordan Dental Association.
- However, the Centre views with concern the decision of the Council of Presidents of Professional Associations to appoint the chairs of the union committees, and considers it inconsistent with the slogans of the unions, which call for adopting the principle of election as the means of selection and the hallmark of democratic practice, particularly as this decision has given rise to divergent positions in union circles, both for and against.
- The Centre also noted the modest turnout in the elections of the Jordan Dental Association, as the percentage of voters reached (35%) of all those entitled to vote, whereas the percentage of voters in the previous elections was (76%), representing a decrease of (46%) from the previous participation rate, which reflects a low level of interest in the internal affairs of the Association.

Eighth: The Right to Form Political Parties

The year 2007 was marked by the promulgation of the Political Parties Law No. (19) of 2007, which was published in the Official Gazette on 16/4/2007 and entered into force as of that date. Article (27) of the Law required every existing party to regularise its status in accordance with the provisions of this Law within a period not exceeding one year from the date of its entry into force; if such regularisation is not completed within the said period, the party shall be deemed dissolved by operation of law.

The promulgation of this Law rests upon Article (16) of the Constitution, which guarantees Jordanians the right to establish associations and political parties, provided that their objects are lawful, their means peaceful, and their statutes not contrary to the provisions of the Constitution, and which confines the role of the law solely to regulating the manner of forming political parties and supervising their resources.

- The National Centre for Human Rights considers that the right to form political parties is linked to numerous other public rights and freedoms, such as freedom of opinion and expression, freedom of assembly, and the right to participate in free and fair general elections. Accordingly, the Political Parties Law is closely linked to the laws regulating these rights, such as the Public Gatherings Law, the Elections Law, and the Press and Publications Law.
- It is also noted that the new Political Parties Law No. (19) of 2007 imposes restrictions on the constitutional right of Jordanian citizens to form political parties, and contains obstacles that prevent this right from being exercised properly, the most important of which are:

1. Subjecting the establishment of a party to the approval of the Minister of Interior, which constitutes a flagrant violation of the provisions of the international conventions and standards to which Jordan has acceded and which it has ratified.

2. The excessive requirement of a large number of founders,⁴³ since requiring that number will lead to the existence of members who have no effect in supporting the party's activities or enriching political life.⁴⁴ This will cause some political forces that are unable to muster such a number to withdraw or to resort to clandestine activity, which brings no good to the nation. It will also open the door for the administration to pursue a policy of intimidation or inducement in order to pressure one party or another into adopting policies and positions in a particular direction; otherwise, it will exert pressure on it that may succeed in reducing the number of the party's members below the number required by law, thereby leading to the dissolution of the party by operation of law. This would harm political life, impede its development and distort the process of democratic transition.

- The Centre considers that the requirement of a large number of founders constitutes a genuine obstacle to the establishment of political parties, particularly when the required number is measured against the number of Jordanian citizens, and against what is contained in some comparable laws, such as the Egyptian Political Parties Law, which requires no more than (1000) persons to establish a party, bearing in mind that the population of Egypt exceeds that of Jordan by more than (14) times.

⁴³ The Law requires, for the formation of a party, a membership of (500) persons instead of (50) persons as was the case under the previous law, and that these persons belong to at least (5) governorates, at a rate of (10%) for each governorate.

⁴⁴ The Law encourages rapid mergers between parties that differ politically and ideologically, which carries within it negative effects on party activity in Jordan. The information available to the Centre in July 2007 indicates that there was an attempt by (13) centrist parties to merge into a single party under the name "the National Council for Party Coordination"; however, as of the date of preparing this report, they have not succeeded in achieving that.

3. Using the weapon of penalties to obstruct and restrict party activity, as Article (25) of the Law contains numerous penalties that do not encourage the establishment of, or joining, a political party.⁴⁵

- During 2007, the National Centre for Human Rights recorded a number of cases of harassment of political party activists, the most important of which were: the arrest of a number of members of the Islamic Action Front against the background of the events that accompanied the conduct of the municipal elections;⁴⁶ the Centre also received complaints from two citizens belonging to the Jordanian Democratic Popular Unity Party stating that they had been subjected to ill and improper treatment at one of the border crossings.
- In this regard, the National Centre for Human Rights recommends that the promulgation of any law on political parties be based on the following principles:

First: The right to establish political parties is a fundamental right, and political parties should be established by mere notification to the administration, whereby the party acquires legal personality upon the mere deposit of the notification papers, and the establishment of a party should not be conditional upon the approval of any administrative authority. If the administration has an objection to the establishment of any party for any reason whatsoever, it has the right to resort to the competent judiciary, which alone has the final say in this matter.

- The Centre considers that making the establishment of a party conditional upon the approval of the administration constitutes, in principle, an unconstitutional restriction on the right to establish parties guaranteed by the Constitution. Notwithstanding that the founders are given the right to challenge the administration's decisions, this approach constitutes a burden and a hardship on citizens in exercising their constitutional rights, and is inconsistent with what is contained in the international standards for guaranteeing the exercise of this right. Furthermore, the dissolution of a party or a request for its suspension must be by judicial decision, upon a request from the competent administrative authority.

Second: The right of the general assembly of the party to draw up the party's constitution or charter and its internal rules with complete freedom, without interference from any authority whatsoever. If the administration has an objection to the content of these documents, it has the right to resort to the judiciary, since the administration is better able than the party's members to file and pursue lawsuits.

Third: Requiring a large number of founders for the establishment of a political party constitutes a restriction on the right guaranteed by the Constitution. While the administration justifies requiring a specific number in order to ensure the emergence of strong parties that, through their composition and programmes, represent broad sectors of the people rather than a single geographical area, and to prevent any one party from monopolising the right to parliamentary

⁴⁵ See the study of the National Centre for Human Rights on "Assembly Rights in Jordanian Legislation" of 2007.

⁴⁶ Four members of the Islamic Action Front Party were arrested in Zarqa Governorate while attending a social occasion, as security personnel, late at night, stormed the celebration and searched their homes on charges of forming armed organisational cells.

representation at the expense of others,⁴⁷ democratic logic dictates that the administration has no right to decide whether a particular party, or particular parties, represent public opinion or not.

- The Centre considers that the right to represent public opinion in Parliament, and in all fields, is a right held by the people as a whole, and the people alone are entitled, through free and fair elections, to decide who represents them in the House of Representatives, the people being the expression of the general will of the nation, which is the source of all powers under Article (24) of the Constitution.

Fourth: The registration of political parties should be entrusted to a body independent of the Government, whose membership includes a number of senior retired judges of recognised impartiality and integrity, as a guarantee for the exercise of the constitutional right to establish political parties.

Fifth: The right of any party to use the official and private media, freely and on an equal footing with others, to explain its point of view to public opinion on all domestic and foreign issues, and non-interference by the administration in these media or the exercise of censorship over them, in conformity with Article (15) of the Constitution, which obliges the State to guarantee freedom of opinion and affirms the freedom of the press and printing and that they shall not be subjected to censorship except in the event of the declaration of martial law or a state of emergency, in which case the Constitution permits limited censorship in matters relating to public safety and national defence.

Sixth: The rules for the funding of political parties from the State Treasury should be set out in the Law, not in a regulation. The Centre notes that, as of the date of preparing this report, the Government has not issued a financial regulation specifically on the matter of supporting political parties, and several parties have approached the Ministry of Interior for the issuance of this regulation, noting that the new Political Parties Law provides for this regulation in Article (19) thereof.⁴⁸

Seventh: The party should not be bound by any particular opinions or positions regarding the domestic and foreign issues facing Jordan, as long as its objective is lawful and its means of attaining it are peaceful. Conversely, when the Government imposes numerous restrictions on parties, it has in effect decreed that no parties may be established that do not concur with it in their premises and positions, which contradicts the essence of democratic systems, which are based on intellectual and organisational pluralism, politically, economically and socially.

Eighth: The Political Parties Law should not contain any penalties exceeding those contained in the Penal Code, since laws on public freedoms may not be transformed into penal laws; reference to the Penal Code should suffice to address any violation.

⁴⁷ Al-Rai Jordanian newspaper, Issue No. 13648, published on the morning of Monday, 18/2/2008, pp. 1+7.

⁴⁸ Article (19) provides that “An item shall be allocated in the general budget of the State to contribute to the funding of parties from Treasury funds, in accordance with bases and conditions determining the cases of granting or deprivation, and the mechanisms and means of disbursement, under a regulation issued for this purpose.”

Ninth: Adherence to the general rule contained in the High Court of Justice Law, which provides for the right of a person aggrieved by any final administrative decision to challenge it before the Court within sixty days of its issuance or of the date on which the person became aware of it.⁴⁹

- On the other hand, the Centre acknowledges the Government's considerable interest in increasing the participation of the youth and women sectors in party activity; however, it notes that this interest is not matched to the same degree by interest in the freedom of public party activity for all members of the Jordanian people.

Ninth: The Right to Establish Associations

The rules of the International Bill of Human Rights guarantee the right of assembly and of forming associations to all citizens,⁵⁰ and stress that no restrictions may be placed on the exercise of this right other than those which constitute necessary measures in a democratic society.⁵¹ Furthermore, no State or group may engage in any activity or perform any act aimed at the destruction of this right.⁵²

The provisions of the Constitution likewise guarantee the right of Jordanians to assemble and to form associations,⁵³ and confine the role of the law solely to regulating the manner of forming associations and supervising their resources.⁵⁴

The law regulating this right in Jordan is Law No. (33) of 1966, as amended. In view of the passage of time and the failure of the provisions of this Law to keep pace with the economic, social and political developments that Jordan has witnessed over the four decades that have elapsed since its promulgation, the previous Government intended to issue a new law to replace it and submitted the Draft Charitable Societies Law of 2007, which was subjected to considerable criticism from civil society organisations and various leaders of social work in Jordan, as well as from the National Centre for Human Rights, which called upon the Government to withdraw it and to work on submitting a new draft law that responds to the requirements of civil society organisations and contributes to overcoming the obstacles facing social work in Jordan.

The current Government is credited with responding to these demands and withdrawing the draft law on 8/1/2008. In this regard, the National Centre for Human Rights, while stressing the importance of expediting the promulgation of a new law on associations, recommends to the Government and to the House of Representatives and the Senate that the new draft law on

⁴⁹ Article (11/Paragraph a) of the Political Parties Law provides that "Any of the founders shall have the right to challenge before the Court the Minister's decision referred to in Paragraph (b) of Article (10) of this Law within thirty days from the date of notification of that decision."

⁵⁰ See Article (20) of the Universal Declaration of Human Rights and Article (22) of the International Covenant on Civil and Political Rights.

⁵¹ See Articles (21, 22/2) of the International Covenant on Civil and Political Rights.

⁵² See Article (30) of the Universal Declaration of Human Rights.

⁵³ The Ministry of Social Development registered (48) local associations and (4) foreign associations during 2007, and (10) local associations and (2) foreign associations were dissolved during 2007 for reasons relating to their violation of the Associations Law, or their failure to achieve their general objectives, or because they did not implement the purposes stipulated in their statutes or were remiss in carrying out their work.

⁵⁴ See Article (16) of the Jordanian Constitution promulgated in 1952.

associations be based on the following principles, guaranteed by the provisions of the Jordanian Constitution and the rules of international human rights legitimacy, the most prominent of which are:

1. Freedom to establish and register associations by way of notification only, provided that the administration, if it has an objection to the establishment of a particular association, has the right to resort to the judiciary.
2. The law should not require more than ten members for the establishment of any association.
3. The right of each association to draw up its statute freely, and the right of the administrative board of each association to manage its affairs without interference from any governmental authority.
4. The right of the general assembly of each association to elect its administrative board freely, and respect by the administration for the results of the elections, and that the administration should have no right to object to the membership of any person on the association's administrative board except through an action brought before the competent administrative judiciary.
5. The right of the administration to monitor the work of associations; if it finds a departure from the law, this shall be addressed by recourse to the judiciary, which holds the first and final authority.
6. The right of each association to obtain domestic and foreign funding, provided that it discloses accurately the amounts of funding it has received, the sources of such funding and the ways in which it is used, all of which shall be supported by documentary evidence, and that it undertakes to publish its annual budgets in the daily newspapers, in addition to informing its general assembly.
7. The right of each association to merge or unite with any association having a similar objective, and the right of associations to establish federations in the interest of social work and community service, with emphasis on the leaders of federations of associations attaining their positions only through election.
8. No association may be dissolved except with the approval of its general assembly or by judicial decision, nor may any association be suspended from work except by judicial decision.
9. Affirming that the term of the interim administrative board of any association shall be (60) days, during which the general assembly of the association shall be convened to elect a new administrative board, and that this period may not be extended under any circumstances except once in order to achieve this objective.

Economic, Social and Cultural Rights

First: The Right to Work

The Reality of the Jordanian Labour Market:

Estimates indicate that the size of the Jordanian labour force in 2007 reached (1.5) million male and female workers, and the unemployment rate was estimated at about (17%), while the size of the migrant labour force was estimated at about (300–400) thousand, equivalent to (20%–26.7%) of the size of the labour force in the Jordanian labour market. Egyptian workers constitute (71%) of total migrant workers. Most migrant workers were concentrated in the following sectors: services (26%), industry (25%), agriculture (23%), and construction (15.3%).

In view of the increasing number of migrant workers, particularly irregular ones, coming to Jordan, and the resulting negative effects, problems and violations, most of which consisted of the accumulation of residence fines on migrant workers in violation of the provisions of the Labour Law and the residence instructions, estimated at about eight million Jordanian dinars, the Ministry of Labour and the other relevant ministries sought to sign a number of bilateral agreements with a number of Arab and foreign States to regulate the arrival of migrant workers in the Kingdom, the most recent of which was a Memorandum of Understanding signed on 29/3/2007 with the Arab Republic of Egypt on regulating the movement of Egyptian workers to work in the Hashemite Kingdom of Jordan.⁵⁵

Jordanian Labour Legislation and Workers' Rights:

Although the Jordanian Constitution guarantees the right to work in Articles (6/2) and (23), there are still numerous obstacles that negatively affect the enjoyment of this right by the labour force in Jordan.

- During 2007, the National Centre for Human Rights received (220) complaints and requests for assistance relating to the right to work, which may be classified as follows:
 1. Failure to obtain compensation for arbitrary dismissal: (6) complaints.
 2. Failure to obtain payment in lieu of leave and for overtime hours: (20) complaints.
 3. Workers not enjoying health insurance: (5) complaints.
 4. Workers being subjected to abuse, violence and insults: (10) complaints.
 5. Violation by sponsors of the terms of the employment contract, particularly non-payment of wages and non-payment of residence fines, which prevents male and female workers from enjoying the right to residence and freedom of movement: (150) complaints.

⁵⁵ Ministry of Labour statistics indicate that the number of Egyptian workers holding work permits is (226) thousand workers, while the number of migrant workers not holding work permits is between (100–150) thousand male and female workers.

6. Withholding of the passports of male and female workers, the number of complaints and requests for assistance having reached (10) complaints, noting that withholding passports is contrary to the law and punishable under Article (18) of the Passports Law No. (5) of 2003.

7. Certain practices relating to forced labour, particularly by private recruitment agencies and brokers, some of which reached a level that may be described as a form of trafficking in persons: (10) complaints.

- These complaints are distributed over the following sectors:

a. The Agricultural Sector:

The principal problem of this category of workers is that they are not covered by the provisions of the Labour Law, pursuant to Article (3/c) of the Labour Law, which made the subjection of workers in the agricultural sector conditional upon the issuance of a special regulation for this purpose; however, this regulation has not been issued to date.

- The National Centre for Human Rights considers that the lack of any legal protection for agricultural workers is contrary to Article (6/1) of the Jordanian Constitution, as well as to the international labour conventions ratified by Jordan.

b. Domestic Workers:

The figures available to the Association of Owners of Recruitment and Employment Agencies for Non-Jordanian Domestic Workers⁵⁶ indicate that there are more than (75) thousand male and female domestic workers, of whom about (25) thousand do not hold work permits or residence permits. Despite all the steps taken by the Ministry of Labour in an attempt to improve the conditions of this category of workers, they still suffer from numerous problems, the most important of which are:

1. These workers are not covered by the Labour Law, which deprives them of the right to resort to the labour courts to settle disputes arising with employers.
2. The absence of health insurance for them and their non-coverage by social security.
3. Violation by sponsors of the employment contract and non-payment of wages to the workers, or payment of a wage lower than that agreed in the contract, and the absence of a mechanism guaranteeing that these workers receive the wages agreed in the contract, which leads them to flee their sponsors' homes.
4. Some of these workers are subjected to verbal violence and physical abuse, and are sometimes subjected to sexual assault.
5. Long working hours exceeding (12) hours per day, the failure to grant these workers a weekly day of rest, and, in many cases, compelling them to work in more than one household.

⁵⁶ The Association of Owners of Recruitment and Employment Agencies for Non-Jordanian Domestic Workers was established in 2003 by a decision of the Minister of Labour.

6. The withholding of the workers' passports, on the pretext of their sponsors' fear that they may abscond or breach the conditions of residence.

7. The forgery of these workers' documents by certain recruitment agencies.

8. The dispatch to Jordan, by certain recruitment agencies abroad, of persons without regard to medical examination and other health requirements.

9. The exposure of these workers, at times, to exploitation by the embassies of the States to which they belong, with some of these embassies employing them for the account of certain members of their staff in restaurants and hotels.

- The National Centre for Human Rights further observed, during 2007, the emergence of the phenomenon of employing female (domestic) workers in schools, nurseries, beauty salons and other establishments, in breach of the laws and regulations in force.
- In setting out these observations for the second consecutive year, the National Centre for Human Rights reiterates this year the importance of taking serious measures to address the problems they contain and their negative repercussions on the Kingdom's record in this field, and calls for the rights of migrant workers to be incorporated into the Labour Law, particularly with regard to the terms and conditions of work.

c. The Clothing and Textile Manufacturing Sector and Workers in the Qualifying Industrial Zones (QIZ)⁵⁷

The workforce in this sector reached (51,846) male and female workers of Sri Lankan, Indian, Bangladeshi, Chinese and Pakistani nationalities, while the number of Jordanian workers employed in this sector stood at (15,212), according to the statistics of the Ministry of Labour.⁵⁸

- The National Centre for Human Rights records the continuation of certain violations and infringements of the rights of workers in this sector, the most prominent of which are:

1. The continued breach by certain companies of the provisions of the Labour Law, such as non-compliance with working hours and failure to calculate overtime hours. Through its visits to the economic zones, the Centre's team observed that the presence of inspection offices within these zones greatly assists in putting an end to any such practices; however, the absence of night-time inspection leaves companies free to violate the law without any oversight.

2. The presence of a number of foreign workers whose status has not been regularised owing to the accumulation of residence fines, notwithstanding the issuance by the Ministry of Labour of temporary work permits to them; their problem nevertheless persists. Their number ranges between (5–6) thousand workers.

⁵⁷ There are (7) qualifying industrial zones in Jordan, in which (94) companies operate in the manufacture and production of clothing and textiles. The volume of this sector's foreign exports amounted to (1.2) billion dollars, and the volume of investment in this sector is approximately (720) million dollars, according to 2006 statistics.

⁵⁸ The statistics of the Ministry of Labour indicate that the number of Jordanian workers in the qualifying industrial zones in 2006 amounted to (17,928), constituting (32%) of the total workforce.

3. The resort by certain foreign workers to sit-ins and strikes in order to obtain their rights.

4. The subjection of certain foreign workers to beatings and verbal abuse, particularly by factory supervisors, when they demand their rights, protest against working conditions, or strike and refrain from work.

- A decline has been observed in the number of Jordanian workers in the qualifying economic zones. The Centre therefore recommends working to increase the size of the Jordanian workforce through the following:
- Qualifying and training Jordanian workers in order to raise their capacities and to develop among them the values of productive work.
- The launch by the Government, in cooperation with the private sector, of a national media campaign aimed at encouraging unemployed Jordanians to join the labour market.

d. The Segment of the Workforce Subject to the Labour Law but Not Subject to the Provisions of the Social Security Law

This segment consists of workers and employees working in establishments that do not employ or engage (5) or more workers. These workers are employed in various occupations, such as nursing, secretarial work, service offices, commercial offices, companies, and the offices of lawyers and physicians, among others. This segment does not benefit from the insurance coverage provided by the Social Security Law.

- Since the beginning of 2007, the National Centre for Human Rights has observed an increase in the number of complaints and requests for assistance received by the Centre from this segment. These complaints revolve, as a whole, around the failure of its members to obtain the various forms of social insurance, in addition to certain companies, establishments and offices employing more than (5) workers without enrolling them in social security, which results in these workers being deprived of their rights and of the benefits granted to them under the Social Security Law.

e. The Public Small Vehicle Drivers Sector (Taxis and Medium-Sized Buses)

This sector is large and has a direct impact on the quality of the services provided to the public and on traffic accidents in the Kingdom. The number of persons working in this sector within the boundaries of the Greater Amman Municipality alone is estimated at approximately twenty (20) thousand drivers. They work in inhumane conditions; most of them enjoy neither social security nor health insurance, and they work without any limitation of working hours, being subjected to harsh conditions of work imposed by the owners of the vehicles and buses.

- The Centre believes that their difficult living conditions lie behind many road accidents, and recommends that their situation be regulated, that efforts be made to guarantee their rights, and that the problems they face be addressed.

f. Daily-Wage Workers

This segment comprises persons working in the public sector who have not been included in the Fourth Category under the Civil Service Regulation, which causes them considerable harm,

particularly as some of them have periods of service extending to more than ten years. This harm consists in their failure to obtain their employment rights and in their low salaries compared with those of other employees subject to the Civil Service Regulation, as well as in their deprivation of the benefits of the Civil Service Regulation, the most important of which are annual increments and the various allowances, such as the overtime allowance and the occupational hazard allowance, in addition to their not being permitted to join trade unions.

g. Child Labour

International conventions have regulated child labour within specified controls and conditions, with the aim of protecting the rights of children from various violations, particularly the rights to education, health, rest and play. The most prominent of these conventions are:

- Arab Labour Convention No. (1) of 1966.
- The International Convention on the Rights of the Child of 1989.⁵⁹
- Minimum Age Convention No. (138) of 1973.⁶⁰
- Worst Forms of Child Labour Convention No. (182) of 1999.⁶¹
- The Jordanian Labour Law is consistent with the aforementioned international and regional conventions. It is likewise consistent with national programmes such as the National Agenda, the Jordanian National Plan of Action for Children for the years (2004–2013), the National Strategy for the Reduction of Child Labour of 2007, and the Strategy of the Ministry of Social Development, all of which came within the framework of joint efforts to demonstrate that child labour constitutes a clear violation of the child's rights.
- While the National Centre for Human Rights views the situation of child labour with grave concern, particularly in light of its increasing scale,⁶² it highlights a number of issues, the most important of which are:

1. The category of children working in various occupations, whose ages range between (5–16) years: These children work in crafts, construction, industry, vehicle services, blacksmith and paint workshops, waste collection and other occupations. The Centre considers that the conditions surrounding the children's working environment contravene the provisions of the relevant international conventions, and likewise contravene the provisions of the Labour Law itself: working hours extend from (8) a.m. until (6) p.m., and at times until (8) p.m.; wages range between (40–100) dinars per month; no remuneration whatsoever is paid for overtime hours; and there is

⁵⁹ It should be noted that Jordan has ratified this Convention, and it was published in the Official Gazette on 16/10/2006.

⁶⁰ Article (73) of the Labour Law provides that the term "child" applies to all persons under the age of eighteen, and prohibits the employment in any form whatsoever of a juvenile who has not completed sixteen years of age.

⁶¹ Article (74) of the Labour Law prohibits the employment of a juvenile who has not completed seventeen years of age in hazardous or arduous work or work harmful to health. It likewise prohibits the employment of children for more than (6) hours in a single day, and on holidays and religious and official feast days, and restricts the work of children to specified times; for example, it prohibits their work at night.

⁶² The scale of child labour is estimated at approximately (50) thousand, which constitutes a breach of the provisions of Articles (1) and (2) of Minimum Age Convention No. (138) of 1973, as well as a breach of the provisions of Worst Forms of Child Labour Convention No. (182) of 1999.

no social insurance for the working child. In addition, these children work in hazardous and arduous occupations that are harmful to health.

- The Centre observes that labour inspectors do not carry out regular and serious visits to these places, and employers are accordingly not subject to any oversight under the provisions of the Labour Law.

2. The category of children working in agriculture: The Labour Law has excluded this category from its provisions, which has resulted in their deprivation of the various rights and privileges guaranteed by the Law.

3. The category of child beggars: “Child begging” falls under the worst forms of child labour, since the work of a child in begging is, in most cases, forced labour performed for the account of other persons. An increase in the phenomenon of begging has been observed in the recent period, to the point of reaching what is known as “organised trade”.

- It is worth noting that, during 2006 and 2007, no comprehensive field survey was carried out to determine the number of working children in Jordan, and there are no accurate studies or statistics. However, a programme for a comprehensive national survey in the Kingdom is currently being developed to study the number of working children; the programme is being implemented by the Department of Statistics, the Ministry of Planning, the Ministry of Labour, certain concerned ministries and institutions, and the National Centre for Human Rights.

h. Trafficking in Human Beings

International human rights conventions have guaranteed the prohibition of compulsory labour,⁶³ and the Jordanian Constitution has likewise addressed this matter in Article (13) thereof. Nevertheless, the National Centre for Human Rights received (10) complaints and requests for assistance during 2007 falling within the concept of trafficking in persons, which revolved around the following:

1. The recruitment of female workers of foreign nationalities for employment, who are brought into Jordan on tourist permits; after their arrival it becomes apparent that the nature of the work differs from what had been agreed upon, and they are exploited in night-time venues, clubs and bars.
2. The exploitation of workers by the managements of certain factories in terms of long working hours, non-payment of wages for overtime hours, and at times the restriction of the workers' freedom of movement and the withholding of their passports.

⁶³ The International Covenant on Civil and Political Rights provides in Article (8) as follows: • No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited. • No one shall be held in servitude. • No one shall be required to perform forced or compulsory labour. The United Nations Convention against Transnational Organised Crime and the supplementary Palermo Protocol provide for the prevention, suppression and punishment of trafficking in persons, especially women and children. Jordan has published the International Covenant on Civil and Political Rights in the Official Gazette, and deposited its instruments of accession to the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons on 14/3/2007.

- Proceeding from the role of the National Centre for Human Rights in promoting and protecting the rights of Jordanian and foreign workers in accordance with the standards set out in the Jordanian Constitution and international conventions, the Centre recommends the following:

First: General Recommendations

1. Giving priority to the actual implementation of the content of the fundamental conventions set out in the 1998 Declaration on Fundamental Principles and Rights at Work, which has been endorsed by all the Member States of the International Labour Organisation,⁶⁴ and which committed them to giving effect to the content of the eight fundamental conventions even where they have not ratified all of them (Jordan has ratified the fundamental conventions with the exception of Convention No. 87 on Freedom of Association). These conventions are:

1. ILO Convention No. (87) on Freedom of Association.
2. ILO Convention No. (98) on the Right to Organise and Collective Bargaining.
3. ILO Convention No. (29) on Forced Labour.
4. ILO Convention No. (105) on the Abolition of Forced Labour.
5. ILO Convention No. (138) on Minimum Age.
6. ILO Convention No. (182) on the Worst Forms of Child Labour.
7. ILO Convention No. (100) on Equal Remuneration.
8. ILO Convention No. (111) on Discrimination in Employment and Occupation.

- In this context, the Centre recommends that effect be given to the content of Convention No. (87) on the basis of Jordan's membership of the International Labour Organisation and its acceptance of the provisions of the Declaration of Principles, with implementation of the content of this Convention to begin, in a preliminary manner, by permitting the private sector to establish trade unions, and that a ministerial committee be formed to study the possibility of permitting the public sector to establish trade unions in accordance with the national interest.

2. Providing the political, material and moral support necessary to institutionalise and organise a permanent and effective social and civil dialogue whose participants are characterised by pluralism, credibility and the capacity to understand national challenges. In this regard, it may be useful to call upon the Jordanian Government to ratify the international conventions on the

⁶⁴ In 1988, the International Labour Organisation issued the Declaration on Fundamental Principles and Rights at Work as a promotional instrument for the principles of the Organisation, its purpose being to ensure respect for fundamental rights and principles at work as a form of social justice. Paragraph two of the Declaration states: "...that all Members, even if they have not ratified the Conventions in question, have an obligation arising from the very fact of membership in the Organisation to respect, to promote and to realise, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions, namely: • freedom of association and the effective recognition of the right to collective bargaining; • the elimination of all forms of forced or compulsory labour; • the effective abolition of child labour; and • the elimination of discrimination in respect of employment and occupation."

organisation of dialogue and to meet the requirements of the International Labour Organisation in this respect.

3. Forming a national committee to prepare a study on the replacement of migrant labour with national labour in accordance with a specified timetable, through planning for the adoption of the following national policies:

- A national employment policy.
- A national social protection policy.
- A national inspection policy.

4. Adopting a modern labour law that is in keeping with Jordan's international obligations, guarantees the realisation of the fundamental principles set out in the international conventions ratified by Jordan, such as the principle of freedom of association, the principle of equal remuneration, the principle of non-discrimination in employment, and the principle of the elimination of the worst forms of child labour, and provides legal solutions to curb the violations that harm Jordan's reputation at the Arab and international levels.

Second: Recommendations on Child Labour

1. Strengthening the role of the Ministry of Social Development with respect to child beggars and children working in the various sectors, and activating the social defence programmes concerning child beggars, by intensifying inspection and follow-up campaigns and by applying the Juvenile Conduct Monitoring Law No. (37) of 2006 and the Instructions of the Juvenile Conduct Monitoring Law of 2006.

2. The necessity of adhering to the provisions of the law in order to return working children to school, and of activating Article (389) of the Penal Code concerning the offences of begging.

3. Taking the measures necessary to activate the text of Article (74) of the Labour Law concerning the prohibition of employing juveniles in hazardous work and work harmful to health, noting that the statistics of the Ministry of Labour indicate that most juveniles work in occupations harmful to health.

4. Including in Article (76) of the Labour Law provisions requiring a comprehensive medical examination of the worker before commencing work.

5. Doubling the penalties prescribed in Article (77) of the Labour Law against an employer who employs more than one juvenile.

6. The necessity of having a labour inspector dedicated to children in each of the labour directorates, in order to curb the phenomenon of child labour.

7. Organising media campaigns to raise public awareness of the need to combat child labour.

Third: Recommendations on the Jordanian Labour Law

- Issuing a modern labour law that is in keeping with Jordan's international obligations and guarantees the realisation of the fundamental principles set out in the international

conventions ratified by Jordan. Pending the issuance of a new labour law, the National Centre for Human Rights recommends the following:

1. Amending the definition of “wage” and specifying working hours: the wage must be defined clearly and free of any ambiguity, and the number of overtime hours, which may not be left without an upper ceiling, must be specified.
2. Amending Article (11) of the Labour Law with the aim of restricting the bringing in of migrant labour to the labour recruitment and employment agencies registered with the Ministry of Labour only.
3. Amending Article (12) of the Labour Law in line with international standards, by removing the forms of discrimination between Arab and foreign workers.
4. Amending the text of Article (35) of the Labour Law by expressly providing that the probation period is confined to contracts of indefinite duration.
5. Amending the text of Article (46/a) of the Labour Law by expressly providing that the wage shall be paid at the place of work.
6. Amending the text of Article (52/a) of the Labour Law by setting the minimum wage for each occupation separately.
7. Amending the text of Article (52/b) of the Labour Law by linking the setting of the minimum wage to the actual cost of living, with the setting of the minimum wage to be reviewed annually.
8. Amending the text of Article (64) of the Labour Law so as to cover all types of leave.
9. Amending the text of Article (56/1) of the Labour Law by expressly providing for the determination of the rest period and the meal break.
10. Amending Articles (98) and (100) of the Labour Law, which relate to the establishment of trade unions, freedom of association and the protection of the right to organise, since they contravene Articles (20) and (23) of the Universal Declaration of Human Rights, Convention No. (87) of 1948 concerning Freedom of Association and Protection of the Right to Organise, and Convention No. (98) of 1949 concerning the Right to Organise and Collective Bargaining. These conventions have vested workers and employers with the right to establish workers’ organisations, to draw up their constitutions, internal rules and own rules for the election of their representatives, and to organise their administration and activities and formulate their programmes, without interference from the public authorities.
11. Amending Article (116) of the Labour Law, which empowers the Minister of Labour to dissolve a trade union in the event that it violates the provisions of the Labour Law or any other legislation, so that the text becomes more specific as to the cases in which a trade union may be dissolved and the text of Article (116) is consistent with the provisions of Convention No. (87) of 1948, or so that the power to assess the gravity of the violation is left to the court (the judiciary).
12. Amending the text of Article (87) of the Labour Law by expressly providing for the obligations of the employer with respect to a worker who sustains an employment injury.

13. Amending Article (137) of the Labour Law concerning the settlement of labour disputes, by reducing the duration of trials in labour cases through:

- Activating Article (4), Paragraph (3) of the Civil Procedure Code No. (16) of 2006, which provides that, in cases accorded the status of urgency, a hearing may not be adjourned for more than seventy-two hours. Court of Cassation Decision No. (1494/2005) dated 19/2/2006 upheld this approach.
- The necessity of affirming that the person empowered to issue judgments before the Wage Authority Court must be a judge and not a legal officer of the Ministry of Labour.
- Expressly providing for alternative means of settling individual labour disputes (arbitration and mediation).

Fourth: Recommendations on Migrant Labour

1. Forming a specialised committee to study Jordan's accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990.
2. Amending the Jordanian Labour Law so as to extend its provisions to this segment of male and female workers.
3. Including domestic workers in health insurance and social security.
4. Granting migrant workers in an irregular situation a period of time to regularise their status, with exemption from the fines accumulated against them by the Ministry of Interior.
5. Establishing a mechanism for the settlement of disputes arising from the employment contract, whose decisions shall be binding on all parties to the relationship, such mechanism to include the Ministry of Labour, the Ministry of Interior, the Family Protection Department, the Association of Recruitment Agency Owners, the employers, the embassy concerned, and human rights organisations.
6. Coordinating with the embassies of the States concerned for the purposes of adopting the unified employment contract drawn up by the Ministry of Labour, and of ensuring that certain staff members of these embassies do not employ domestic workers.
7. The necessity of establishing a mechanism guaranteeing that wages reach these workers (such as transferring all wages to the worker's own bank account).
8. Activating the role of inspectors (vested with the powers of judicial police) in supervising and monitoring the living conditions of domestic workers, through:
9. Qualifying and training labour inspectors so as to enable them to perform their duties efficiently and competently.
10. Expanding the powers of labour inspectors and providing them with the resources necessary to monitor the owners of domestic worker recruitment agencies, in order to curb violations and prevent these workers from being exposed to the risk of prostitution or trafficking in persons.

11. Activating the legal provisions in force in Jordan concerning the impermissibility of withholding passports, pursuant to Article (18) of the Temporary Passports Law No. 5 of 2003, as amended.

Second: The Right to Education

a. The School Education Sector

The Jordanian Constitution, in Articles (6/2) and (19), guarantees the right to education for all citizens within the limits of the State's capabilities, and provides for the right to establish private schools. It also strikes a balance between the State's duty in the field of education and the freedom of communities to provide education, and defines the limits of education by two criteria, namely: the limits of the State's capabilities and observance of the general provisions of the law, and the Government's supervision of community schools.

The Education Law No. (3) of 1994 is consistent with international standards, as the Ministry of Education seeks to provide free basic education in public schools, and likewise to provide diverse educational programmes, activities and services at the various stages of schooling.

- The education system reflects, to a large extent, the main characteristics of society, owing to the close and reciprocal link between education and the pattern of income distribution in society.
- The budget of the Ministry of Education amounted to (440,055,000) dinars for 2007, constituting (8.94%) of the State's general budget, whereas in the previous year it had constituted (9.36%).
- The reduction in the share of the Ministry of Education's budget also shows that foreign students did not constitute a high proportion that would justify the adoption of discriminatory measures in their admission to public schools in 2007. The Ministry had laid down three conditions for admission, namely: obtaining residence, payment of higher school fees, and the availability of a school place, which prevented many foreign children, particularly Iraqi students, from enjoying this right in the 2006/2007 academic year.
- The National Centre for Human Rights commends the Government's reversal of these discriminatory conditions, and stresses the necessity of making opportunities for enrolment in public schools available to foreign students, and of according special attention to children who did not enrol in school in the previous academic year, with a view to enrolling them and preventing them from dropping out.
- The National Centre for Human Rights views with concern the high level of fees in most private schools and their variation according to the geographical area in which these schools are located and the economic and social level of its inhabitants. It considers that the failure of the Ministry of Education to monitor school fees in private schools places a burden on parents and guardians, a number of whom have become unable to pay these high fees. This necessitates expediting the application of the private school classification system which the Ministry has been preparing, and which classifies private schools into several levels according to their capacities and the educational programmes, activities,

facilities and amenities available therein, such that the fees charged by a school are linked to the level within which it has been classified.

In this regard, we note that Article (13) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) recognises the right of everyone to education, and that education must contribute to the full development of the human personality. It also provides that primary education shall be compulsory and available free to all, and that secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education. It likewise provides for respect for the liberty of parents to choose for their children schools other than those established by the public authorities, provided that the schools chosen conform to the minimum educational standards.

- The National Centre for Human Rights records a number of positive developments witnessed in the school education sector during 2007, the most prominent of which are the following:
- The Ministry of Education's provision of compulsory and free education services to the majority of Jordanian students;⁶⁵ schools affiliated with the Ministry of Education and other government schools constitute approximately (58.6%), an increase of (0.7%) over their proportion in 2006, and (1114544) male and female students are enrolled therein, an annual increase of (1.44%). Private-sector schools constitute (38.2%), with (330489) male and female students enrolled therein, while schools affiliated with the United Nations Relief and Works Agency (UNRWA) constitute (3.1%), with (126741) male and female students enrolled therein.
- The Ministry of Education's attention, in its educational programmes, to students with special needs, as follows:
 1. Integrating students with physical (motor) disabilities into mainstream schools and providing the facilities they require in those schools;⁶⁶ these students are also exempted from school donations.
 2. Providing (518) learning resource rooms for students facing learning difficulties, benefiting approximately (10360) students, with each room serving an average of (20) students; a special educational kit is provided for them from the first to the fourth basic grade in the subjects of Arabic language and mathematics.
 3. Establishing (3) schools devoted to the creative abilities of outstanding and gifted students in various fields, named the "King Abdullah II Schools for Excellence", in the cities of Irbid, Salt

⁶⁵ According to the statistics of the Ministry of Education for the 2006/2007 academic year, the number of students in the Kingdom's schools is estimated at 1571774 male and female students, of whom females constitute 49.28%; the number of students increased over the previous year by 21686 students.

⁶⁶ There are (9) schools for the deaf, attended by approximately (800) students, in addition to the opening of (8) classes for deaf students in mainstream schools, that is, their integration in the directorates in which no special schools are available for them. There are also (7) special classes for students with severe intellectual disabilities attached to mainstream schools and staffed by teachers qualified to deal with such cases, and there are two schools for the blind, attended by approximately (200) students.

and Zarqa, within a plan aimed at extending this model to all governorates of Jordan within ten years. There are also resource rooms for gifted students, numbering (21) rooms in (21) schools, which work to enhance students' skills through enrichment educational materials. Furthermore, the pioneer centres for outstanding students, numbering (17) centres, teach approximately (1800) students in the evening period.

- While the National Centre for Human Rights emphasises the importance of these programmes concerned with persons with special needs, it calls for the services provided to be strengthened so that the largest possible number of persons may benefit from them.
- The Ministry of Education has worked to expand the establishment of public (free) kindergartens in poor and remote areas, and has been keen to raise community awareness of the importance of the kindergarten stage,⁶⁷ despite its being a non-compulsory stage, and to continue encouraging the private sector to invest in this field. The National Centre for Human Rights recommends continuing to expand the scope of the beneficiaries of kindergartens.
- The decrease in the adult illiteracy rate to (8.3%) for 2007, as a result of the spread of adult education and literacy centres and the increase in their number.⁶⁸ It is nevertheless still observed that the enrolment of males in literacy programmes is low in comparison with females, even though the opportunities are available to them; this may be attributable to their being occupied with work and with securing an income for their families. Accordingly, partnerships with the private sector should be activated (as is practised by many States) in order to involve workplaces in providing some form of literacy programmes within them, combining the vocational and educational dimensions, balancing the interests of the individual and of the institution, and maximising the positive impact of education on increasing productivity therein.
- While the National Centre for Human Rights acknowledges these ongoing efforts made to reduce the illiteracy rate, it points to the need to adopt more incentivising measures, such as distributing certain in-kind assistance to those enrolled in literacy and adult education centres and including them in the school nutrition programme, since most of them are of limited income. In this field, use could be made of the findings of the comprehensive evaluation study of the Literacy and Adult Education Programme conducted by the Ministry in 2007 in cooperation with UNESCO, which identifies the reasons for the decline in citizens' enrolment in this programme, such as the obsolescence of the curricula and textbooks used therein, their failure to take into account the differences between the characteristics and needs of adult learners and those of young learners, and their failure to draw on adult learners' previous life experience.

⁶⁷ According to the statistics available at the Ministry of Education, the number of kindergartens in the Kingdom in the 2007/2008 academic year reached approximately (1875) kindergartens, of which (582) are public kindergarten sections, while the remainder are private kindergartens or kindergartens run by non-governmental organisations or civil society institutions.

⁶⁸ The number of adult education and literacy centres for the 2006/2007 academic year totalled (457) centres, in which (5836) learners were enrolled, distributed as (31) centres for males, in which (459) learners were enrolled, and (426) centres for females, in which (5377) learners were enrolled. The increase in the number of centres over the previous academic year amounted to (180) centres.

- A special programme was designed for school drop-outs; the number of persons enrolled therein in the 2006/2007 academic year was (258) persons in (10) centres, while in the 2007/2008 academic year the number of persons enrolled in this programme rose to (540) persons in (27) centres. The Centre nevertheless observes that the enrolment rate in this programme remains clearly low, despite its effectiveness in dealing with drop-out students; the reason for this may be the lack of awareness-raising and publicity regarding this programme at the local and national levels.
- The instructions and rules governing non-formal education programmes for non-Jordanians were amended, including the literacy and adult education centres, home studies and the Drop-out Education Programme, so as to cover non-Jordanian students residing in Jordan; these have covered large numbers of drop-out students among Iraqi children.
- The Ministry of Education implements nutrition projects for students and for developing sound dietary and health habits among them. An increase was observed in the number of students benefiting from the school nutrition programme, to (310) thousand students in the 2007/2008 academic year, compared with (210) thousand students in 2006/2007; the programme thus covers all students from the first to the sixth grade, in addition to kindergartens in poverty pockets in (34) education directorates. The Ministry's plan aims to generalise the programme so as to target all students of the basic stage in the long term. However, the emergence from time to time of limited cases of spoiled milk distributed to students under the school nutrition programme calls for further health monitoring, in addition to the need to strengthen the role of school administrations in ensuring sound and safe health conditions in the storage and distribution of these foodstuffs, so that students may consume them safely.⁶⁹
- The general medical examination services implemented by the Ministry in cooperation with the Ministry of Health in the 2006/2007 academic year covered approximately (366) thousand male and female students, and the annual medical examination services covered (281599) male and female students. In addition, every school has a teacher responsible for following up school health services in cooperation with the Ministry of Health. It should be noted, however, that most schools have no rooms for medical examination, and that the teachers responsible for school health require training to raise their competence. In conducting medical examinations for male and female students, emphasis should be placed on vision and hearing tests, as these have a major effect on the ability to follow lessons.
- The Ministry implemented the programmes of the National Advancement Plan, which aims to protect the right of the child to "express" his or her views on matters and measures affecting him or her, to strengthen national and political culture among students, to increase their participation in school and public life, and to consolidate their awareness of democratic culture. It should be noted in this respect that approximately one and a half million copies of the Jordanian Constitution were distributed to school students.

⁶⁹ It should be noted that the Ministry of Education decided to stop the distribution of milk in the school meal definitively as of 1/1/2008, and there is an intention to replace it with another foodstuff.

- Computers were provided in the Kingdom's schools, the number of computers distributed to schools reaching (63000), and schools were connected to the Internet, with the aim of translating into practice the child's right of "access to appropriate information". The Ministry is working to develop curriculum content electronically in addition to producing it in print, in order to motivate students towards learning and knowledge and to make learning more enjoyable.
- Human rights concepts, and in particular the rights of the child and of women, were strengthened in school curricula, covering all grades and more than one subject, whether in the form of direct lessons specialised in human rights or in the form of activities carried out by students. Gender concepts relating to the roles of women and men were also strengthened in school curricula. Students have come to participate in evaluating curricula and textbooks, and an electronic newsletter, "The Student's Letter" (*Risalat Al-Talib*), was issued so that students may express their views.
- The National Centre for Human Rights values the Ministry's efforts in teaching human rights through its curricula, and stresses the need to continue and develop these efforts, while according due attention to training teachers in human rights concepts.
- On the other hand, the National Centre for Human Rights observed the persistence of a number of negative aspects in the school education sector during 2007, the most important of which are the following:
 - The persistence of the phenomenon of school violence; cases of violence are frequent both among students themselves and between students and teachers, notwithstanding the establishment of a hotline at the Ministry to receive complaints of violence against students, in addition to the Ministry's implementation of a project for the protection of children from abuse.
 - The National Centre for Human Rights considers that the phenomenon of school violence requires a qualitative response, through further activation of follow-up and monitoring procedures and the strengthening of a culture of human rights. Given the importance of effectively translating into practice the child's right to "protection from abuse and neglect", it may be appropriate to implement the idea put forward by the Ministry of creating and activating a special section to address child protection cases, in cooperation with the relevant bodies, including the National Centre for Human Rights, the Family Protection Department of the Public Security Directorate (PSD), and the National Council for Family Affairs.
 - The weak role of the inmates who teach illiterate persons in the Correction and Rehabilitation Centres (CRCs), owing to the small financial remuneration they receive, which affects the teacher's motivation. The Centre recorded the absence of literacy courses in a number of prisons (such as Juweideh (Men), Karak and Aqaba), whereas such courses are held in the remaining prisons; the number of beneficiaries of those courses during 2007 reached (275) inmates, a limited figure in comparison with the number of inmates who need such courses.

- The Christian religion is not taught in public schools in the way that the Islamic religion is taught, owing to the lack of agreement among the Christian churches on a unified curriculum.
- The National Centre for Human Rights emphasises, as in its previous reports, the importance of establishing a teachers' association (syndicate), so that teachers may develop their profession and enhance their material and moral rights.

b. The Higher Education Sector

Higher education is regarded as a fundamental pillar of human capital in the fields of scientific research and technical development, and as a means of supplying society with highly skilled elites who play a pivotal role in the development process. For higher education to fulfil this role, its system must offer high-quality, contemporary education, and its institutions must enjoy full independence and broad academic freedoms.⁷⁰

- There are (22) universities in the Kingdom, distributed across its various regions, of which (10) are public universities and (12) are private universities, attended by a total of (231227) male and female students, of whom (109393) are female students, i.e. a proportion of (47.3%). The National Centre for Human Rights observes the following:
 1. The standards of the university admission rules continue to restrict access to educational opportunities, as cases of exception therein are frequent, which constitutes a discriminatory practice. If we take into consideration the proportion of students admitted under the Parallel Programme, under which a student is granted admission with a grade average lower than that required by the admission rules in return for paying higher fees, the exceptions come to constitute the largest proportion of admissions, which may reach approximately (70%).
 2. The issue of raising university fees constitutes a continuing source of concern in Jordanian society. In 2007 the Higher Education Council attempted to raise university fees, following which civil society institutions launched a national campaign against the attempt to raise fees under the slogan “*Thabahtoona*” (“You Have Slaughtered Us”). As a result of various national efforts, the Government retreated from its intention to raise fees; the Centre nevertheless hopes that fees will not be raised and that alternative, fairer solutions will be sought.
 3. Violence continues to be practised in Jordanian universities for tribal or regional reasons.
 - While the National Centre for Human Rights points to the importance of addressing this phenomenon by strengthening human rights education and disseminating a culture of democracy, the peaceful resolution of conflicts and voluntary work, it emphasises the need to introduce a course addressing these concepts and principles as a compulsory university requirement, or to incorporate them into specialised courses in every faculty or specialisation, in addition to strengthening the extracurricular programmes that promote these values, such as student camps, competitions and voluntary work.

⁷⁰ Muhya Zaytoun, *Education in the Arab World in the Light of Globalisation and the Knowledge Culture* (Beirut: Centre for Arab Unity Studies, 2005).

4. Some university administrations continue to pursue a policy of appointing half of the members of student councils and attempt to curtail the powers of student unions, which limits student representation and participation in decision-making. The continued absence of human rights clubs from most universities is also noted.

- The National Centre for Human Rights considers that these practices by university administrations prevent students from expressing themselves and defending their rights, particularly in cases where students are referred to disciplinary committees which, in most instances, do not afford students genuine guarantees for their defence.
- The National Centre for Human Rights recommends the following with respect to the higher education sector:

1. Reconsidering the university admission rules in a manner consistent with international human rights standards, ensuring access to education for all on the basis of merit and equality, and reducing exceptions to the narrowest possible limits.

2. Affirming equality in university fees, and forming a national committee composed of civil society, the universities and the Ministry of Higher Education to work on developing a plan to address the issue of fees in a manner that achieves justice for all levels.

3. Calling upon universities to focus on extracurricular programmes that promote the values of voluntary social work and tolerance, and to establish student clubs supported by the university and open to civil society, and in particular the need to establish clubs working to disseminate a culture of human rights in public and private universities.

4. Introducing a subject (course) on human rights and democracy as a compulsory requirement for students in the faculties of political science and law.

5. Conducting scientific studies and research on the phenomenon of violence in universities, while emphasising the distinction between university violence and the freedom of student activity, so that the measures taken to curb the phenomenon of university violence do not become a reason for preventing students from exercising the freedom of student activity.

6. Providing effective social and psychological counselling in universities to serve students, in order to facilitate dealing with the negative phenomena from which students suffer, in particular the phenomenon of violence.

7. Opening channels of dialogue between students and the student, teaching and administrative bodies.

8. Proper application of the disciplinary and penalties regulations to students in a manner consistent with international human rights standards, while emphasising the need for disciplinary penalties to be proportionate to student violations.

9. Commitment by universities to the election of their student bodies, and cessation of the practice of appointing these bodies wholly or partially, in affirmation of equality among all and in promotion of a culture of democracy and participation.

10. The need for humanities faculties in universities to ensure that each subject includes coursework at the level of a research paper or an essay.

Third: Cultural Rights

International instruments contain provisions addressing cultural rights, most prominently the Universal Declaration of Human Rights⁷¹ and the International Covenant on Economic, Social and Cultural Rights.⁷² The Jordanian Constitution contains no explicit provision relating to cultural rights; however, a reference to freedom of cultural expression may be implicitly derived from Article (15), Paragraph (1).⁷³ The Jordanian National Charter, in its sixth chapter, also clearly and in detail affirmed cultural rights.⁷⁴

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

- While the Centre values the doubling of the budget of the Ministry of Culture for 2007 in comparison with 2006, it recommends that the amendments to the Culture Promotion Fund Law be expedited and approved by the Council of Ministers and submitted to Parliament (the National Assembly).
- The year 2007 witnessed a number of developments relating to the activation of citizens' enjoyment of cultural rights, the most prominent of which are the following:

1. Implementation of the Cultural Development Plan for the years (2006–2008), under which the Mobile Children's Library project was completed; the State Merit and Incentive Awards Regulation No. (23) of 2007 was applied; men and women of letters and intellectuals were brought under the umbrella of health insurance; an official circular was issued adopting traditional handicrafts as gifts for official delegations; works of art were acquired for State institutions at home and abroad; and work began on establishing the King Abdullah II House for Culture and Arts.

⁷¹ See Article 27 of the Universal Declaration of Human Rights.

⁷² See Article 15 of the International Covenant on Economic, Social and Cultural Rights.

⁷³ Article (15), Paragraph (1) of the Constitution provides: "The State shall guarantee freedom of opinion, and every Jordanian may freely express his opinion by speech, writing, photography and other means of expression, provided that he does not exceed the limits of the law."

⁷⁴ Paragraph (4) of the National Charter provides for: "Attention to raising the cultural level of Jordanian citizens in all regions of the Kingdom, and work to develop and advance their national culture by all possible means so as to achieve their participation in comprehensive cultural development." Paragraph (6) likewise recognised cultural pluralism: "Care for the various forms of Jordanian folk heritage, as creative tributaries enriching the national culture, and work to develop them in a manner consistent with the spirit of the age and reinforcing the unity of the nation's cultural fabric."

2. The granting of (6) merit awards to intellectuals and men and women of letters and one incentive award, within the State Merit and Incentive Awards, which have been granted since 1977.
3. All governorates of the Kingdom were covered by directorates of culture, with (8) directorates opened during 2007.
4. The number of cultural bodies registered with the Ministry of Culture in 2007 reached (17) bodies.
5. With respect to the right to the protection and enjoyment of scientific and intellectual creativity, the Government published in the Official Gazette, on 31/5/2007, the Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954 and its Protocol.

Fourth: The Right to Social Security

The right of the individual to social security is among the most important economic and social rights to which international instruments have accorded great attention, being provided for in Article (22) of the Universal Declaration of Human Rights and Article (9) of the International Covenant on Economic, Social and Cultural Rights. The Jordanian Constitution also refers to it implicitly in Article (23), which established the right of breadwinners to special compensation in cases of dismissal, illness, incapacity and emergencies arising from work.

Accordingly, the civil and military retirement laws, the social security law and the laws of the professional associations provided for the establishment of “funds” guaranteeing that the individuals subject to their provisions receive retirement pensions and insurance benefits in cases of old age and incapacity for work.

Notwithstanding the importance of this right, it witnessed no progress at the legislative or practical level during 2007, except for the efforts of the Social Security Corporation to prepare public opinion for an amendment to the Social Security Law. The Corporation began explaining the grounds necessitating the amendment of the Law and setting out the weaknesses and gaps in the Law in force. It focused on two fundamental issues under the current Law, namely early retirement and high salary ceilings. The Corporation relied on the actuarial study prepared by the International Labour Organization (ILO) and others, which showed that there is a genuine depletion of social security funds, and that the Corporation’s insurance revenues will be unable to cover the Corporation’s full expenditure after 2017, which will compel it to resort to investment returns to cover the financial deficit.

- The Corporation prepared a new draft Social Security Law containing numerous new provisions, the most important of which are: (1) raising the early retirement age; (2) setting a maximum ceiling for the salaries subject to the provisions of the Law; (3) restructuring the organisational structure of the Corporation; (4) providing for the regulation of maternity insurance provisions; (5) unemployment insurance; and (6) extending the provisions of the Social Security Law to employers, the self-employed and housewives.
- Notwithstanding the positive aspects referred to by the Corporation and contained in the draft Law, a careful study reveals the following:

First: Although the draft Law regulated the provisions of maternity insurance in Chapter Five and unemployment insurance in Chapter Six, Article Three provided for the application of the insurance schemes relating to employment injuries and to old age, disability and death insurance, and left it to the Council of Ministers to apply the remaining insurance schemes, including maternity insurance, unemployment insurance and health insurance, in stages, which means that the draft law has in fact failed to expand the coverage of social insurance.

- In this regard, the National Centre for Human Rights calls upon the Council of Ministers and the Board of Directors of the Social Security Corporation to ensure that the expansion of social insurance, such as maternity insurance and unemployment insurance, is not a mere expression of good intentions; rather, the application of these insurance schemes must actually commence in practice.
- The Centre further urges employers and businesspeople to work seriously to open doors for working women so as to increase their numbers in the private sector, since the proportion of women working in this sector does not exceed (12%), whereas the proportion of women working in the governmental public sector reaches (38%); particularly as the draft law has addressed this imbalance by providing for maternity insurance and the deduction of a minimal contribution rate.
- The National Centre for Human Rights recommends that the Council of Ministers and the Board of Directors of the Social Security Corporation activate the provisions on health insurance and apply them in practice, in view of the importance of this insurance for every household in the Kingdom, and the inability of workers and retirees to meet the financial requirements of covering the costs of preventive and curative procedures in light of stagnant wages and rising prices.
- With the exception of the employees of the Central Bank, bank employees do not enjoy health insurance after their retirement or the termination of their service with the banks; the same applies to employees of public shareholding companies.
- The National Centre for Human Rights recommends that this gap be closed and that this category be covered by health insurance.

Second: The draft law expanded the categories covered by the provisions of the Social Security Law and set out a new definition of the insured person, under which the insured person became the natural person to whom the provisions of the Law apply, whether male or female. The draft law further added that the provisions of the Law shall apply to employers, to those working in their establishments and to the self-employed, in accordance with Instructions issued by the Board of Directors of the Corporation.

- Although this expansion is commendable, the draft law still excludes from the Social Security Law workers employed in agricultural and forestry work, herding work, seafarers and sea fishermen, and domestic servants and persons in similar positions, the application of its provisions to these categories having been left to a decision of the Council of Ministers following the issuance of Instructions regulating their coverage.
- The National Centre for Human Rights, while referring to its recurrent recommendations in all previous reports, calls upon the Council of Ministers and the Board of Directors of

the Social Security Corporation to work towards covering the categories and segments not covered by insurance, and calls upon the Board of Directors of the Social Security Corporation to expedite the issuance of the Instructions necessary to bring them within the provisions of the Law, on an equal footing with the various segments of society, in order to achieve justice.

Third: Although the statement of reasons for amending the Social Security Law indicated that these amendments were in line with His Majesty the King's directives to link wages and pensions to inflation rates, the draft law provided for linking pensions to inflation or to the annual growth rate of average wages, whichever is lower, and set the maximum limit of this increase at (20) dinars, which renders any talk of linking pensions to inflation devoid of any real value.

Fourth: The draft law provided for reducing the salary subject to deduction for retirement purposes to five thousand (5000) dinars, which is a commendable reduction aimed at preserving the Corporation's funds and preventing their depletion through the payment of very high pensions. However, the draft law adopted a stricter approach to the granting of pensions, which were substantially reduced, thereby depriving this law of its character as a genuine instrument of social insurance. Whereas the law currently in force permits old-age retirement at the age of sixty for those who have completed (180) contributions, of which (60) are actual contributions, the draft law requires, for the granting of an old-age pension, the completion of (180) contributions while in service, or (216) contributions of which (120) are actual contributions; the draft law has thus increased the contribution period by (100%).

- The gravity of these amendments is particularly apparent in the reduction of the value of pensions, which was effected by two means, namely:

1. Increasing the period used to calculate the contributor's average salary for the purpose of calculating the pension from (24) months to (60) months.

2. Dividing the pension into two portions, below and above (1500) dinars, with each portion being calculated on a different accrual factor: (2.5%) for the salary below (1500) dinars and (1.58%) for the amount exceeding (1500) dinars, in respect of new contributors after the entry into force of the new law.

- The National Centre for Human Rights considers that these amendments are inconsistent with the purpose of establishing old-age insurance, since, by reducing these pensions, they lower the standard of living of the beneficiaries, particularly new contributors.
- The National Centre for Human Rights, aware of the importance of the role played by the Social Security Law as an important instrument for achieving the social and economic security of individuals and providing them with a decent livelihood and life, hopes that the draft law will be discussed by all segments of society in a scientific and objective manner that addresses the future of the vast majority of Jordanians, particularly the poor and those on middle incomes, while at the same time safeguarding the future and continuity of the Social Security Corporation.

Fifth: The Right to Health

The Temporary Public Health Law No. (54) of 2002, as amended, affirmed the responsibility of the State to provide health care in its various forms;⁷⁵ however, it did not give mental health the same degree of attention that it gave to physical health and the treatment of diseases.

1- In the Field of Health Care

The Ministry of Health began implementing the priorities set by the Higher Health Council in 2006 according to their importance,⁷⁶ by expanding the scope of the provision of preventive, curative and diagnostic services. At the beginning of 2007, the Ministry of Health established new buildings for the obstetrics and gynaecology and paediatric departments, the specialist clinics, and the ambulance and emergency departments at Al-Bashir Hospital in Amman, within the framework of the Al-Bashir Hospital rehabilitation project. A building for kidney clinics was also established, and the intensive care and cardiac care units were expanded at Al-Hussein Hospital in the city of Salt.

- However, the National Centre for Human Rights observes that some health centres still suffer from a number of problems that impede the achievement of their objectives, the most prominent of which are:⁷⁷

1. A shortage of medical and nursing staff in many of these centres.
 2. An acute shortage of certain essential medicines, particularly medicines for chronic diseases such as hypertension and diabetes, which compels patients to purchase them at their own expense from pharmacies.
 3. A shortage in the number of dental chairs.
- The Centre has also observed a clear weakness in the quality of ambulance and emergency services in the Kingdom, owing to the limited qualified human resources, the inability to extend this service to all areas of the Kingdom, and the absence of an effective communication system with hospitals.
 - The Centre recommends the establishment of a national ambulance and emergency authority, the provision of qualified human resources to operate the immediate ambulance service, and opening the way for volunteer work and the training of those wishing to work with the authority.

⁷⁵ These forms include: the provision of medical and curative services, the control of communicable diseases, raising awareness, and maternal and child care.

⁷⁶ The health priorities of the Higher Health Council are distributed across the following areas: expanding the base of medical services, ambulance services, emergency services, health insurance, hospital accreditation, human resources, and the Medical Liability Law, with the aim of framing policies and regulating health work in the Kingdom.

⁷⁷ Al-Dustour newspaper, dated 26-2-2007, p. 36.

2- In the Field of Mental Health Care

The Public Health Law has not given mental health clear attention comparable to that given to other diseases. The National Centre for Human Rights stresses the necessity of considering mental health as part of health care services, as well as providing mental health services to children under the age of (18) years, since no mental health services are currently available to them, apart from those provided by civil society organisations and private clinics in this field. The Centre further recommends increasing the number of centres concerned with mental health so as to cover all regions of the Kingdom.

3- Diseases and Their Impact on the Right to Health

- Cardiovascular diseases topped the list of the diseases most lethal to Jordanians, accounting for (40.5%) according to a study conducted by the Disease Control Directorate / Ministry of Health in 2007. The study attributed the increased prevalence of these diseases to unhealthy dietary habits, physical inactivity and smoking.
- Cancerous tumours were the second cause of death in Jordan; according to the Information Directorate / Ministry of Health, the proportion of those affected reached approximately (13.4%) of total deaths.⁷⁸
- Since the beginning of 2007, the Ministry of Health has recorded the infection of (50) persons with Acquired Immunodeficiency Syndrome (AIDS), thereby raising the number of AIDS cases in Jordan, from 1986 until November 2007, to (542) cases according to the official register of the Ministry of Health, which shows that, of those infected, (179) are Jordanians and (363) are expatriates.⁷⁹
- With regard to viral hepatitis, (405) persons infected with this disease had been detected by November 2007.⁸⁰
- By November 2007, the Ministry of Health had recorded (25) cases of epidemic meningitis and (970) cases of non-epidemic meningitis.⁸¹
- During 2007, the Ministry of Health established the first national register of kidney failure patients. This register aims to determine the actual numbers of patients suffering from kidney failure in all hospitals of the Kingdom, as well as to identify the cases that actually require kidney transplantation; the statistics of the Higher Committee for the Promotion of Human Organ Transplantation and Transfer indicate that approximately (1000) patients out of (2200) are in actual need of kidney transplantation.
- During 2007, the Ministry of Health implemented programmes for the early detection of disabilities among newborns and of breast cancer. It also carried out awareness campaigns on chronic diseases and sound health behaviours, and on the addition of vitamins to flour.

⁷⁸ Information Directorate, Ministry of Health.

⁷⁹ Disease Control Directorate, Voluntary Counselling and Testing Centre, Ministry of Health.

⁸⁰ Disease Control Directorate, Ministry of Health.

⁸¹ Disease Control Directorate, Ministry of Health.

4- Medical Errors

During 2007, the National Centre for Human Rights received three complaints, which may be summarised as follows, in order to present those complaints and the nature of the measures taken in respect of them:

- The first complaint: This concerns a woman who was admitted to Al-Amal Maternity Hospital to undergo a minor operation on the basis of the decision of the physician supervising her case. Following the operation, the woman fell into a coma, and died after (140) days as a result of an overdose of the anaesthetic administered to her.

Note: A medical committee was formed by the Ministry of Health to investigate the complaint; however, the investigation proceedings were suspended because the matter is pending before the Jordanian judiciary.

- The second complaint: A citizen was involved in a traffic accident on 27/10/2007, following which he was admitted to the ambulance and emergency department of Al-Bashir Hospital for treatment; however, his treatment was delayed for an hour and a half. After an X-ray was taken, it became apparent that he was suffering from bleeding affecting the intestinal blood supply and bleeding beneath the liver capsule. Eight hours after his arrival at the hospital, he underwent a surgical operation lasting four hours; however, he remained in a coma and on artificial respiration for a week until he died on 4/11/2007.

Note: A medical committee was formed by the Ministry of Health to investigate the complaint, and its decision has not been issued as of the date hereof.

- The third complaint: This concerns an eight-year-old child who was admitted to Prince Hashem bin Al-Hussein Hospital in Zarqa Governorate for treatment of a high fever. After examining him, the specialist physician prescribed a treatment consisting of three injections, two of them “Penicillin” and the third “Voltaren”; the nurse, however, administered them to the child in a single injection, which caused paralysis in the child’s right foot.

Note: The Royal Medical Services Prosecutor General was provided with a copy of the final medical report for the referral of the complaint to the military judiciary.

5- Health Insurance

- Health insurance in its various types (civil, military and private) covers approximately (66%) of the population of the Kingdom, as follows:⁸²
- Civil health insurance covers (34%) of the population. It is compulsory for all government employees and is not subject to a ceiling on the type of service provided, in return for a monthly contribution of (3%) of the employee’s salary, up to a maximum of (30) dinars.

⁸² Subscribers Directorate, Health Insurance Administration.

- Military health insurance covers (26%) of the population. It is compulsory for all serving and retired military personnel of the Jordan Armed Forces, their families, and their brothers and sisters who are unable to support themselves.
- Private health insurance covers (6%) of the population and is divided into two types: the first is where individuals insure themselves with insurance companies, and the second is where the institutions in which individuals work insure their employees with private physicians and hospitals.
- In 2007, the Ministry of Health concluded an agreement with private hospitals that included permitting subscribers to civil health insurance to receive treatment in private hospitals in return for paying (20%) of the treatment costs.
- In 2007, Article (31) of the Civil Health Insurance Regulation No. (83) of 2004, as amended, was activated,⁸³ whereby private companies and institutions were permitted to enrol their employees to benefit from civil health insurance services in hospitals and medical centres. Members of the Writers' Union and the Jordanian Writers Association were also enrolled in civil health insurance in return for a monthly contribution not exceeding (10) dinars for all family members.
- Also during 2007, Article (30) of the Civil Health Insurance Regulation was activated by extending civil health insurance coverage to citizens not working in the public sector, whose number reached (11) thousand citizens.⁸⁴ In response to the directives of His Majesty the King, citizens residing in areas classified as poverty pockets were brought under free health insurance coverage; their number during 2007 reached (18,961) citizens.⁸⁵
- In August 2007, an agreement was signed between the Drivers' Syndicate and the Ministry of Health with the aim of enrolling drivers and their family members in optional health insurance, noting that the membership of this syndicate exceeds (200) thousand drivers, most of whom do not enjoy any type of health insurance.
- The National Centre for Human Rights recommends that all citizens be covered by health insurance, given that approximately (34%) of the population of the Kingdom are still not covered by health insurance of any type.

⁸³ Article (31) provides that: "The Council of Ministers may, upon the recommendation of the Minister, approve for any company or institution the enrolment of its employees to benefit from health insurance services in hospitals and centres, on a compulsory basis for all its employees. The bases, conditions and amounts of such contribution shall be determined pursuant to Instructions issued by the Council for this purpose, provided that such contributions cover the actual cost of treatment fees for the segment of such employees, and that they be reviewed periodically at intervals not exceeding two years."

⁸⁴ Article (30) provides that: "Individual citizens may subscribe to health insurance services in any hospital or centre affiliated with the Ministry in accordance with bases and conditions determined pursuant to Instructions issued by the Council of Ministers, upon the recommendation of the Minister, for this purpose, provided that they include the determination of the amounts of contributions so as to cover the actual cost of treatment fees for the category to which such individual belongs, and that they be reviewed periodically at intervals not exceeding two years."

⁸⁵ Subscribers Directorate, Health Insurance Administration.

6- The Sale of and Trafficking in Human Organs

At the beginning of 2007, a governmental committee was formed, chaired by the Secretary General of the Ministry of Social Development and comprising representatives of the Ministries of Interior and Health, the General Intelligence Directorate and the Public Security Directorate. By June 2007, the committee had recorded (81) cases of kidney sales in the Kingdom, most of them concentrated in Al-Baqa'a Camp. It is noteworthy that removal operations for the purpose of selling organs are mostly performed outside Jordan, having been carried out, for the most part, in Iraq at a rate of (67.9%) and in Egypt at a rate of (13.5%). The monitoring results also showed that most of those who sold their kidneys were young males, that (55%) of them were under the age of (31) years, and that (46.9%) of them were married. The monitoring results further showed that most of those who sold their kidneys came from families living in extreme poverty.

7- Food

- The year 2007 witnessed a marked increase in the number of food poisoning cases, which reached approximately (2608) cases, compared with (881) cases of poisoning in 2006, including:
 - (2042) cases of poisoning resulting from the consumption of “shawarma” in the cities of Irbid, Zarqa, Madaba and Russeifa and in Al-Baqa'a Camp.
 - (207) cases of food poisoning resulting from students at certain schools in the Deir Alla District / Balqa Governorate consuming milk distributed to students under the school feeding programme provided by the Ministry of Education.
 - In addition, (339) cases of food poisoning in the town of Sakib in Jerash Governorate, resulting from the consumption of foodstuffs that had not been stored in a sound and hygienic manner, according to the Ministry of Health;⁸⁶ however, the patients admitted to hospitals and their families stated that the real cause of the poisoning cases was the contamination of drinking water and its sources and the deterioration of the water network supplying the town.⁸⁷
 - (20) cases of poisoning also occurred in the capital, Amman, as a result of the consumption of spoiled fish during April 2007. According to the Director of Disease Control at the Ministry of Health, the cause of the poisoning was the presence in the fish of a toxic substance called “histamine”, resulting from the fish having consumed toxic algae.

⁸⁶ Disease Control Directorate, Ministry of Health.

⁸⁷ Al-Dustour newspaper, dated 27/10/2007.

8- Medicines

- During 2007, the Jordan Food and Drug Administration closed (56) pharmacies out of (1615) pharmacies operating in Jordan, owing to their possession of counterfeit and smuggled medicines.⁸⁸
- The Audit Bureau's report for 2006, published in 2007, revealed a number of shortcomings relating to the pharmaceutical sector in Jordan, the most prominent of which are:
 - a. A significant rise in the prices of (51%) of registered original medicines.⁸⁹ The report confirmed that medicine prices are (13%–173%) higher than the prices at which they should actually be set, and attributed this to shortcomings in the implementation of the procedures relating to the currently applicable bases for medicine pricing.⁹⁰
 - b. Difficulty in registering medicines owing to the lack of organisation of medicine files.
 - c. Weak monitoring of the side effects of medicines, since the monitoring section of the Food and Drug Administration still relies solely on the voluntary reporting of side effects by the prescribing physician and by the citizen taking the medicine, without following up newly produced preparations and monitoring their effects after use in accordance with sound scientific methods by conducting the tests and analyses necessary to ensure their safety.
 - d. The Audit Bureau report indicates that (36%) of the medicines intended for sale in Jordan have the highest prices in the world, exceeding those of their equivalents in nine countries, including Saudi Arabia and seven European countries, which the Food and Drug Administration uses as a benchmark when calculating the price of medicines for Jordanian citizens; some medicines in Jordan are more expensive than in Britain, Italy, France, Spain, Greece, Germany, Belgium, Saudi Arabia and Turkey.
 - e. The rate of medicine wastage in Jordan is among the highest in the world, exceeding (25%) of the value of the medicine bill in the public and private sectors. There are numerous reasons behind the phenomenon of medicine wastage, including: writing prescriptions by hand instead of printing them electronically, and the difficulty of reading the physician's handwriting owing to its illegibility or its misinterpretation.

9- Water Pollution

During July 2007, Manshiyat Bani Hassan in Mafraq Governorate was exposed to the contamination of drinking water, which resulted in (1080) persons being affected. The Government adopted, at the time, a plan of action to address the water contamination.

- On the basis of its monitoring of health conditions in general, the National Centre for Human Rights recommends the following:

⁸⁸ Counterfeit medicines: medicines not manufactured in pharmaceutical factories, sold at prices lower than the permitted price, differing in packaging and colour, and not concentrated or not conforming to specifications.

⁸⁹ Original medicines: medicines manufactured in accredited factories and registered with the Dar Al-Dawa institution.

⁹⁰ The Audit Bureau report issued in 2006.

1. The establishment of an effective quality system, whether in relation to the work of governmental and private laboratories, physicians' diagnoses, or other procedures such as various endoscopy and catheterisation procedures; as well as adherence to recognised international standards for the control of certain common diseases such as diabetes and hypertension, in order to ensure, firstly, the safety of such procedures and, secondly, the extent to which it is necessary to perform them on the patient; particularly since health care, in all its forms, is a human and citizen's right, and this right must be protected by all means.
2. The adoption of legislative and procedural measures guaranteeing patients accurate diagnosis and treatment by a specialist physician, so as to prevent their exposure to exploitation resulting from the failure of some physicians to declare their academic titles correctly.
 - The National Centre for Human Rights reaffirms its recommendation contained in its previous reports on the necessity of expediting the enactment of a "Medical Liability Law", provided that the following be taken into consideration when drafting this law:
 - The adoption of international standards for each specialisation.
 - The establishment of an insurance system covering the financial compensation awarded by the courts.
 - The establishment of a special company for this purpose in which all physicians participate, to be financed from a special fund established within the Jordan Medical Association.
 - Not resorting to commercial insurance, in which the settlement is often at the expense of the physician.
3. The taking of deterrent legal measures against physicians or "pseudo-physicians" who exploit patients by using herbs in disregard of sound scientific methods and who charge exorbitant sums of money in return.
4. Treating mental health as an essential component of healthcare services, and establishing health services for children under (18) years of age, given that such services are currently available to them only through psychiatric clinics in the private sector.
5. Ensuring the equitable distribution of health centres, hospitals and medical personnel across the various regions of the Kingdom, and equipping them with the devices and equipment necessary to raise the standard of health services provided to citizens.
6. The Ministry of Health must develop effective inspection and oversight mechanisms to ensure that restaurants and food storage and supply warehouses comply with public health and safety requirements, in order to prevent a recurrence of the poisoning incidents witnessed in a number of governorates in 2007.
7. Focusing on improving the quality of health services in accordance with international standards.

Sixth: The Right to a Healthy Environment

This right is guaranteed by numerous international conventions ratified by Jordan.⁹¹ The Jordanian Environmental Protection Law No. (52) of 2006 also affirmed this right and accorded environmental cases the status of urgency in their handling. In 2007, the Government adopted a number of environmental regulations and instructions in various fields, namely:

1. The Instructions on the Siting of Development Activities of 2007, issued pursuant to the provisions of Paragraph (d) of Article (4) of the Environmental Protection Law, which determine the locations of agricultural, commercial, industrial, housing, mining and other environment-related activities.
2. The Instructions on the Bases and Standards for the Control of Raw Materials for the Manufacture of Medicines of 2007, issued pursuant to Article (5) of the Temporary Drug and Pharmacy Law No. (80) of 2001, as amended.
3. The Instructions on the Conditions Required for Storing Medicines Outside Pharmaceutical Establishments No. (1) of 2007, issued pursuant to Article (28) of the Temporary Drug and Pharmacy Law No. (80) of 2001, as amended.
4. The amended Groundwater Control Regulation No. 12 of 2007.
5. The Land Use Regulation No. 6 of 2007, issued pursuant to Article (67) of the Temporary Cities, Villages and Buildings Planning Law No. (79) of 1966, as amended.
6. The Instructions on Dealing with Sandblasting, issued on 2/9/2007, which aim to limit the use of this method in cleaning stone buildings.
 - It is worth noting that the most important legislation embodying the elements of the right to a healthy environment is the Environmental Impact Assessment Regulation No. (37) of 2005, which requires that “environmental impact assessment” studies be conducted before the implementation of any project commences, and further requires public participation in the process of discussing the potential environmental impacts and identifying the various alternatives to the project, including rejecting the project or changing its location.
 - While the National Centre for Human Rights considers that this legislative framework constitutes a positive basis for addressing environmental issues, it recommends the following:
 1. The authorities concerned with environmental management in Jordan should publish environmental information pursuant to the Law on Guaranteeing the Right of Access to Information No. (47) of 2007.

⁹¹ The most important of these conventions include the following: the International Convention on Biological Diversity, the Convention to Combat Desertification, the Climate Change Convention, the Kyoto Protocol, the Biosafety Protocol, the Vienna Convention, the Montreal Protocol on Substances that Deplete the Ozone Layer, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, and the Stockholm Convention on Persistent Organic Pollutants.

2. Completing the constitutional procedures relating to the priority international environmental conventions⁹² signed and ratified by Jordan, by submitting them to Parliament (the National Assembly) or publishing them in the Official Gazette.

3. Adopting the approach of involving the public and civil society organisations in all discussion sessions concerning environmental impact assessment studies, rather than restricting them to the competent and advisory bodies.

- The year 2007 witnessed a number of environmental developments, as follows:

First: Institutional and Legislative Organisation

1. The establishment of the Environmental Police Directorate, comprising approximately (400) police officers trained to deal with various environmental violations and to enforce the provisions of the laws regulating environmental oversight in the fields of protecting ecosystems, combating emissions, preventing the random disposal of wastewater, monitoring the dumping of waste, and combating industrial pollution.

2. The opening of (11) branches of the Environmental Police in the various governorates; in addition, (7760) environmental violations⁹³ were recorded during 2007.

3. The Ministry of Environment and the Environmental Police Department adopted a programme of aerial inspection of environmental hotspots in Jordan, in order to monitor facilities and factories that cause environmental pollution and to report environmental violations when they occur.

4. The adoption of a number of governmental decisions to protect the environment, the most prominent of which are:

- The decision of the Council of Ministers dated 10/5/2007 to establish a sulphur recovery unit at the oil refinery; however, no progress had been made in implementing this decision as at the date of preparing this report.
- The allocation of a plot of land with an area of (500) dunums in the Hallabat area for the establishment of an industrial wastewater treatment plant in partnership with the private sector.
- The establishment of an industrial wastewater treatment plant in Al-Hassan Industrial Estate in Irbid, by agreement with the private sector, in order to relieve the pressure on the “Al-Ukaider landfill”, which had been receiving enormous quantities of such water.

⁹² Such as: the International Convention on Biological Diversity, the Convention to Combat Desertification, the Climate Change Convention, the Kyoto Protocol, the Biosafety Protocol, the Vienna Convention, the Montreal Protocol on Substances that Deplete the Ozone Layer, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, and the Stockholm Convention on Persistent Organic Pollutants.

⁹³ These were distributed as follows: (113) violations relating to parks, forest land, pastureland and roads; (674) violations relating to water and sanitation; (2152) violations relating to vehicles; (3830) violations relating to agricultural production, livestock production and public health; (116) violations relating to the hunting of marine and wild life; (766) violations relating to factories, industrial workshops and quarries; (56) violations relating to forest fires; and (53) violations relating to the felling of woodland.

- The development of a national implementation plan for the application of the international convention on preventing the production and use of persistent organic pollutants.
- The preparation of the project document on synergy among the three international conventions on biological diversity, climate change and combating desertification, in preparation for harmonising national legislation with these conventions.

Second: Strengthening Oversight and Inspection

1. Commencing the implementation of a project to monitor dust emissions in the Fuheis and Qadisiyyah areas, to monitor electronically the emissions from the stacks of the cement factory in the Fuheis area, and to monitor the air in the Hashemiyyah area.

2. A national plan for responding to environmental emergencies was developed.

3. The closure of (70) facilities, including (12) craft facilities, (32) agricultural facilities and (16) industrial facilities, for violating the provisions of the Environment Law.

4. The formation of the Central Licensing Committee by a decision of the Council of Ministers. The Committee is competent to assess and discuss applications for the establishment of development projects, and to issue decisions of approval, rejection or amendment from an environmental and developmental perspective. The Committee rejected (352) applications to license industrial, agricultural and craft projects out of a total of (1082) applications, for violating the environmental conditions for licensing investment projects.

5. The Ministry of Environment arrived at a joint mechanism with the Ministry of Industry and Trade and the Jordan Chamber of Industry to tighten environmental oversight of factories, and also put in place incentives for facilities that comply with sound environmental management, with the aim of halting the environmental imbalances resulting from industrial activities. A special regulation institutionalising environmental oversight is expected to be issued in 2008.

- The Centre recommends the issuance of an integrated regulation on oversight and inspection that unifies the environmental oversight operations carried out by all public institutions and the Environmental Police, and adopts a scientific approach to addressing sources of pollution, while ensuring the development of the mechanism for granting economic and tax incentives to factories and facilities that adhere to the principles of sound environmental management.

Third: Air Pollution

The Standards and Metrology Organisation took a number of decisions during 2007, the most prominent of which were: amending the Jordanian standard specifications in the field of the environment, and requiring vehicles, as of the beginning of 2007, to use a “catalytic converter”, which purifies vehicle exhaust; however, this decision had not been activated as at the date of preparing this report.

1. The Ministry of Environment prepared a project to monitor air quality in Jordan, under which (12) stations will be installed in Amman, Zarqa and Irbid to monitor pollutants, at an estimated cost of one million eight hundred and twenty-five thousand dinars. The project comprises three

main components: monitoring air quality in the main cities, emissions from vehicle exhausts, and the stacks of large factories.

2. In 2007, the Ministry of Environment commenced the implementation of an environmental compliance plan with the management of the Cement Factories Company in accordance with a timetable, in order to oblige the Company to take all the measures required to improve the environmental situation in the city of Fuheis.

3. In 2007, the Ministry of Environment commenced work on an environmental compliance plan with the management of the Cement Factories Company in Rashadiyyah, with the aim of replacing the electrostatic filters with bag filters in order to reduce dust emissions.

4. The Royal Scientific Society installed fixed monitoring stations in Zarqa and Hashemiyyah to monitor the quality of the ambient air in the area and to safeguard it from pollution. It also measures, on a monthly basis, the gaseous and dust emissions from the two cement factories in Fuheis and Rashadiyyah.

- The Centre recommends that the interests of the residents of the Fuheis and Qadisiyyah areas be given due attention and priority when any decision is taken concerning the type of fuel used in the factories or the manner of its transport and storage. It further stresses the need to implement the environmental compliance plans in full detail, and the need to keep the option of gradually relocating the factory out of the city of Fuheis open should the Company fail to comply with the details of the environmental compliance plan.
- On the other hand, the substantial increase in the number of vehicles has led to a rise in the level of air pollution, particularly in the cities of Amman and Zarqa, owing to the poor quality of the fuel used, especially diesel fuel. This prompted the Council of Ministers in 2006 to issue a decision to switch to the exclusive use of unleaded petrol, with the aim of reducing the quantities of lead in the air; however, the implementation of this decision was postponed until 8/2/2008, because unleaded petrol was available at only (60) stations out of (365) stations operating in Jordan.
- The Centre considers that the rapid changes in the pricing of petroleum derivatives and fuels have made it necessary to price unleaded petrol in a manner commensurate with the purchasing power of citizens, so that it does not cause further economic burdens.
- The Centre recommends reducing the sulphur content of diesel, with the aim of producing a grade that conforms to the international specifications that protect public health, and thereby eliminating the black cloud that envelops the skies of Amman and Zarqa daily.
- With regard to the switch to unleaded petrol, the National Centre for Human Rights recommends the following:

1. Preparing scientific studies to determine the degree of danger posed by “MTBE” to the environment and to human health, particularly as it causes an increase in the quantities of hydrocarbons that cause cancer.

2. Rehabilitating fuel station tanks so as to render them fit for storage. Information from the Fuel Station Owners Association indicates that the majority of fuel tanks at these stations are old, and that fuels can easily leak into drinking water sources such as groundwater if the tanks are not

designed to handle this substance; moreover, this compound dissolves readily in water, and small quantities of it are capable of contaminating large quantities of drinking water sources.

- As for the dust emissions from the two mines belonging to the Jordan Phosphate Mines Company in Russeifa and Al-Hasa, they cause definite harm to the health of the population, in addition to the various environmental damages resulting from mining operations owing to the blasting carried out to extract phosphate. The situation is worse in the Russeifa area owing to the accumulation of phosphate mounds resulting from the outputs of the mining process, in which radioactive materials are concentrated.
- In light of this situation, the Centre recommends the following:
 1. Forming a health committee to examine and identify the diseases suffered by the population in the areas adjacent to the two mines, in preparation for taking the necessary measures.
 2. The need to limit blasting operations in the mines.
 3. Forming a scientific committee to study the water used in washing phosphate and the extent of its impact on the pollution of groundwater, given that it contains radioactive elements that pose a danger to human health.
 4. Prohibiting the use of phosphate waste as a raw material for construction, and prohibiting the licensing of crushers and quarries in this area, given that the waste contains radioactive materials.
 5. Obliging the Phosphate Company to rehabilitate the mining areas, which have significantly altered the topographical features of the area, in addition to destroying pasturelands that constitute an important source of fodder for livestock in those areas.

Fourth: Agricultural Pesticides

Figures from the Ministry of Environment indicate that the use of organic fertilisers accounts for (71%) of the causes of the spread of flies, insects and diseases in the Jordan Valley area, while cesspits account for (18%) of the causes of this problem. In light of this, the Centre recommends the following:

1. An absolute prohibition on the use of untreated organic fertilisers in the Jordan Valley areas.
2. Closing the landfill belonging to the Municipalities of South Shouneh and Sweimeh, since it does not conform to the specifications required for model landfills, establishing a transfer station in its place, and connecting the Jordan Valley area to the sewerage network.
3. Mandating the municipalities to conclude new agreements with the managements of the hotels at the Dead Sea and the tourist facilities in the area, in order to limit the spread of unsanitary hotspots.
4. Subjecting imported and local grains and legumes to the necessary analyses and tests to determine the level of pesticide residues therein, in order to safeguard the health of citizens.

Fifth: Environmental Awareness

The Centre notes the role played by numerous institutions in environmental awareness, the most important of which are:

1. The Ministry of Justice trained (24) judges on how to handle environmental cases. The Centre recommends that such training continue so as to cover the largest possible number of judges.
2. The Ministry of Environment, in cooperation with the Environmental Police, organised (168) workshops and consultative sessions, and (93) training courses and seminars on environmental awareness and law enforcement.

Sixth: Telecommunications Towers and Stations

Recently, there has been an increase in complaints by citizens about the presence of telecommunications towers and stations near their places of residence, with some citizens having lodged complaints with security centres, administrative governors or the courts.

- The National Centre for Human Rights recommends disclosing these complaints and the measures taken in respect thereof, working to identify the negative effects resulting from exposure to electromagnetic fields and to clarify their impact on public health and safety, and informing the public thereof with full transparency.

Seventh: The Water and Sanitation Sector

The most prominent development in this sector during 2007 was the award, after more than (4) years, of the tender for the project to convey water from the Disi Basin to Amman to one of the companies. The cost of implementing the project is estimated at approximately (622) million dinars, including (142) million as a contribution from the Jordanian Government to reduce the cost per cubic metre for citizens.

- With regard to the treatment of wastewater produced by the various industrial estates, the Ministry of Environment concluded partnerships with the industrial estates and the chambers of industry in Jordan to establish central plants for the treatment of industrial wastewater in Zarqa and Irbid, with the aim of relieving the pressure on the Al-Ukaider landfill and the Zarqa stream. A central treatment plant was opened in Al-Hassan Industrial Estate in Irbid, wholly owned by the private sector, with a capacity of (3000) cubic metres per day, at a cost of (5.2) million Jordanian dinars.
- With regard to environmental pollution in the Zarqa River Basin area, in March 2007 the Ministry of Environment, in cooperation with the relevant authorities and with the support of the International Union for Conservation of Nature, developed a project document for the rehabilitation of the Zarqa River Basin and the management of its environmental problems.
- On the other hand, the Centre noted an increase in the level of water pollution, that laboratory tests were confined to the water held in water tanks only, and that no periodic tests were conducted on water in artesian wells. The mass poisoning incident in the

Manshiyat Bani Hassan area is evidence that laboratory tests were not being conducted on artesian wells.⁹⁴

- During 2007, the Centre also monitored, according to the reports of various media outlets, several cases of rainwater flooding homes owing to the blockage of rainwater drainage networks, as well as several cases of drinking water becoming mixed with sewage in the Municipalities of Tareq and Marka. This indicates poor maintenance of the sewerage and rainwater drainage networks, and constitutes a flagrant violation of the right to clean drinking water and of the right to health and to a healthy environment.
- In this context, the National Centre for Human Rights recommends the following:
 1. Establishing a national network for monitoring groundwater in the Kingdom, in order to ensure the safety and wholesomeness of drinking water.
 2. Conducting a survey of the remaining artesian wells in all areas of the Kingdom, to ensure that they are free of parasites and other organisms that cause waterborne diseases.
 3. Involving the Royal Scientific Society in the process of periodic oversight as an external auditor, rather than limiting its oversight mandate to emergency situations only.
 4. Verifying the fitness and cleanliness of the groundwater recharge areas in the Kingdom, and ensuring that they are free of farm animal waste.

Eighth: Solid and Hazardous Waste and Its Management

Waste in all its forms poses a danger to the environment, to the safety of living organisms and to public health. The problems of hazardous and solid waste in Jordan are numerous, the most important of which are:

- The problem of the spread of flies in the Jordan Valley area, owing to the presence of solid waste that is disposed of randomly, in addition to the use of untreated livestock waste as fertiliser. A mechanism to address this problem is currently being developed, consisting of the establishment of special plants for the treatment of natural manure on farms.
- The Centre recommends expediting the implementation of this initiative in order to eliminate this chronic problem, which adversely affects the quality of life of citizens and tourism opportunities in the Jordan Valley.
- The problem of medical waste, which is one of the most complex environmental problems: Jordanian hospitals, numbering (115) hospitals, produce approximately (8) tonnes of medical waste daily, and it is noted that all medical waste incinerators are in violation of the instructions, whether in terms of location or operating conditions. In 2007, the Council of Ministers approved the establishment of special units for the treatment of medical and

⁹⁴ After the Ministry of Health was unable to establish the true causes of the widespread poisoning cases in Manshiyat Bani Hassan, the Minister of Health, on 18/7/2007, mandated the Royal Scientific Society to investigate the causes of the contamination of the Za'tari water; the poisoning was attributed to the presence of the *Cryptosporidium* parasite in (8) artesian wells out of (37) wells that were supplying the Za'tari water reservoir.

industrial waste at the Al-Ghabawi landfill, and it is hoped that this step will mark the beginning of putting an end to the haphazard handling of this dangerous type of pollution.

- The problem of the safe disposal (or recycling) of electronic waste, consisting of computers and their accessories as well as end-of-life mobile telephones, particularly in the absence of appropriate mechanisms for managing such waste.
- The Centre considers it necessary to develop a system for the management of electronic waste in cooperation with the various telecommunications companies and computer companies.
- On the other hand, the National Centre for Human Rights recorded positive progress in the handling of certain environmental problems by official bodies, the most prominent of which are:

1. The Ministry of Municipalities allocated an amount of one million six hundred and fifty thousand dinars for the rehabilitation of landfills in Jordan, including upgrading the Al-Ukaider landfill (the second largest landfill in the Kingdom), and implementing investment projects, the most important of which are: extracting biogas, recycling and sorting waste, and manufacturing fertilisers.

2. The Jordan Environment Society concluded several bilateral agreements with national factories, companies and institutions for the environmentally sound recycling of their waste.

- The Centre recommends developing a flexible and effective incentive system to encourage the sorting and recycling of waste, whether at source or at the landfills themselves, and providing incentives to the private sector to proceed with the implementation of recycling agreements with non-governmental organisations.

3. The Ministry of Environment adopted a mechanism for separating industrial waste from other household waste, and for handling it in accordance with Jordanian and international requirements and specifications at the Al-Swaqa landfill.

4. The National Programme for the Management of Chemicals and Hazardous Waste⁹⁵ built a comprehensive database of (150) thousand chemical substances, with the aim of limiting the negative health and environmental effects resulting therefrom.

5. During 2007, the Greater Amman Municipality operated a system of mobile cameras to monitor and photograph environmental and cleanliness violations.

- The Centre recommends strengthening monitoring by means of these cameras, while ensuring that such violations are recorded in the presence of the offender after stopping the driver and notifying him of the violation, rather than being recorded in absentia, in order to achieve transparency and credibility in the issuance of violations, and that such cases be used to raise the awareness of offending drivers.

⁹⁵ Estimated at (23) thousand tonnes annually, originating from local industries, laboratories, university scientific research centres, hospitals and pharmaceutical companies,

Ninth: Forest Resources and Biodiversity

During 2007, attacks on forest resources and woodlands intensified, as did the illegal trade in timber following the rise in fuel prices. The Environmental Police recorded (222) environmental violations in this field.

- Wild medicinal herbs and plants of commercial value are also subject to practices of over-harvesting in the Shafa Ghor areas and the northern highlands by citizens who collect these herbs and sell them to herbalists' shops to be traded for therapeutic purposes. Since these herbs are not covered by legal protection, the high demand for their collection poses a threat to their continued growth.⁹⁶

In this context, "fires" are among the gravest problems facing wildlife in Jordan, as they destroy vast areas of vegetation cover. According to the statistics of the Civil Defence Directorate, the total number of fires affecting dry grass, agricultural crops, and fruit and forest trees reached (2579) incidents during the first half of 2007. Of the total causes of these fires, (42.5%) are attributed to children tampering with various sources of ignition and (31.7%) to arson, while fires of dry grass, crops and trees accounted for (52.9%) of the total incidents.

- In addition, there are numerous attempts to deplete wildlife, particularly through the hunting of endangered birds, notwithstanding the existence of several laws governing and regulating hunting and trade in Jordan's animal and environmental resources.
- The Centre recommends tightening oversight of the felling of old-growth trees and natural woodlands, pursuing those responsible and holding them legally accountable, and maintaining close monitoring of illegal hunting and hunting outside the designated seasons. It further recommends adherence to the National Land Use Master Plan, which designates the sites allocated for investment in natural ecosystems, and putting an end to encroachment on forests and areas of environmental distinction under the banner of investment.

Tenth: Hazardous Materials

In compliance with the implementation of the Basel Convention on hazardous wastes, which was published in the Official Gazette, the Ministry of Environment prepared, during 2007, an integrated system for the management of hazardous materials, with a membership of (14) national bodies, in order to track liquid and semi-solid industrial waste, to limit its random disposal, and to prevent illicit trafficking in industrial waste generated by the various activities of industrial and development facilities.

- The Centre recommends the establishment of a central unit concerned with the management of hazardous materials at the national level.

⁹⁶ The best-known wild medicinal herbs that are collected include: akkoub (gundelia), wild thyme, ja'da (felty germander), wild rue, wild fennel and drayhmeh.

Eleventh: The Coastal Environment

Perhaps the most significant element of environmental change in Aqaba over the next few years is the planned relocation of the Port of Aqaba from its current site to the southern coast. The relocation process is expected to result in the destruction of the coral reefs on the southern coast, which will host the new port, in addition to air pollution caused by excavation, construction and transport works.

- In this regard, the Centre recommends that an independent environmental impact assessment study be conducted for the project to relocate the port to the southern coast, and for all other real-estate investment projects, and that the discussion of such studies be open to environmental civil society organisations and research and academic institutions.
- It further recommends that the marine reserve in Aqaba be preserved, in order to protect biodiversity and the marine environment, and that it not be annexed to real-estate investment projects.

Twelfth: Pastoral Areas

Overgrazing is one of the principal causes of the decline in biodiversity. Studies of the Ministry of Environment indicate that, as a result of overgrazing, the productivity of rangelands has decreased by (11%–33%) compared with the quantity of green vegetation produced in the adjacent protected areas.

- The Centre recommends developing programmes for the cultivation of fodder and pasture plants in the Badia region and other Jordanian rangelands, by making use of water-harvesting projects in the valleys, in order to support the productivity of livestock locally, improve the vegetation cover and its extent, and regulate grazing so as to ensure the long-term sustainability of rangelands.

Seventh: The Right to Adequate Housing

In its annual report for 2006, the National Centre for Human Rights called for the adoption and implementation of a national programme of housing for poor families in the Kingdom. In this regard, it pointed out that the figures of the Department of Statistics for 2006 showed that the poverty line for individual income in Jordan stood at (504) Jordanian Dinars per annum.

- It also recommended that attention be given to establishing new public housing projects by activating the role of the Housing Corporation, with priority given to limited- and low-income state employees and other employees in the various governorates of the Kingdom, and that more residential areas be connected to the sewerage network.
- This year, the Centre once again stresses the importance of regarding the right to housing as a human right closely linked to the right of the Jordanian citizen to an adequate standard of living, and as being linked to other economic, social and cultural rights, such as the right to sufficient and safe water, the right to adequate food, and the right to the highest attainable standard of health.

- While the Centre highly commends His Majesty the King's initiative in launching the "Decent Housing for a Decent Living" project on 26/2/2008, it recommends that the Government adopt fair criteria guaranteeing that eligible citizens obtain this type of housing. It further recommends that the Housing Corporation play a key role in implementing this project, in order to guarantee a reasonable cost for such housing that takes into account the level of individual income in Jordanian society, particularly in light of the continuous rise in fuel prices and the accompanying steady rise in the prices of basic goods and services, such as food, medicine, water, electricity, school fees, transport fares and others.

Eighth: Women's Rights

The Government published the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in the Official Gazette on 14/7/2007,⁹⁷ whereby it became part of the body of national legislation. However, Jordan has maintained its reservations to Articles (9/2, 15/4, 16/c, d, g) of the Convention.⁹⁸

On 27/10/2005, Jordan submitted its combined third and fourth report to the United Nations on the situation of women's rights for the period (1997–2005), pursuant to Article (18) of the Convention on the Elimination of All Forms of Discrimination against Women.⁹⁹

During its consideration of Jordan's first and second reports on 2/8/2007, the United Nations Committee on the Elimination of Discrimination against Women commended the publication of the Convention in the Official Gazette and the allocation of (20%) of the seats on municipal councils to women. It also recommended the withdrawal of the reservations to the aforementioned articles.

- The Centre recommends 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 the principles of justice and human rights. It further recommends the withdrawal of the reservation to Article (15/4) of the Convention, since a woman's right to freedom of movement and to choose her residence is consistent with the provisions of Islamic Sharia, particularly as a wife is entitled to stipulate this in the marriage contract (Article 19 of Personal Status Law No. 61 of 1976).

⁹⁷ Jordan signed the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on 3/12/1980 and ratified it on 1/7/1992.

⁹⁸ Article (9/2) grants women equal rights with men with respect to the nationality of their children, while Article (15/4) grants women the same rights as men with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile. Paragraphs (c, d, g) of Article (16) relate to marriage and family relations.

⁹⁹ The two reports set out the achievements made in the field of advancing the status of women. They also presented the challenges facing the Government and institutions of all specialisations in achieving the goals and commitments for realising social justice, taking into account the articles of the Convention on the Elimination of All Forms of Discrimination against Women and the provisions of the Beijing Declaration and Platform for Action of the Fourth World Conference on Women (1995) and the outcome document of the Special Session of the United Nations General Assembly, "Women 2000: Gender Equality, Development and Peace for the Twenty-first Century".

National Legislation Relevant to Women's Rights

- The National Centre for Human Rights commends the allocation by Municipalities Law No. (14) of 2007 of no less than (20%) of the membership of each municipal council, to be filled by the women candidates who obtain the highest number of votes.
- The Centre also notes the response of the Ministry of Social Development and the General Secretariat of the Jordanian National Commission for Women to one of the recommendations contained in its annual report for 2006, as they prepared, in consultation with governmental and non-governmental institutions, a proposed draft Law on Protection from Domestic Violence. The draft included a clear definition of domestic violence and of the cases that may be deemed domestic violence, set out methods for settling disputes arising from domestic violence in a manner consistent with national laws and the divine laws, and broadened the concept of violence to cover all family members rather than confining it to violence against women alone.
- The Centre recommends expediting the completion of the constitutional procedures necessary for its publication in the Official Gazette.

Women's Participation in Public Institutions

The National Centre for Human Rights noted an increase in women's participation in the public institutions of the State during 2007. The most prominent manifestations of this development include:

1. The appointment of a woman as President of the West Amman Court of First Instance on 1/6/2007, whereby she assumed the presidency of the Mediation Department for the settlement of civil disputes at that Court.
2. The increase in the number of women students at the Judicial Institute beyond the (15%) quota allocated to women under Article (11) of the Jordanian Judicial Institute Regulation No. 68 of 2001, as amended. The number of females who passed the admission examination for study at the Judicial Institute for the academic year 2007/2008 reached (24).
3. The number of women working in the judiciary rose from (33) female judges in 2006 to (37) female judges in 2007.
4. One woman won a seat in the House of Representatives competitively, in addition to (6) women who won seats through the women's quota mechanism under the Provisional Law on Elections to the House of Representatives No. 34 of 2001, as amended.¹⁰⁰ The National Centre for Human Rights recommends increasing the women's quota in the House of Representatives to (12) seats distributed across the governorates of the Kingdom.

¹⁰⁰ The Law allocated six seats to the women's quota, added to the 104 seats that together make up the House of Representatives. They are calculated on the basis of the ratio of the number of votes obtained by the woman candidate in her electoral district to the number of voters in that same district; the winners of these seats are the women candidates who obtained the highest ratios across all electoral districts, irrespective of religion or ethnicity.

5. The results of the municipal elections indicate that one woman, out of a total of (6) women candidates, won the presidency of a municipality, and that (203) women won membership of municipal councils through the women's quota system and (25) women won competitively, noting that the number of seats allocated to women is (211), so that the increase amounted to (8) seats. The National Centre for Human Rights recommends raising the women's quota on municipal councils to (40%).

Violence against Women

On 17/1/2007, the Family Reconciliation House¹⁰¹ of the Ministry of Social Development was opened with the aim of providing protection to women exposed to domestic violence and reintegrating them into society.

During the period (17/2–31/12/2007), the House dealt with (290) victims of domestic violence referred by the Family Protection Department, in addition to (54) accompanying children. The House succeeded in restoring reconciliation to (196) families, i.e. (74%). It is worth noting that the recurrence rate in these cases stands at (8.2%), which is among the lowest rates in the world. The House is also working on providing a database in order to raise public awareness of the dangers of domestic violence, the family problems resulting from it, and the means of reducing it.

- The Centre has noted an increase in the recording of cases of violence against women compared with previous years, which is attributed to the growing awareness within Jordanian society of the importance of addressing issues of violence and not remaining silent about them. It recommends working to increase awareness programmes and to encourage victims and concerned parties to report cases of domestic violence.

Ninth: Children's Rights

The Jordanian Government published the Convention on the Rights of the Child in the Official Gazette on 16/10/2006, whereby it became part of the body of national legislation. However, Jordan still maintains its reservations to Articles (14, 20, 21) of the Convention.¹⁰²

The Government had submitted Jordan's third international report to the Committee on the Rights of the Child on the situation of children's rights for the period (1998–2005), pursuant to Article (44) of the Convention. When considering the report on 22/9/2006, the Committee welcomed Jordan's adoption of a number of national strategies and plans relating to children's rights; however, it recommended the withdrawal of the reservations and expressed its concern regarding the situation of the children of Jordanian women married to foreigners and the fact that such

¹⁰¹ The House operates in accordance with the Family Protection Houses Regulation of 2004, which emphasises the unity, sanctity and cohesion of the Jordanian family by providing temporary safe accommodation for women aged (14) years and above, with or without their children under the age of five. The Family Reconciliation House is not considered an alternative to the family, but rather a means of protecting and empowering women and assisting them in resolving family disputes through dialogue and strengthening their role within the family.

¹⁰² Jordan entered reservations to Article (14) concerning freedom of thought, conscience and religion, and to Articles (20, 21) concerning adoption.

children are not granted their mothers' nationality, which deprives them of a number of basic rights.

- The National Centre for Human Rights recommends the following:

1. Withdrawing the reservation to Articles (20, 21) of the Convention on the Rights of the Child, given that the second paragraph of Article (20) provides for the system of kafalah as set out in Islamic Sharia.
2. Granting the nationality of the Jordanian mother to her minor children, so as to enable her to ensure their custody, education and health care.

National Legislation

- The National Council for Family Affairs, civil society organisations and the relevant bodies contributed to the drafting of the final text of the proposed draft Child Rights Law, which 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 draft covers family care, health care, education, cultural development and road safety for children, their protection from violence and exploitation, and the care of children with special needs.
- The National Centre for Human Rights recommends expediting the adoption of the draft in its final form, as a special piece of legislation aimed at affirming the importance of children's rights and the means of their care and protection, particularly as it is consistent with the relevant international instruments and conventions.
- The Ministry of Social Development, in cooperation with governmental and non-governmental institutions, also prepared a proposed draft Foster Care Regulation pursuant to Article Four of the Ministry of Social Affairs Law No. (14) of 1956, which included a definition of foster care, its conditions, the procedures followed for placing foundlings with foster families, the documents required of foster families, and the cases in which the foster child is returned from such a family. The draft was discussed by the Legislation and Opinion Bureau and submitted to the Prime Ministry at the end of 2007.
- The Centre recommends expediting the adoption of the draft and its publication in the Official Gazette so that it may enter into force.

The Situation of Foundlings

- Jordanian legislation does not contain specific provisions from which it may be inferred that foundlings do not enjoy the same rights as children born of lawful marriage. However, foundlings, who enjoy certain rights (such as the rights to health, education and nationality), are deprived of other rights (such as lineage, inheritance and maintenance).
- The childcare institutions of the Ministry of Social Development care for children from broken families, orphans, foundlings and children of unknown parentage.¹⁰³ These institutions meet most of the children's basic needs of food, drink, clothing and shelter;

¹⁰³ Statistics of the Ministry of Social Development showed that 80% of the children in childcare institutions are from broken families, 15% were born out of wedlock, and 5% are orphans.

however, they lack educational and social programmes and individual childcare plans, and do not meet the children's psychological, social, recreational and educational needs.

- The Centre views with grave concern the growing phenomenon of the abandonment of children in the streets,¹⁰⁴ and stresses that there is a genuine problem requiring treatment before the childcare institutions become filled with such children in the coming years.
- Some of these children are given opportunities for foster care. The Ministry of Social Development examines the foster care application and reviews the social and economic circumstances of the families wishing to foster; the foster care decision is taken by the Minister, and priority is given to Jordanians. After the child is handed over to the foster family, the child's situation with the family is monitored, and if it transpires that there is neglect or failure in the care of the child, the child is returned to one of the childcare institutions.

(42) children were placed in foster care during 2007, compared with (21) children in 2006, and there are still families awaiting their turn for foster care. This reflects the change in the pattern of thinking towards foster care and the willingness of many to approach the institutions in order to obtain opportunities to raise a child, which brings joy and happiness into the lives of both these children and the foster families.

The Situation of Children in Nurseries

- Nurseries receive children from the age of one day up to four years during their mothers' absence, and aim to raise children and develop their physical, spiritual, cognitive, linguistic, emotional, psychological and social abilities in accordance with Nurseries Regulation No. (52) of 2005. It should be noted that these nurseries are established by individuals, but are registered and licensed by the Ministry of Social Development.
- The number of children in the various nurseries reached approximately (16500) children in (779) nurseries, which requires the Ministry of Social Development to intensify its follow-up and attention efforts in order to guarantee the right of these children to grow up in a sound and healthy environment.
- A nursery is obliged to take all measures that guarantee the health and safety of the child and to notify the child's family should any child become ill or suffer any harm. It also maintains administrative and financial records that are subject to audit by the competent directorate at the Ministry of Social Development.¹⁰⁵
- Upon the directives of Her Majesty Queen Rania Al-Abdullah, the Ministry of Social Development, in cooperation with governmental and non-governmental institutions, prepared draft Instructions on the Licensing of Nurseries and the Monitoring of their Performance. The draft is based on the values of the true Islamic religion and the divine

¹⁰⁴ During 2007, (35) children, aged no more than hours or days, were found in rubbish containers, in front of mosque doors, in the street or in parks. After being found, the child is handed over to a security centre to be placed in childcare institutions, following a medical examination at government hospitals.

¹⁰⁵ According to the statistics for 2007, (38) nurseries were warned for violating certain regulations and instructions, (35) were permanently closed, and (25) nurseries were temporarily closed pending the rectification of their status, whereas in 2006 (65) nurseries were warned, (50) were permanently closed, and (20) were temporarily closed.

laws, covers day, private, community and school nurseries, and has been submitted to the Legislation and Opinion Bureau for discussion.

- The Centre recommends expediting the adoption of the draft Instructions on the Licensing of Nurseries and the Monitoring of their Performance.

Tenth: Rights of Persons with Disabilities

- The Law on the Rights of Disabled Persons No. (31) of 2007 regulated the rights of this group in a manner consistent with the comprehensive International Convention on the Rights of Persons with Disabilities, which Jordan signed on 30/3/2007. The National Centre for Human Rights has noted a discrepancy between the Law's definition of a disabled person and the provisions and rules contained in the Law itself, as the Law's definition is based on the "welfare" concept, whereas the definition of disability in the International Convention is based on the "rights-based" concept. With regard to the definition of disability, the Centre records the following observations:

1. The welfare concept excludes many persons with disabilities from benefiting from the advantages of the International Convention, which did not confine them to health impairment alone, but extended to cover everyone who is unable to exercise his or her rights fully and without diminution on an equal basis with his or her non-disabled peers. This is what the Jordanian Constitution adopted in Article (2) thereof, as it makes no distinction between Jordanians for any reason whatsoever.

2. The rights-based definition aims to move away from individual responsibility for disability towards the collective societal responsibility which the State bears towards its citizens. The comprehensive dimension of the concept of disability is to be noted here, as the aforementioned Law, in Article (3/c), stresses the need to integrate disabled persons into all spheres of life and to include them in development plans.

3. The special-needs theory is a purely health-based theory that relies on providing what the disabled person needs on an individual basis (such as providing prosthetic limbs for persons with motor disabilities, or special hearing aids for persons with hearing disabilities, and the like). However, it does not entail providing reasonable accommodation to adapt the appropriate environmental conditions and to guarantee that disabled persons exercise their rights on an equal basis with others, which is what is provided for under the reasonable accommodation clause of the Law, as well as in the International Convention.

4. The Standard Rules on the Equalization of Opportunities, which are considered the basic foundation from which the legal provisions concerning persons with disabilities are derived, contain (22) rules urging the exercise of fundamental rights and freedoms, which is reflected in Article (3) of the Law, which emphasises respect for the rights of disabled persons and their freedom of choice.

- The National Centre for Human Rights records a number of general observations concerning the Law on the Rights of Disabled Persons No. (31) of 2007, the most prominent of which are:

1) Granting disabled persons special privileges is carried out on the basis of equality with their fellow citizens, while taking into account their special needs. This does not mean an absolute status for disabled persons, since they would thereby become holders of privileges on a purely discriminatory basis, which is unacceptable. The provision of Article (4/a/5) of the Law granted disabled persons free health insurance regardless of their living, social and economic circumstances, which in many cases makes them a burden on the less well-off members of society.

2) The Law ought to have devoted a chapter or an article to the general obligations of the State in order to guarantee the realisation of the rights contained therein, which are considered among the most advanced legal practices to which peoples aspire, rather than confining itself to general principles.

3) The new Law did not address support for civil society organisations concerned with disabled persons or the demonstration of their appropriate and responsible role, particularly as they participated directly, through their representatives, in drafting the comprehensive International Convention on the Rights of Persons with Disabilities, which is considered a precedent in this field.

4) The Law raised the employment quota for disabled persons from (2%) to (4%) pursuant to Article (4/c/3), whereas the quota of (2%) remained unchanged in the Labour Law.

5) In an unprecedented step, the legislator established a penalty clause for violation of the provision of Article (4/c/3) where an employer refrains from implementing it, namely payment of a fine of no less than twice the monthly wage of the minimum number of disabled persons he is required to employ during the year; in the event of a repeated violation, the fine is doubled.

- In light of these observations, the Centre recommends the following:
- Addressing the problem relating to the definition of disabled persons in the Law on the Rights of Disabled Persons No. (31) of 2007, with a view to devising and developing appropriate mechanisms for implementing the provisions of the Law in a manner consistent with the provisions of the International Convention.
- Amending the provision of Article (31) of Labour Law No. (8) of 1996, as amended, as it conflicts with Article (4/c/3) of the Law on the Rights of Disabled Persons, and thus raising the employment quota to (4%) instead of (2%).
- The Jordanian Government's ratification of the comprehensive International Convention on the Rights of Persons with Disabilities in order to render it binding.

Eleventh: Rights of Older Persons

- The international community has urged all States to adopt the international and regional principles and declarations relating to the rights of older persons.¹⁰⁶

¹⁰⁶ The most important of these include: Article (25) of the Universal Declaration of Human Rights, which includes the right of everyone to security in the event of old age, disability, widowhood or other lack of livelihood in circumstances beyond his control; the United Nations Principles for Older Persons of 1991, which provide that "independence", "participation", "care", "self-fulfilment" and "dignity" are among the fundamental rights of older persons; the Proclamation on Ageing of 1993, which included support for national initiatives on ageing for the advancement of this group of society;

- The Jordanian Constitution contains no explicit article concerning older persons; however, Article (6) thereof affirms equality among citizens without any discrimination. There is also a body of national legislation setting the standards and rules relating to older persons, most notably: the Civil Retirement Law No. (34) of 1959, as amended, Article (12) of which provides for the mandatory retirement of an employee upon completing (60) years of age or completing (40) years of pensionable service. The Social Security Law No. (19) of 2001 also provides, in Article (41) thereof, that an insured man is entitled to an old-age pension upon completing (60) years of age, and an insured woman upon completing (55) years of age.
- There are a number of strategies which, in some of their pillars, have included provisions relating to older persons, including: the National Strategy for the Jordanian Family of 2005, the National Strategy for Jordanian Women of 2006, the National Strategy for Disabled Persons of 2007, and the Jordanian National Strategy for Older Persons for the years 2008–2012. The latter constitutes the first comprehensive document concerned with the affairs of this group of society, and it defines an older person as “a person who has completed sixty years of age in the case of males and fifty-five years in the case of females, in accordance with the provisions of the Social Security Law”, whereas the World Health Organization defines an older person as one who has reached (65) years of age.
- Old age is one of the stages of life that requires special attention and care from both the family and society, as older persons are among the fastest-growing population groups in the world.¹⁰⁷ According to the Department of Statistics, the proportion of the working-age population is expected to increase, which calls for the optimal utilisation of the demographic transition and an in-depth study of each age group separately, since the proportion of older persons in Jordan is expected to rise from (4.39%) in 2004 to (7.6%) in 2020.

Twelfth: Beggars

- At the beginning of 2007, the Ministry of Social Development developed a strategic plan to combat begging in cooperation with the Ministries of Interior, Justice and Health, under which the campaigns of the Ministry of Social Development’s conduct monitors were intensified jointly with the judicial police. Severe and deterrent penalties were also imposed in cases of recidivism, on the basis of Penal Code No. (16) of 1960, as amended, ranging from imprisonment for three years to a fine of up to one thousand Jordanian Dinars. Disabled persons, children and older persons exploited in begging were also removed and placed in care centres affiliated with the Ministry. It should be noted that Article (8) of the Juvenile Conduct Monitoring Law No. (37) of 2006 now penalises whoever exploits a child in begging, whereas previously it penalised only a person caught

as well as the Regional Plan of Action for Older Persons of 1993, the International Plan of Action of 2002, and the “Arab Plan of Action for Older Persons for the Years 2002–2012”.

¹⁰⁷ The total number of persons aged (60) years and over increased from (200) million in 1950 to (400) million in 1982, and is expected to reach (1.2) billion in 2025, at which point the number of older persons will exceed the number of children for the first time in history.

in the act of using and exploiting a child for begging, which is consistent with Article (36) of the Convention on the Rights of the Child.¹⁰⁸

- The Ministry of Social Development, in cooperation with the Greater Amman Municipality, also implemented a media campaign on 1/7/2007 aimed at raising citizens' awareness of their social and humanitarian responsibility towards reducing begging and the exploitation of children, women and persons with disabilities, through the various media and the use of direct means of mass communication such as mosque sermons. The campaign yielded a number of positive results, the most important of which are:

1. A decrease in the number of beggars as a result of increased citizen awareness.
2. An increase in the number of applications from job seekers from beggars' families, which reached (85) applications during 2007.
3. The establishment of a centre for the reception of homeless persons and beggars, funded by the Al-Aqsa Society and the Greater Amman Municipality and in coordination with the Vocational Training Corporation in Madaba Governorate, where they are trained and qualified in various crafts.
4. The number of beggars arrested from the beginning of the campaign until 30/9/2007 reached approximately (957) cases, which means that cases of begging decreased progressively over the months of the campaign: they numbered (515) cases in July and (310) cases in August, while in September they numbered only (150) cases.

¹⁰⁸ Article (36) provides that "States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare".

Annexes

Annex No. (1): Complaints Received in 2007

Total number of complaints received by the National Centre for Human Rights according to the rights allegedly violated, for the period from 1/1/2007 to 31/12/2007

Right subject of the complaint	Number of complaints	Closed with a satisfactory outcome	Closed without a satisfactory outcome	Outside the Centre's mandate	Under follow-up
Right to recognition as a person before the law	18	6	3	0	9
Right to freedom of movement and residence	81	20	6	2	53
Right to physical integrity	9	5	0	1	3
Right to life	2	1	0	0	1
Right to participate in the conduct of public affairs	1	0	0	0	1
Right to liberty and security of person and respect for private life	23	3	1	4	15
Right to protection of property	5	1	0	4	0
Right to health	17	3	1	2	11
Right to education	11	4	0	1	6
Right to equality and non-discrimination	1	0	0	0	1
Right to housing	3	1	0	1	1
Right to a sufficient and adequate standard of living	10	4	2	3	1
Right to work	37	5	1	4	27
Right to social security	7	3	0	2	2
Right to a fair trial	18	2	0	7	9
Right to compensation for violations	1	0	0	1	0
Rights of women and children	15	2	0	4	9
Right to asylum	26	1	0	16	9
Rights of disabled persons & juveniles in conflict with the law	3	1	0	0	2
Grand total	288	62	14	52	160

Annex No. (2): Requests for Assistance Received in 2007

Total number of requests for assistance received by the National Centre for Human Rights according to the rights allegedly violated, for the period from 1/1/2007 to 31/12/2007

Right subject of the request for assistance	Number of requests for assistance	Closed with a satisfactory outcome	Closed without a satisfactory outcome	Outside the Centre's mandate	Under follow-up
Right to recognition as a person before the law	47	16	1	1	29
Right to freedom of movement and residence	63	11	3	2	47
Right to physical integrity	91	63	2	5	21
Right to life	10	2	0	3	5
Right to participate in the conduct of public affairs	3	0	0	1	2
Right to opinion and expression	3	2	0	0	1
Right to liberty and security of person and respect for private life	48	20	5	1	22
Right to protection of property	5	2	1	0	2
Right to health	7	0	0	0	7
Right to education	1	0	0	0	1
Right to equality and non-discrimination	5	2	1	0	2
Right to housing	1	1	0	0	0
Right to a sufficient and adequate standard of living	3	1	0	1	1
Right to work	55	15	1	2	37
Right to social security	8	2	0	2	4
Right to a fair trial	55	16	2	6	31
Right to compensation for violations	2	0	0	1	1
Rights of women and children	4	3	0	1	0
Sharia rights	3	1	0	2	0
Right to asylum	5	0	0	2	3
Right to a healthy environment	5	2	1	0	2
Grand total	424	159	17	30	218